

Centre for Criminal  
Justice Studies  
SCHOOL OF LAW



UNIVERSITY OF LEEDS

# Criminal Justice Review 2007/8

Twentieth Annual Report





UNIVERSITY OF LEEDS

**Centre for Criminal Justice Studies**  
**CRIMINAL JUSTICE REVIEW 2007/8**  
*Twentieth 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](mailto:lawpgadm@leeds.ac.uk) or Tel: 0113 3435009.

### **Members of the Centre for Criminal Justice Studies**

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## **Associate Members**

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Dr Jo Goodey, *European Monitoring Centre on Racism and Xenophobia, Vienna & 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 Crompton, *Chair of the West Yorkshire Criminal Justice Board & Deputy Chief Constable*

His Honour Judge Ian Dobkin

Neil Franklin *Crown Prosecution Service*

Professor Dawn Freshwater *School of Healthcare, University of Leeds*

Jane Gill *Leeds Magistrates' Courts*

Sue Hall *Chief Probation Officer, West Yorkshire Probation Board*

Professor Alice Hills *Institute of Politics & International Studies, University of Leeds*

David Hinchliff, *Her Majesty's Coroner's Office*

Jim Hopkinson *Manager of Leeds Youth Offending Service*

His Honour Judge Geoffrey Kamil

Robert Kellett, *Governor, HM Prison Armley, Leeds*

Lord Justice Paul Kennedy *Judge*

Geoffrey Kenure *Consultant & Ex Probation Service*

Professor Cynthia MacDougall *University of York*

Richard Mansell *Barrister*

Dave McDonnell *Director HM Prison Wolds*

Andy Mills *Leeds Community Safety*

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Steven Rollinson JP *West Yorkshire Police Authority*

Professor Gill Valentine *Director of the Leeds Social Science Institute, University of Leeds*

Paul Wilson *Ex-Regional Offender Manager for Yorkshire and Humberside*



## INTRODUCTION

It gives me great pleasure to introduce this review of the work of the Centre for Criminal Justice Studies (CCJS) covering the period from 1<sup>st</sup> October 2007 to 30<sup>th</sup> September 2008. It has been another exceptionally productive year in the continued growth, development and standing of the CCJS. As the pages in this review testify, this period has been one of considerable energy, activity and achievement by both staff and students. This was the year of the Centre's twenty-first anniversary (since its establishment in 1987). To celebrate the event, we organized a highly successful conference entitled 'The Crime and Disorder Act – Ten Years on' held over the two-days of 7-8 May 2008. The conference was aimed at both academic and practitioner audiences. It attracted almost one hundred delegates and stimulated considerable debate.

One key area of significant development has been the internationalisation of the work of the Centre in line with our stated strategy for growth. This internationalisation has occurred at a number of levels including, most notably in postgraduate provision, undergraduate student exchanges, research networks and partnerships, visiting scholars, as well as individual research agendas and publications. 2007/8 saw the launch of the new MA International and Comparative Criminal Justice, the first of its kind in the UK. I am pleased to note that the first students recruited onto the course successfully completed their masters' programme, graduating in December 2008 and the number of recruits in 2008/9 has continued to expand. More generally, the number of postgraduate students on our taught masters' programmes has increased as has the number of research students (most of whom are completing a PhD thesis). In the current academic year (2008/09), 26 students enrolled on to the MA criminology and criminal justice programmes, a further seven on the LLM criminal law and criminal justice and 10 Cyberlaw students, representing a total of 43 taught postgraduates, complemented by over twenty research students. I would like to take this opportunity to record our thanks to Professor Neil Hutton (*Strathclyde University*) who has served as our external examiner for both our undergraduate and postgraduate programmes over the last four years. Neil has been a continual source of support and sound advice. He will be replaced by two new external examiners. Professor Kieran McEvoy (*Queen's University Belfast*) will have oversight of our postgraduate programmes and Dr Lesley McAra (*Edinburgh University*) will be responsible for our undergraduate programme.

We have also seen a considerable expansion in our international research and strategic partnerships. The Worldwide Universities Network (WUN) has been a particularly fruitful vehicle for this expansion. The CCJS has been at the centre of the establishment and launch of the WUN 'International and Comparative Criminal Justice' research network (ICCJnet) an innovative major international consortium with growing influence within the academic community as well as international policy and practice (see [www.wun.ac.uk/iccjnet](http://www.wun.ac.uk/iccjnet)). The ICCJnet was launched at a three day international colloquium hosted in Leeds, in June 2008, which attracted delegates from 23 different institutions worldwide, including a representative from the International Criminal Court. The colloquium will give rise to an edited collection of papers (to be published by Cambridge University Press). Over the next three years, ICCJnet will also offer three Visiting Fellowships with the first being hosted in 2009 at the Institute of Criminology at the University of Sydney and the second being co-hosted by the CCJS and the Centre for Criminological Research at the University of Sheffield in 2010. More generally, strategic bilateral relations with the Institute of Criminology at the University of Sydney have been strengthened with the appointment of Professor Mark Findlay since 2007. International teaching links and exchanges have been forged through study abroad schemes on the undergraduate BA Criminal Justice & Criminology, with Carleton University, Ottawa (Canada),

Griffith University, Brisbane (Australia) and Victoria University of Wellington (New Zealand). Similar links are being explored with other Universities, notably in Europe.

Our European research networks have continued to mature and bear considerable fruit. The European Union funded CRIMPREV co-ordination action project (2006-09) has facilitated further international research partnerships. For example, the CCJS hosted a two-day international colloquium, 19-20 September 2008 entitled 'Marginal Groups and Policing Insecurities in the Shadow of Terrorism', under the auspice of the CRIMPREV Workpackage 4 'Public perceptions of Crime and Insecurity', which was attended by some thirty European scholars. In addition, a total of twelve CCJS staff and research students have been involved in attending and presenting at diverse meetings held across Europe as part of this project. In addition, the CCJS has regularly hosted other international meetings, such as the two-day international workshop on 'Theorising Boundaries' in March 2008. We have also received a number of international visitors as documented in this review.

Since 2001 the CCJS has been awarded external research funding of approximately £2.5 million. This includes some recent large scale awards (i.e. £200,000 plus) from the Ministry of Justice and the Nuffield Foundation. We have also attracted a number of prestigious smaller awards (including the ESRC, AHRC, European Commission, Nuffield Foundation, Joseph Rowntree Foundation and Leverhulme Trust). The CCJS now attracts approximately three-quarters of all external research funding brought into the Law School. The CCJS contributed considerably to the Law School RAE2008 submission – not only in terms of its input to environment and esteem but also research publications. Whilst the outcome of the exercise will not be known until late December 2008 and the specific contribution of criminal justice and criminology staff, research and publications will not be known, there is no doubt that the strength of the submission is underpinned by the significant contribution of CCJS staff.

We have also expanded our national research and strategic partnerships, most notably research partnerships with the Ministry of Justice, which have resulted in significant new and ongoing research contracts. The ESRC research seminar series on 'Governing Anti-Social Behaviour' has placed the CCJS at the centre of a national network of researchers, practitioners and policy-makers. Two out of five research seminars in the series were hosted in Leeds during 2008. A final conference will be held at King's College, London on 22 April 2009, the aim will be to engage key national practitioners and policy-makers in a public debate regarding the future direction of policy. A collection of the papers presented during the seminar series will be published in two special editions of leading journals in 2009/2010. Six students once again took up the opportunity for a week work experience with the Wolds Prison.

The Centre continues to improve its relations with local partners through its Advisory Board as well as bilateral relations. Of particular note, relations with the West Yorkshire Criminal Justice Board have been strengthened whilst established relations with the Wolds prison, West Yorkshire Police, West Yorkshire Probation Service, Leeds Youth Offending Service and Safer Leeds have continued to be mutually productive, informing both research and teaching within the CCJS. For instance, West Yorkshire Probation service funded an MA dissertation on 'Offender management' and Safer Leeds is part-funding an ESRC CASE studentship. In recent months, the CCJS has hosted two significant events in conjunction with the West Yorkshire Criminal Justice Board, 'The Justice Award 2008' (9 October) and the 'Inside Justice Walkthrough' Event (22 October). Local criminal justice agencies now sponsor undergraduate prizes and a postgraduate dissertation (West Yorkshire Police and West Yorkshire Criminal Justice Board). I am pleased to welcome new additions to our Advisory Board

who have joined in the last year including, David Hinchliff (*HM Coroner's Office*), David Crompton (*Chair of the West Yorkshire Criminal Justice Board and Deputy Chief Constable of West Yorkshire Police*) and Rob Kellett (*Governor of HM Prison, Leeds*) and look forward to working with them and our existing advisors in the future.

The Centre continues to expand its public conference and seminar activities. We hosted the Hamlyn Trust lecture given by Professor Nicola Lacey (*London School of Economics*) in November 2007. The CCJS revived the Frank Dawtry memorial lecture in 2008 with a stimulating presentation given by Anne Owers, Her Majesty's Chief Inspector of Prisons (the text of which is reproduced in the Appendix to this Annual Report). The CCJS seminar series continues to attract local practitioners to the Centre and facilitate relations with the wider research community, both within and beyond the University.

We look forward to working with our international, national and local research partners, our advisors and students in the forthcoming year which we hope will be as productive as the last.

Finally, congratulations to two colleagues: first, to Dr Richard Peake on the award of his PhD from the University of Hull in July 2008 (sponsored by Group4/GSL and the Director of HMP Wolds) and secondly, to Stuart Lister and his partner Clare on the birth of their son Patrick Henry in December 2007.

Adam Crawford  
Director Centre for Criminal Justice Studies  
November 2008

## RESEARCH PROJECTS

### POLICING

#### **'Street policing of problem drug users'**

Funded by the Joseph Rowntree Foundation **Stuart Lister, Sam Barrett, Peter Traynor, Emma Wincup** and Toby Seddon (University of Manchester) were commissioned to study the visible street policing of 'problem' drug users. This two-year study explores the relationships between police officers and drug users in three policing divisions within England and Wales. It aims to provide insights into the way that 'problem' drug users experience policing 'on the streets', as well as understand the response of police to this group. Whilst the focus of the research is primarily on the role of the public police, the activities of a range of other policing agencies will also be investigated. The research will shed light on the priority afforded to this group by policing personnel when they routinely encounter them in public settings. In so doing, it will consider the range of options available to policing personnel when dealing with 'problem' drug users in order to understand how police seek to regulate their conduct. The implications of these actions will be considered for the police, the drug user, the community, and more broadly, the criminal justice system.

The overarching aims of this research are to:

- advance understanding of the nature processes and outcomes of the day-to-day 'street' policing of heroin and cocaine users
- explore the balance between harm reduction and law enforcement within these policing activities
- situate the 'street' policing of this group in the broader organizational context of the concurrent demands, priorities, strategic options and costs confronting the police service.

This is a multi-site, multi-method study combining quantitative and qualitative research methods. Data will be collected through mixed methods including interviews with police officers, problem drug users and other policing, community safety and drug treatment agency personnel; observations conducted with police officers on patrol; and accessing police records on the processing of 'problem' drug users. Preliminary findings were presented to the ACPO drugs conference in November 2007 and the final report was published in February 2008.

Key findings from the research were:

- Street policing involved personnel from public and private agencies but problem drug users associated the coercive use of authority with police officers.
- Policing encounters with problem drug users aimed to manage a 'risky' population and were seldom initiated in response to a specific crime. Consequently, problem drug users often experienced policing attention as hassle which they felt was unjust and intrusive.
- Encounters between public police and problem drug users rarely involved formal use of police powers. Rather, they usually involved running name checks, enquiring about their presence and behaviour and moving them elsewhere.
- Police officers said the value of these encounters was not only in the information about people and places gained – they also communicated to problem drug users that their everyday activities were being routinely monitored.
- Welfare-oriented activities (for example, referrals to drug treatment services) were not a core part of routine encounters between problem drug users and police officers.
- Police officers said discretion would be used if they found evidence of Class A drug use (such as needles) while searching someone, but actual possession would usually result in arrest. The outcome of arrests, whether 'no further action', caution or charge, varied between and within the three research sites.

- Regular low-level uses of police authority, such as name checks, had a compounding effect on problem drug users, sometimes fostering antagonism and resentment.
- Street policing was perceived by problem drug users to be an 'occupational hazard'. While they used many strategies to minimise the threat of unwanted policing attention, it was not a deterrent to involvement in drugs and/or crime.
- To avoid contact with police, problem drug users sometimes went 'underground' or moved to different areas, making it difficult for support agencies to contact them and offer help.

### **'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. The success of our work has encouraged interest from other police forces, and a similar agreement to provide advice was made in late 1995 with the British Transport Police. A number of academic papers have arisen from the research for the police, for example, "Internal cross-border policing" (1997) 56 Cambridge Law Journal 114-146 and details of the PNLDB have been considered in (2005) 169 Justice of the Peace 410.

## **CRIME PREVENTION**

### **'The Orientation and Integration of Local and National Alcohol Policy'**

'The Orientation and Integration of Local and National Alcohol Policy' is an 18-month project funded by the Alcohol Education Research Council (AERC). The research team comprises Dr **Phil Hadfield** (Principal Investigator), **Stuart Lister** (Co-investigator) and **Peter Traynor** (Research Officer). The project aims 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 study will aim to draw conclusions and recommendations for future policy and practice.

The project combines intensive twin-site case studies of Central Leeds and The Wirral with broader exploration of the national dimensions of alcohol policy. 80 qualitative interviews are being 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 are 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 research commenced in May 2007 and a final report will be delivered in the form of a journal article in January 2009. Findings from the project have so far been disseminated widely.

### **'The Role of Legality in Multi-Occupied Residential Settings: A Legal Consciousness Approach'**

**Sarah Blandy** was awarded a Small Grant from the British Academy, with no other researchers employed. The aims were to explore, through the use of 'legal consciousness' methodology, how residents manage and resolve disputes in shared common spaces – for example, a block of flats or

fully mutual housing co-operative. The study focused on six developments with different legal frameworks, where working norms must be established by residents and a certain amount of conflict may be expected. Analysis of the data, primarily forty interviews with residents, was not funded and has not yet been completed. Briefly, early findings indicate that boundaries (an essential feature for control and excludability) are more important between areas of individual property, than between individual and collective property. In some of the research sites, residents were engaged in a continuing process of exhaustive discussions to create informal, or sometimes formally recorded, rules about how to live together. Thus far, a very wide range of relationships to formal legal rules has been found. In some developments, including (perhaps surprisingly) the most utopian, formal rules were of central importance. In others, few residents had much idea about the legal documents which they had signed. Similarly, there was a wide range of attitudes to legally appointed third parties who might be expected to mediate in and adjudicate on disputes between residents. An end of grant report can be accessed at the British Academy's website.

### **'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 1<sup>st</sup> 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 has been managing a network of researchers, practitioners and policy-makers who have met as part of an ESRC funded research seminar series on Anti-social behaviour policies, practices and research. The series has brought together over 100 delegates to five meetings to explore different aspects of the anti-social behaviour agenda and interventions in diverse areas of social life. Key papers presented at the seminars will be published in special editions of leading journals in 2009/10. The five seminars have included:

1. 'Anti-social behaviour in housing and residential areas' Sheffield Hallam University, 15 November 2007.
2. 'Governing Anti-Social Behaviour through Schooling, Parenting and the Family', Brighton University, 24 January 2008.

3. 'Anti-Social Behaviour, Urban Spaces and the Night-time Economy', University of Leeds, 17 April 2008.
4. 'Diversity and Anti-Social Behaviour', University of Birmingham, 5 June 2008
5. 'Comparative Experiences of Governing Anti-Social Behaviour and Disorder', University of Leeds 18 September 2008.

There will be a final conference entitled 'Situating Anti-Social Behaviour and Respect' on 22 April 2009 to be held at Great Hall, King's College London. This national conference will bring together researchers, policy-makers and practitioners to explore and reflect upon the development, impact and future direction of anti-social behaviour interventions and the Respect agenda. It represents the final dissemination conference of the ESRC research seminar series 'Governing through Anti-Social Behaviour'. The conference will disseminate the principal findings of the seminar series, engage with current policy and draw out broader conceptual insights. It will hear from high profile commentators and researchers in the field. There will be workshops organised around the key themes of: housing; family and gender; youth; the city and night-time economy; and diversity issues. The final conference will be held in early 2009. The outcomes of the seminar series and final conference will be disseminated to academic and non-academic audiences via a dedicated web site, a four page findings document to be launched at the final conference and a number of edited collections of research papers. 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 please contact **Anna Barker** at [law6ab@leeds.ac.uk](mailto:law6ab@leeds.ac.uk) or visit the network website: [www.law.leeds.ac.uk/esrcASB/](http://www.law.leeds.ac.uk/esrcASB/)

## **CRIMINAL PROCESSES**

### **'The Future of Forensic Bioinformation'**

**Carole McCartney** was awarded £57,709 from Nuffield Foundation in July 2008, for a project that will critically examine current patterns of forensic bioinformation utilisation within the England and Wales justice system, and assess the recent trajectory of forensic science policy, using the Nuffield Council on Bioethics report on forensic bioinformation as the stimulus for further research and expert deliberation. 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.

### **'The Innocence Project'**

In late 2005, the University of Leeds set up an Innocence Project (UoLIP). Since establishment, the UoLIP has grown: in student numbers; resources; and size of premises, and refined its operating procedures. There are now 20 second and third year students working on the project each year. 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.

The last three years have seen the project receive nearly 300 letters from prisoners (some already released from prison). Students have prioritised cases where the prisoner has no legal support and to date, the project has – with the support of the applicant – submitted three applications to the CCRC. In one case, new evidence was found by students, in another, the CCRC has been persuaded to request important documents which could produce new evidence for an appeal. In addition, three prisoners have been sent detailed reports following re-investigation of their cases. Many applicants are not eligible for assistance, and in an effort to assist even those whose cases we cannot take on, in many cases, they receive a fact-sheet which students have compiled on: 1) How to appeal or 2) How to complain about your legal representation. At present, students are working on two serious cases and we look forward to conducting a thorough re-investigation and compiling a report on these and other cases for the CCRC in due course, as well as continuing to open the eyes of law students to potential injustice in the criminal process.

### **‘Complainant Credibility & General Expert Witness Testimony in Rape Trials: Exploring and Influencing Mock Juror Perceptions’**

In this ESRC funded project **Louise Ellison** (with Vanessa Munro, University of Nottingham) set out to explore (1) the impact of certain behavioural cues on the perceived credibility of complainants in rape cases; (2) whether ‘general’ expert testimony is a useful vehicle for educating jurors about common responses to trauma. To do so, a series of mini-trial scenarios were scripted and reconstructed, with roles played by actors and barristers in front of an audience of mock jurors. Each reconstruction was observed simultaneously by 24 participants, who – after receiving judicial instructions - were streamed into 3 different juries to reach their verdicts. These deliberations were recorded and analysed. Preliminary findings suggest that, to be believed, rape victims ought to report the offence immediately, appear visibly distressed and display signs of physical struggle. Expert testimony had some positive impact in terms of jurors’ presumptions regarding both timescales for reporting and emotional demeanour, but expectations of force and injury proved to be more tenacious.

### **‘Comparative Experience with Pediatric Pathology and Miscarriages of Justice in the United Kingdom’**

The Inquiry into Pediatric Forensic Pathology in Ontario was established by the Government of Ontario under the Public Inquiries Act on April 25<sup>th</sup>, 2007. The Honourable Stephen Goudge was appointed Commissioner. The Inquiry has commissioned a series of research papers to assist it in fulfilling its systemic mandate. This paper, by Professor **Clive Walker** and Professor Kathryn Campbell (University of Ottawa), examines how expert forensic pathologists are used by courts in England and Wales, and the impact of their testimony on convictions, including several pediatric death cases that have resulted in miscarriages of justice. This includes an overview of how forensic pathologists are designated by various regulatory bodies, as well as a consideration of the limits of their expertise. It discusses the use of forensic pathology experts by both prosecution and defense and the role of the court (judges and parties) as gatekeepers and/or referees of this expertise. In

addition, the paper explains the relationships between legal processes which adjudge the opinions of forensic pathologists, and the professional regulators which are determining whether a forensic pathologist has failed to maintain professional standards. In particular, the authors consider the lessons learned from the case of Sir Roy Meadow and his involvement in the cases of Sally Clark, Trupti Patel, and Angela Cannings. It also allows consideration of the specialized procedures in England and Wales which handled the response to the findings of miscarriage of justice in those cases, including by the Attorney General and by the Criminal Cases Review Commission and other independent inquiries.

Details at <http://www.goudgeinquiry.ca/about/index.html>

### **‘An Evaluation of the Effective Bail Scheme’**

**Anthea Hucklesby** has been 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. The first part of the evaluation is expected to be completed by November 2008. Three researchers, **Eleana Kazantzoglou**, **Kara Jarrold** and **Clair Wilkins** have been working on the project.

## **COMPARATIVE AND INTERNATIONAL CRIMINAL JUSTICE**

### **‘Assessing Deviance, Crime and Prevention in Europe CRIMPREV’**

This European Commission funded Co-ordination Action project operates under the Framework 6 ‘Crime and Criminalisation’ strand. The CCJS is one of the core institutional partners and Professor **Adam Crawford** is a steering committee member in this extensive European-wide project. It is coordinated by the leading French criminological institute CESDIP (*Centre de Recherches Sociologiques sur les Institutions et le Droit Pénale*). The project commenced in July 2006 and runs for three years until late 2009. The total budget is €1.1 million and the programme involves some 30 institutions representing 11 European countries. The inaugural meeting to launch the programme was held in Brussels in February 2007 at which Professor Crawford gave one of the plenary presentations. The co-ordination action has five core thematic work packages, four of which members of the CCJS are involved in, including:

- 1) ‘Insecurity and Perceptions of Crime’ – Professor **Crawford** is co-responsible for this workpackage. This work-package comprises a core network of leading European researchers from 14 different European countries. During 2007/8 Professor **David Wall** contributed to the meeting in Ljubljana (October 2007) and **Sarah Blandy** gave a paper at the Liege meeting in (April 2008). Leeds hosted a meeting 19-20 September 2008 entitled ‘Marginal Groups and Policing Insecurities in the Shadow of Terrorism’, to which Professor **Clive Walker** contributed, amongst others.
- 2) ‘The Informal Economy and Crime’ - **Phil Hadfield** and **Teela Sanders** have both continued to contribute to and be involved in this workpackage. The workpackage is coordinated by Professor Joanna Shapland of Sheffield University.
- 3) ‘Youth Crime and Justice – Crime and Criminalisation’ – Dr **Sam Lewis** is involved in this workpackage which is exploring cross-European trends in the criminalisation of juveniles, paying particular attention to the use of custody, the use of alternative sentencing strategies, and the extension of the logic of the courts into related fields in the thirteen countries concerned. The final seminar in the series took place in Athens in October 2008.

For further information on CRIMPREV see [www.crimprev.eu](http://www.crimprev.eu)

### **‘International and Comparative Criminal Justice’**

In June 2008 the Centre for Criminal Justice Studies hosted the inaugural meeting of the Worldwide Universities Network (WUN) ‘International and Comparative Criminal Justice’ network. Funded by the WUN and organized by Professor **Adam Crawford** a three day colloquium entitled: *International and Comparative Criminal Justice & Urban Governance: Policy Convergence, Divergence and New Justice Paradigms* was held at the School of Law 26-28 June 2008. The colloquium was organized around three inter-related themes: (i) International criminal trials; (ii) Comparative penal policy; and (iii) Comparative urban governance and international policing. Nearly forty international delegates attended the Worldwide Universities Network (WUN) inaugural meeting of the International and Comparative Criminal Justice Network, hosted by the Centre for Criminal Justice Studies at the University of Leeds 26-28 June. Delegates included representatives from China, New Zealand, Australia, Canada and across Europe. The international colloquium discussed diverse local, national and international contemporary security challenges in the fields of comparative urban governance, comparative penal policies and international criminal justice. The proceedings will be published in a major forthcoming book by Cambridge University Press.

The research network 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 will be hosted in 2009 at the Institute of Criminology in the Faculty of Law at the University of Sydney. In 2010 the Fellowship will be co-hosted by the universities of Leeds and Sheffield. For further details about ICCJnet, see <http://www.wun.ac.uk/iccjnet/>

### **‘A Critical Assessment of Freedom of Information in Turkey’**

**Yaman Akdeniz** successfully completed a funded fellowship programme in 2008: During 2005 Akdeniz became a Continuing Policy Fellow of the International Policy Fellowships program of the Open Society Institute, Budapest, Hungary. As part of this fellowship programme Akdeniz was granted 15,000USD to work on a project entitled A Critical Assessment of Freedom of Information in Turkey between October 2005 – September 2007. The Fellowship project was completed in May 2008 and the project report entitled Freedom of Information in Turkey: A Critical Assessment of the Implementation and Application of the Right to Information Act 2003 was published by BilgiEdinmeHakki.Org, at <[http://www.bilgiedinmehakki.org/doc/Turkey\\_FOI\\_2008\\_Report.pdf](http://www.bilgiedinmehakki.org/doc/Turkey_FOI_2008_Report.pdf).

### **‘Cyberlaw.org.uk’**

**Yaman Akdeniz** developed, in April 2008, <http://cyberlaw.org.uk/> a blog and web based news source which has links to news items, policy initiatives, legal developments, parliamentary debate, and court cases related to the topic of cyberlaw. More specifically, the website covers items related to free speech and censorship, defamation, ISP liability, hate speech and racist content, pornography, child pornography, cybercrimes, privacy, surveillance, data protection, data retention, consumer protection, copyright infringement, P2P networks and piracy, and cyber terrorism.

### **‘Micro-Frauds’**

**David Wall** is currently conducting research into the impact of micro-frauds, which are frauds which result in losses that are usually the result of internet related actions. The defining characteristic of a micro-fraud for the purpose of the research is that it is individually too small in impact to be investigated by police and/ or it is small enough to be written off by those who are financially responsible for it. Although individually small, these losses are significant in their globalised aggregate. The research explores the implications for law and also the various criminal justice agencies.

### **‘Counterfeit Luxury Fashion Goods 2007-2010’**

**David Wall** and **Joanna Large** are continuing their research into Counterfeit Luxury Fashion Goods by developing the findings of the COUTURE project "Public and Private Partnerships for Reducing Counterfeiting of Fashion Apparels and Accessories". COUTURE was an EU FP 6 funded project 2005-7 in collaboration with Transcrime (Universities of Milan (Catholica) and Trento) and the CNRS, (Sorbonne, Paris). The new project explores the consumer perspectives on the consumption of counterfeit fashion goods (Jo Large) and also the private and public interest considerations in the policing of counterfeiting at local, national and international levels (David Wall).



**Delegates at the WUN International and Comparative Criminal Justice Colloquium,  
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## CONFERENCE PRESENTATIONS AND PUBLIC SEMINARS

**Blandy, S.** ESRC Seminar Series 'Governing through Anti-social Behaviour'. Discussant at the seminar on 'Anti Social Behaviour in Housing and Residential Areas', Sheffield Hallam University, 15 November 2007.

**Blandy, S.** 'They don't care about the legal niceties, they just wonder why some parts are managed better': law's role in the privatisation of public space. Paper for Planning Law and Property Rights Symposium, Warsaw, 13-15 February 2008.

**Blandy, S.** 'Gated communities as a response to insecurity and fear of crime' CRIMPREV Workpackage 4 'Perceptions of Crime, Insecurity and Social Fragmentation', University of Liege, 10 & 11 April 2008.

**Blandy, S.** 'The city, public space and home: The nesting of scales of security and strategies of defensive social engagement', plenary presentation at conference on 'Public Space and Social Cohesion', St Petersburg, 3-4 July 2008 (with R. Atkinson).

**Blandy, S.** 'Gated communities as urban governance: a response to insecurity and fear of crime?' presented at WUN Colloquium 'International and Comparative Criminal Justice and Urban Governance', University of Leeds 26-28th June 2008.

**Crawford, A.** 'Ban the Yuf', presentation to 'Perceptions of Crime, Insecurity and Social Fragmentation', University of Liege, 10-11 April 2008.

**Crawford, A.** and **Lewis, S.** 'Young people and anti-social behaviour interventions: Some questions about regulation and compliance' British Society of Criminology Conference, University of Huddersfield, 9-11 July 2008.

**Crawford, A.** 'From the Shopping Mall to the Street Corner: Dynamics of Exclusion in the Regulation of Public Space', WUN colloquium 'International and Comparative Criminal Justice and Urban Governance', University of Leeds, 26-28 June 2008.

**Crawford, A.** 'Using contractual agreements with young people', Criminalisation of Education Policy Seminar Centre for Crime and Justice Studies, King's College, London 15 May 2008.

**Crawford, A.** 'Contractual Governance: Sticks and Carrots... and Sermons in the Regulation of Anti-Social Behaviour', Manheim Centre for Criminology, & British Society of Criminology seminar, London School of Economics 14 May 2008.

**Crawford, A.** 'The Dispersal Order in New Earswick: Assessing What Works?', Joseph Rowntree Foundation Meeting, York, 15 March 2007.

**Crawford, A.** 'Excavating the Politics of Anti-Social Behaviour', Centre for Criminology, University of Oxford, 16 January 2008.

**Crawford, A.** 'The Communicative Properties of Dispersal Orders in Governing Anti-social Behaviour', ESRC seminar series 'Governing through Anti-Social Behaviour', Sheffield Hallam University, 15 November 2007.

**Crawford, A.** 'Governing through Anti-Social Behaviour: The Regulatory Challenge to, and Corrosion of, Criminal Justice', ESRC research seminar series 'Regulation and Criminal Justice', Manchester University, 6-7 November 2007.

**Crawford, A.** 'Reviewing the Use and Impact of Dispersal Orders in England & Wales and Scotland' a meeting to consider the findings of the JRF and Scottish Executive research

studies, hosted by the Centre for Criminal Justice Studies, University of Leeds, 31 October 2007.

**Crawford, A.** 'The Use and Impact of Dispersal Orders: Sticking Plasters and Wake-Up Calls', JRF Report Launch event London School of Economics, 18 October 2007.

**Ellison, L.** and Munro, V., 'Exploring the Influence of Rape Complainant Post-Assault Behaviour of Perceptions of Credibility: Preliminary Findings of a Mock Jury Study' British Society of Criminology Conference, Huddersfield, 9-11<sup>th</sup> July, 2008

**Ellison, L.**, and Munro, V., 'Turning Mirrors into Windows: Assessing the Impact of (Mock) Juror Education in Rape Trials' Rethinking Rape Law, University of Durham, 2-3<sup>rd</sup> July 2008

**Ellison, L.**, and Munro, V., 'Rape Complainant Credibility and Expert Evidence: Findings of a Mock Jury study' XXIX International Congress of Psychology, Berlin, 21-24<sup>th</sup> July 2008

**Ellison, L.**, and Munro, V., 'Assessing the Impact of Educational Evidence on Credibility in Rape Cases: A Mock Jury Study' Sexual Offences and Criminal Justice: Challenging Myths, Supporting Victims' University of the West of England, 9<sup>th</sup> September 2008.

**Hadfield, P.** Queen's University Seminar Series 2007-08 'Security Governance and the Taxi Industry', Belfast, 14 November 2007.

**Hadfield, P.** and **Traynor, P.** ESRC 'Governing through Anti-Social Behaviour' Research Seminar: Anti-Social Behaviour, Urban Spaces and the Night-time Economy', 'Policing and Regulation of the Night-time Economy: Recent Developments in Law and Practice' 17th April 2008, University of Leeds.

**Hadfield, P.** and Measham, F., 'Club Health 2008, 'Your Name's Not Down: Fragmentation, Gentrification and Criminalisation in English Clubland', Santa Eularia, Ibiza 24 June 2008.

**Hucklesby, A.** "'All in a night's work": the role and experiences of field monitoring officers in the electronic monitoring of offenders', Centre for Criminal Justice Studies, University of Leeds, seminar, February 2008

**Hucklesby, A.** and **Wincup, E.** 'Mentoring Adult Prisoners: A Silver Bullet?', British Society of Criminology Conference, University of Huddersfield, 10<sup>th</sup> July 2008.

**Lister, S.** 'Critical approaches to researching the powerful: researching the police', presented to a public workshop organised by the Leeds University Social Science Institute, Leeds, November 2007

**McCartney, C.** 'When Science Doesn't Meet the Law: Addressing the Lack of Forensic Skills in Law Degrees' Forensic Science Society Summer Conference, Derby, 12<sup>th</sup> July 2008.

**McCartney, C.** 'When Science Doesn't Meet the Law: Addressing the Lack of Forensic Skills in Law Degrees' (with Prof. John Cassella) FORREST Annual Conference, Aberdeen, 7<sup>th</sup> July 2008

**McCartney, C.** 'Your Country Needs You: To give the Police your DNA!' Public meeting organised by Liberty and NO2ID, University of Leeds, 19<sup>th</sup> February 2008.

**McCartney, C.** 'The Forensic DNA Database' Pathways to Law, University of Leeds 1st May 2008.

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**McCartney, C.** 'The forensic use of bioinformation: ethical issues.' National Forensics Conference, London, 31<sup>st</sup> March 2008.

**McCartney, C.** 'Law student as social entrepreneur: Liberating law students from legal education?' WUN Enterprise Conference, University of Leeds, 10<sup>th</sup> December 2007.

**McCartney, C.** 'The Forensic DNA Database' Thinktank, Birmingham, Science Student Conference, 13<sup>th</sup> November 2007.

**McCartney, C.** 'Identifying Faces: The future of genetic identity' Manchester Science Festival, NOWGEN, 26<sup>th</sup> October 2007.

**Sanders, T.** 'Selling intimacy, buying the girlfriend 'experience': sex worker-client dynamics in the 'fake-authentic' commercial sex interaction', 'Body work: Critical Themes, Future Agendas' ESRC Seminar Series, Seminar 2: Embodied intersubjectivity in Body Work, July 12<sup>th</sup> 2008, University of Kent

**Sanders, T.** 'Criminalising bodies, sex, work and sex work', University of Stirling, Department of Applied Social Science Seminar Series, 14<sup>th</sup> May 2008, University of Liverpool

**Sanders, T.** 'Compulsory rehabilitation orders and kerb crawler re-education programmes: regulating the sexual city' ESRC Seminar Series on Anti-Social Behaviour Orders, April 18<sup>th</sup> 2008, University of Leeds

**Sanders, T.** 'The right to sexual pleasure: disability, commercial sex and activism' symposium: 'Toward an inclusive sexuality and disability research agenda' (4<sup>th</sup> Biennial Disability Series Conference), Sept 2<sup>nd</sup>-4<sup>th</sup> 2008, Lancaster University.

**Sanders, T.** 'Mainstreaming the sex industry: Economy, culture and sexual commerce from Las Vegas to Leeds (with Barb Brents), 'Investigating the theory and practice of gender and sexuality in the workplace', 12-13 June 2008, University of Surrey

**Sanders, T.** 'Rehabilitating the 'prostitute' body: compulsory lifestyles, 'regulating therapy' and New Labour', 'The body and social policy', Social Policy Association, 15<sup>th</sup> January 2008, Weetwood Hall, University of Leeds

**Sanders, T.** 'How far can you? Partnership work with projects, the police and sex workers', UK Network Sex Work Projects, 12<sup>th</sup> October 2007, Britannia Hotel, Manchester

**Taylor, N.** 'Understanding Proportionality', 3<sup>rd</sup> Annual Regulation of Investigatory Powers for Public Authorities Conference, London, November 28<sup>th</sup>, 2007

**Taylor, N.** 'Covert Surveillance: Privacy and Proportionality', 2<sup>nd</sup> Annual Surveillance Conference, London, March 7<sup>th</sup>, 2008

**Walker, C.** 'Neighbour terrorism': treating friend as foe under anti-terrorism laws, European Society of Criminology, Annual Conference, Bologna, 2007.

**Walker, C.** 'Constitutionalism and anti-terror legislation', TESEV, Conference: A Global challenge: Providing security and protecting human rights, Istanbul, 2007.

**Walker, C.** 'Responses to the Home Office's Counter-Terrorism Bill', Liberty, Leeds, 2007

**Walker, C.** 'Cyber-terrorism: The UK files', MITSEC 07: Middle East IT Security Conference, Dubai, 2007.

**Walker, C.** 'Developing a broader terrorism response', JUSTICE, The Counter-terrorism and Human Rights Conference, London, 2007

**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, April 2008.

**Walker, C.** 'Terrorism and community safety', Conference on the Crime and Disorder Act, Leeds, 2008.

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

**Walker, C.** 'The threat of terrorism against the Critical National Infrastructure', World Criminology Conference, Barcelona, July 2008.

**Walker, C.** 'Cyber-Terrorism and Cyber-Crimes', International Cyber-crime Conference, Indonusa University, Jakarta, August 2008.

**Wall, D.S.** 'The Cultural Construction of Cybercrime' to the 'Popular Cultures Research Network Conference', University of Leeds, 10<sup>th</sup> September, 2008.

**Wall, D.S.** 'Micro-e-frauds as Cybercrime', 26th Cambridge International Symposium on Economic Crime, Jesus College, Cambridge, UK - Wednesday, 3rd September, 2008.

**Wall, D.S.** 'Cybercrime, cyberfear and law and justice in the risk society', Working group on Popular Culture (WGPOP0), Conference of the Research Committee of the Sociology of Law, Milan, Italy, 10<sup>th</sup> July, 2008  
[http://users.unimi.it/RCSL2008/RCSL2008P\\_S\\_Program.pdf](http://users.unimi.it/RCSL2008/RCSL2008P_S_Program.pdf).

**Wall, D.S.** 'The Cybercrime Project: Building a Collaborative Research Network into Cybercrime', Max Planck Institute for Foreign

and International Criminal Law, Freiburg im Breisgau, Germany, 8<sup>th</sup> July 2008.

**Wall, D.S.** 'Security, Privacy and Confidentiality: Cybercrime and Cyberlaw challenges for the 21st Century', Keynote speech to The First International Conference on Security, Privacy and Confidentiality Issues in Cyberlaw (SPCI 2008), 2-4 June, 2008, Cairo, Egypt <http://www.spci2008.net/site/>

**Wall, D.S.** 'Counterfeit luxury fashion goods and the paradox of circulation and control', Law and Society Annual Conference, Montreal, Canada, 29<sup>th</sup> May, 2008.

**Wall, D.S.** 'Democratizing Intellectual Property: The paradox of circulation and control in the governance of information age intellectual property regimes', Workshop on Law and Popular Culture, International Institute for the Sociology of Law, Onati, Spain, 8-9th May, 2008.

**Wall, D.S.** 'The mediation of criminal behaviour in the information age: Tensions in the production of criminological knowledge about cybercrimes', ESF workshop: E-mediation of Justice, University of Central Lancashire, Preston, 29<sup>th</sup> March, 2007.

**Wall, D.S.** 'Law Shaping Technology: Technology Shaping the Law: The Challenge of Cybercrime', Keynote Speech to the 23<sup>rd</sup> Annual Conference of BILETA (British and Irish Legal Technology Association), Glasgow Caledonian University, 28<sup>th</sup> March 2008.

**Wall, D.S.** Participant in 'e-Crime and Fraud Roundtable', 6th annual e-Crime Congress, Victoria Park Plaza Hotel, London, March 6th 2008.

**Wall, D.S.** 'New Cybercrime challenges for CyberCanadians in the 21st Century', International Centre for Criminal Law Reform, University of British Columbia, Vancouver, 19th February 2008.

**Wall, D.S.** 'The Challenge of Cybercrime for Criminal Justice and Policing in the Information Age', Vancouver Police Department and BC Attorney General's Office, Vancouver, 14th February 2008.

**Wall, D.S.** 'Jailhouse Frocks and Blue Suede Shoes: the paradox of circulation and control in information age intellectual property regimes', Centre for the study of Law and Popular Culture, School of Law, University of Westminster, 6<sup>th</sup> February 2008.

**Wall, D.S.** 'Blue Suede Shoes and Jailhouse Frocks: branding and the paradox of circulation and control in information age intellectual property regimes with special reference to celebrity, music and fashion industries', Centre for Law and Society, University of Edinburgh, 10<sup>th</sup> January 2008.

**Wall, D.S.** 'Cybercrime and Cyberculture', Cybercrime Workshop, Max Planck Institute, Freiburg im Breisgau, Germany, 11<sup>th</sup> December 2007.

**Wall, D.S.** and **Large, J.** 'The UK Couture project findings', Conference on counterfeiting fashion apparel, TRANSCRIME, Università Cattolica del sacro Cuore of Milan, Italy, 10<sup>th</sup> December 2007.

**Wall, D.S.** 'New Electric Lawyers: The legal professionals in the information age', Keynote closing speech to the 26th Annual Conference, American Association for Paralegal Educators (AAfPE), Baltimore, USA, 27<sup>th</sup> October 2007.

**Wall, D.S.** 'Cybercrime as IP theft' Keynote at symposium on intellectual property, Institute of Law, National Kaohsiung First University Technology Science and Technology (NKFUST Law), Kaohsiung, Taiwan 25<sup>th</sup> October 2007.

**Wall, D.S.** 'Crime in an information age', Feng Chia University Law Institute (FCU Law), Taichung, Taiwan, 24<sup>th</sup> October 2007.

**Wall, D.S.** 'The challenges to intellectual property law and its enforcement in the information age', Keynote speech to the Asia Pacific Intellectual Property Symposium, the National Yunlin University of Science and Technology, Yunlin, Taiwan, 23 October 2007

**Wall, D.S.** 'The challenge of cybercrime for criminal justice in the information age', Keynote speech to Judicial Symposium on Cybercrimes, Judicial Yuan, Judicial Building, Taipei, Taiwan, 22<sup>nd</sup> October 2007.

**Wall, D.S.** 'Cybercrime and the culture of fear: the role of the media in generating insecurities and influencing perceptions of cybercrime', paper to the CRIMPREV Media and Insecurity workshop, University of Maribor, Slovenia, 11<sup>th</sup> October 2007.

**Wall, D.S.** 'Cybercrime', Postgraduate Symposium, Institute of Criminology, University of Ljubljana, Slovenia, 11<sup>th</sup> October 2007.

**Wincup, E.** 'Evaluation of the Reducing Offending Through Advice (ROTA) Project', Invited plenary to the ROTA Celebration event, Newcastle, 9<sup>th</sup> October 2007.

**Wincup, E.** 'Street Policing of Problem Drug Users', Invited plenary to ACPO Drugs Conference: Testing the Boundaries - Exploring New Ideas, 21<sup>st</sup> November 2007.

**Wincup, E.** and **Lister, S.** 'Squaring the Circle? Street Policing and Drug Treatment', British Society of Criminology Conference, University of Huddersfield, 9<sup>th</sup> July 2008.

## CONFERENCE ORGANISATION

'The Crime and Disorder Act: Ten Years on', the Queen's Hotel, Leeds, 7-8 May 2008, Centre for Criminal Justice Studies (lead organizers, **Anthea Hucklesby**, **Stuart Lister**, **Emma Wincup** and **Bob Grice**).

**Adam Crawford** hosted an International Colloquium sponsored by the Worldwide Universities Network (WUN) entitled 'International and Comparative Criminal Justice and Urban Governance: Policy Convergence and Divergence' at the Law School and Weetwood Hall, University of Leeds, 26-28 June 2008. This was the inaugural meeting of the ICCJ Network – see [www.wun.ac.uk/ICCJnet/](http://www.wun.ac.uk/ICCJnet/)

As part of the ESRC research seminar a meeting on 'Anti-Social Behaviour, Urban Spaces and the Night-time Economy' was held at Fairbairn House, University of Leeds on 17 April 2008 organised by **Adam Crawford**, **Phil Hadfield** and **Anna Barker**. For further information, see [www.law.leeds.ac.uk/esrcASB/](http://www.law.leeds.ac.uk/esrcASB/)

In the same ESRC research seminar series a second meeting on 'Governing Through Anti-Social Behaviour: Comparative Experiences' was hosted at Beech Grove House, University of Leeds, on 18 September 2008 organised by **Adam Crawford** and **Anna Barker**.

**Adam Crawford** organised a European Colloquium entitled 'Marginal Groups and Policing Insecurities in the Shadow of Terrorism'. It arose out of Workpackage 4 'Perceptions of Crime and Insecurity' of the European Commission funded Co-ordination Action CRIMPREV. The meeting was held in Beech Grove House, University of Leeds and Weetwood Hall Hotel over the two days of 19-20 September 2008. It was attended by some 36 invited European scholars. See: [www.crimprev.eu](http://www.crimprev.eu)

**Sarah Blandy** organised an interdisciplinary, international symposium, jointly with Professor David Sibley, School of Geography, entitled 'Theorising Boundaries', 5-6 March 2008, University of Leeds.

**Anthea Hucklesby** organised an 'Electronic Monitoring' conference, in partnership with G4S in November 2007.

**Adam Crawford** hosted and presented a Joseph Rowntree Foundation sponsored policy seminar to launch the report 'The Use and Impact of Dispersal Orders', The Box, London School of Economics, 18 October 2007.

**Phil Hadfield** organised the Centre for Criminal Justice Studies Postgraduate Research Student Seminar, 3 June 2008.

## KNOWLEDGE TRANSFER

### **Work for Governments, Statutory Agencies, NGOs, Professional Bodies**

#### **Sarah Blandy**

- Invited attendee at the Local Level and the CABE (Commission for Architecture and the Built Environment) seminar on *Neighbourhood Online Networks*, London 17 September 2008

### **Lydia Bleasdale-Hill**

- Member of Yorkshire and Humber Pro Bono Group

### **Adam Crawford**

- Invited contributor to the Scottish Government's National Antisocial Behaviour Strategy Review, Good Practice Event in Edinburgh, 28 July 2008.
- Oral witness to the Justice Committee of the Scottish Parliament's inquiry into Community Policing, 20 May 2008.
- Editorial Committee member and 'Reader' for the International Centre for the Prevention of Crime Report on 'The State of Crime Prevention and Community Safety in the World' (2007-8) available at:  
[http://img.mailchimp.com/2008/09/09/0c73be995f/Basse\\_resolution\\_International\\_Report\\_Crime\\_Prevention\\_and\\_Community\\_Safety.pdf](http://img.mailchimp.com/2008/09/09/0c73be995f/Basse_resolution_International_Report_Crime_Prevention_and_Community_Safety.pdf)
- Steering Panel member of the Office of Science and Innovation Review of Government Science in the Home Office (2007).
- Member of the Scientific Committee of the Groupe Européen de Recherches sur les Normativités (GERN), CNRS (since 2001).

### **Louise Ellison**

- Member of expert panel on rape reform chaired by Solicitor General
- Member of Expert Group on Access to Justice, MIND

### **Philip Hadfield**

- Advised the Home Office and KPMG regarding their project on the review of social responsibility standards in the alcoholic drinks industry
- Appeared as an Expert Witness to a City of London licensing review hearing, The Guildhall, London (August, 2008)

### **Anthea Hucklesby**

- Speaker at Yorkshire and Humberside Effective Bail Scheme one year event, November 2007
- Consultant for Northern Rock Foundation (with **Emma Wincup**): Comparing and contrasting two resettlement services in order to identify best practice

### **Teela Sanders**

- Submission to Crown Prosecution Service Consultation on its Violence Against Women strategy (January 2008)
- Summary of briefing to Home Office Prostitution Strategy (England & Wales) & Current Directions in Sex Work Policy (November 2007)
- Submission of briefing to Criminal Justice and Immigration Bill 2007 on Clause 72/73 (October 2007)

### **Sam Lewis**

- Peer reviewer for the National Probation Research and Information Exchange Research Officer's group

### **Nick Taylor**

- Covert Policing and the Use of Directed Surveillance, Staffordshire Police, April 2008

### **Clive Walker**

- Submission to Home Office, Counter Terrorism Bill Consultation, 2007; Post-charge questioning, 2007
- Submission to House of Commons Home Affairs Committee, Counter terrorism proposals, 2007
- Submission and oral evidence to Joint Committee on Human Rights, Counter terrorism proposals, 2007
- Submission to the Pitt Review, Learning Lessons from the 2007 floods, 2008
- Submission to Home Office, Consultation on Terrorism Act 2000 section 44, 2008

### **Media-related work**

#### **Adam Crawford**

- Interviewed for and quoted in article by Tom Wainwright ‘Why giving the “plastic police” more powers could make them less effective’, in *The Economist*. 27 September 2007:
- Dispersal Order research findings: quoted in Daily Telegraph; Guardian Unlimited; BBC online; Mirror; Express; Barnsley Star; Chester Evening Leader; Walsall West Mid Express & Star; Newcastle upon Tyne Evening Chronicle; Shropshire Star; Wolverhampton West Mid Express & Star, all 18 October 2007.
- Interviewed on BBC Radio 4, Five Live, Radio Scotland, Radio Leeds and Radio Sheffield, 18 October 2007.
- Quoted in Oldham Evening Chronicle; Oxford Mail; Yorkshire Evening Post; Aldershot Mail; and The Herald 20-26 October 2007..
- Interview with Kate Beaumont Lexis/Nexis on dispersal orders, October 2007
- Interviewed for ‘Targets Hinder Police Work’, *London Evening Standard*, 22 October 2007.
- Solicited Letter to the Editor on the resignation of Sir Ian Blair as Metropolitan Police Commissioner *London Evening Standard* 6 October 2008.

#### **Louise Ellison**

- Invited contributor, BBC Radio 4, ‘Law in Action’, 14<sup>th</sup> March 2008

#### **Anthea Hucklesby**

- Invited guest, BBC Radio 4, ‘Law in Action’, 4<sup>th</sup> June 2008

#### **Carole McCartney**

- BBC Radio Leeds (CPD courses for Lawyers in DNA)
- Radio 4 – Forensic Science programme, February 2008
- BBC1 – The Big Questions 28<sup>th</sup> October 2007 – televised debate on DNA Database
- 5Live – DNA database debate
- (invited guest) Royal Society Dinner – *The DNA Database* – 6<sup>th</sup> February 2008, London

#### **Teela Sanders**

- BBC Radio 4 ‘Thinking Allowed’ interview with Laurie Taylor on Men Who Buy Sex
- Esquire Magazine, New York City, April 2008
- KPNV State of Nevada, February 27<sup>th</sup> 2008
- Interview for Cosmopolitan, January 2008

### **David Wall**

- Participated in Radio Scotland's *Newsweek* programme, 21<sup>st</sup> June 2008
- Interview about his cybercrime book in article: 'Bank robbers are yesterday's villains as cybercrime pays out rich dividends' (by Sarah Freeman, *Yorkshire Post*, 29<sup>th</sup> April)
- 'Obituary of Michael J. Todd, Chief Constable of Greater Manchester Police, *The Independent*, 14<sup>th</sup> March 2008, p.45

### **Emma Wincup**

- Quoted in article entitled 'Checks put addicts at risk', *Times Online*, 4th December 2007.

## **Editorial Work**

### **Yaman Akdeniz**

- Advisory Board Member of the *Computers, Law, & Security Report* ;
- Member of the editorial board of the Journal of Information Law and Technology;
- Computer Crime editor, *Encyclopedia of Information Technology*, Sweet & Maxwell.
- Cyber-Crime chapter editor, the *E-Commerce Law and Regulation Encyclopedia*, Sweet & Maxwell.

### **Adam Crawford**

- Editorial Board member of 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*.

### **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**

- Assumed editorship of a Special Edition of the Spanish Med-line journal *Addiciones* (selected papers from the Club Health 2008 conference, Ibiza) with Fiona Measham, University of Lancaster, and Tammy Anderson University of Delaware.

### **Sam Lewis**

- Specialist assessor for the *Probation Journal*

### **Nick Taylor**

- Monthly case commentaries for the *Criminal Law Review*.

### **Clive Walker**

- Board of editors of the *Journal of Civil Liberties*
- Board of editors of the *International Journal of Risk Management*

### **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*
- Editorial Board member *Qualitative Research, Social Policy and Society*

## **VISITING FELLOWSHIPS**

**Teela Sanders** visited the University of Nevada, USA, Department of Sociology, from February to March 2008, Co-sponsored by the UNLV Departments of Sociology, Counselor Education, and Hotel Managements, and by the Women's Research Institute of Nevada. Public Lecture: 'The Complexities of Supply and Demand: Intimacy, Sexual Labour and Commerce', February 27<sup>th</sup> 2008.

**David Wall** visited the Max Planck Institute for Foreign and International Criminal Law, July, 2008, conducting research into micro-frauds.

## **VISITING SCHOLARS**

The following visiting scholars spent extended research visits at the Centre for Criminal Justice Studies during the period:

**Dr Belinda Carpenter** Associate Professor in Criminology, School of Justice, Faculty of Law, Queensland University of Technology (November 2007 – June 2008) visited the Centre whilst conducting research into the internationalization of the coronial work she began in Australia. She also spent time creating research networks with others interested in her approach to domestic violence, which is more post-modern than critical feminist and sharing knowledge of the prostitution industry and the impact of partial legalisation given that Queensland now has over 30 legal brothels. During her visit she gave a guest lecture as part of the seminar series.

**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.

## RESEARCH STUDENTS

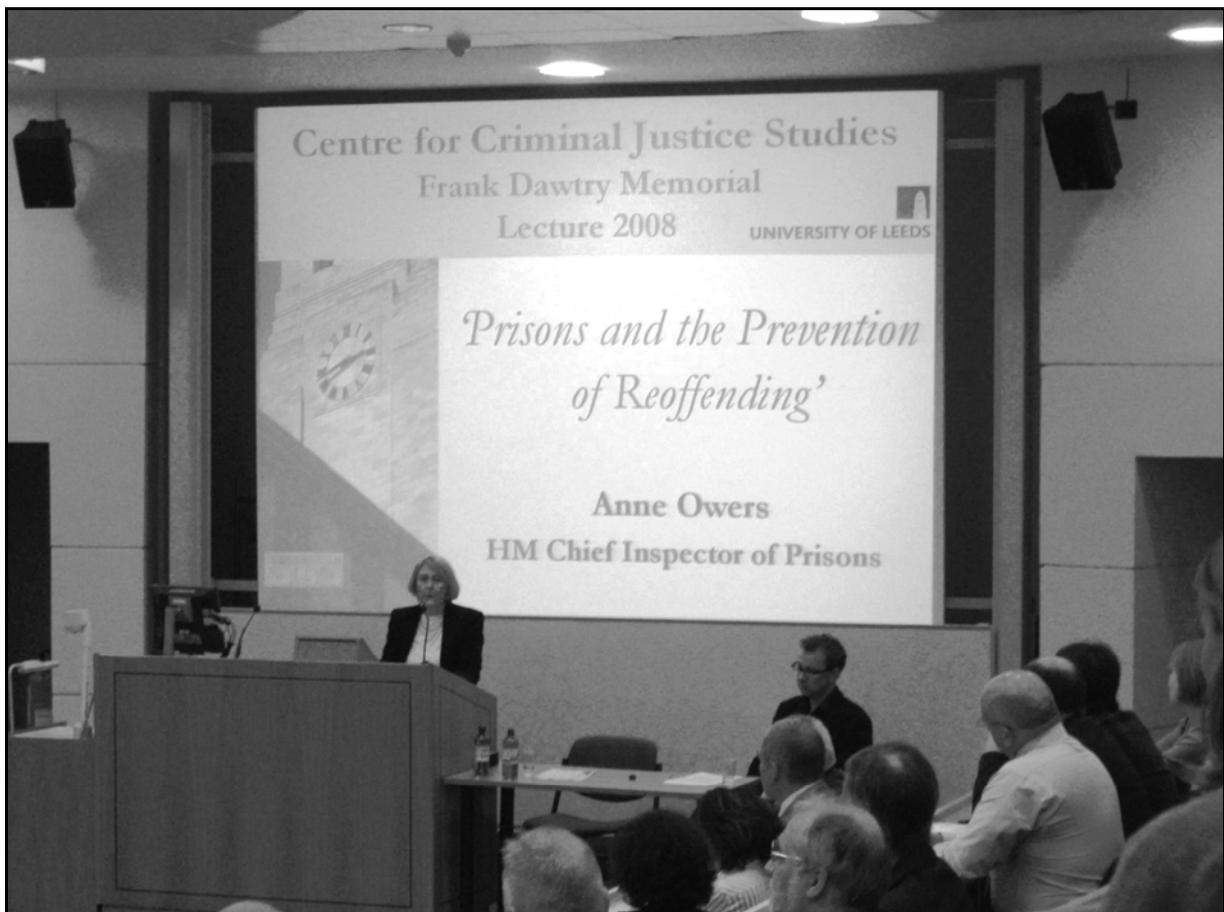
The following research students successfully graduated with a doctorate during the period of review:

- **Jonathan Burnett** 'Implementing Community Cohesion' - Supervisors Adam Crawford & Stuart Lister – Examiners: Professor Sandra Walklate, *Liverpool University* and Dr. Phil Hadfield & Dr Anthea Hucklesby.
- **Byung Chul Yoo** 'Prison Governors in Korea' - Supervisors Anthea Hucklesby & Clive Walker – Examiners: Professor George May, *Liverpool John Moores University* and Professor David Wall.

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

- **Khulood Al-Bader** 'Domestic Violence: A Comparative Study between Kuwait and England and Wales' - Supervisors Louise Ellison & Sam Lewis.
- **Noura Aloumi** '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 and Anthea Hucklesby
- **Saadi al Munairi** 'An Evaluation of the Forensic Science Services of Saudi Arabia' - Supervisors Clive Walker & Carole McCartney.
- **Anna Barker** 'Perceptions of Local Insecurity: Increasing Public Reassurance and Confidence through Intensive Neighbourhood Management - Supervisors Adam Crawford & Stuart Lister.
- **Richard Bean** 'The Role of the In-house Lawyer' - Supervisor David Wall.
- **Amanda Carswell** 'Internet Content Regulation' - Supervisors David Wall & Yaman Akdeniz.
- **Tae Jin Cheung** 'Proactive Policing in the UK and Korea: A Comparative Study' - Supervisors David Wall & Clive Walker.
- **Kerry Clamp** 'The Receptiveness of Societies in Transition to Restorative Justice' – Supervisors Adam Crawford & Phil Hadfield.
- **Stefan Fafinski** 'The Influence of Technological Advances on the Boundaries of the Criminal Law' - Supervisors Clive Walker & David Wall.
- **Wendy Guns** 'Recognising Sexual Violence as a Crime against Humanity in International Law' - Supervisors Amrita Mukherjee & Steven Wheatley.
- **Kathy Hampson (née Salter)** 'Emotional Literacy and Youth Crime' - Supervisors Emma Wincup & Adam Crawford.
- **Lee Johnson** 'Discrimination of Minority Ethnic Prisoners in the Prison Systems in England and Wales' - Supervisors Anthea Hucklesby & Jim Dignan.

- **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.
- **Andy Lloyd** 'Philanthropy, Reform and Contemporary Youth Justice' - Supervisors Adam Crawford & Jim Dignan.
- **Ravinder Mann** 'The Impact of Restorative Justice Interventions upon Victims of a Common Assault Offence' - Supervisors Adam Crawford & Sam Lewis.
- **Kaniz Sattar-Shafiq** 'Islam and the Law against Terrorism' - Supervisor Clive Walker.
- **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.



**Anne Owers, HM Chief Inspector of Prisons presents the CCJS/Frank Dawtry Memorial Lecture 2008, Business School 1 October 2008**

## PUBLIC SEMINAR PROGRAMME

Tuesday 9 October 2007

*'What Kind of World are We Building? The Privatisation of Public Space & Implications for Anti-Social Behaviour'*

**Anna Minton**, Author & Journalist

Wednesday 31 October 2007

*'The Use and Impact of Dispersal Orders'*

**Prof Adam Crawford and Stuart Lister**, Centre for Criminal Justice Studies, University of Leeds and **Ben Cavanagh** of the Scottish Government

Tuesday 6 November 2007

*'Early Release: Thinking about the European Dimension'*

**Dr Nicky Padfield**, Institute of Criminology, University of Cambridge

Tuesday 27 November - The Hamlyn Lecture 2007

*'Penal Populism in Contemporary Democracies: the 'Culture of Control' in Comparative Perspective'*

**Prof Nicola Lacey**, London School of Economics

Tuesday 29 January 2008

*'Has Child Protection Gone Too Far? : How Government Fosters a Climate of Fear and Mistrust'*

**Clare Fox**, Director of the Institute of Ideas, London

Tuesday 12 February 2008

*'Professional Regulation versus Surveillance: Beyond the Neurotic Gaze of the Panopticon'*

**Professor Dawn Freshwater**, Head of School, School of Healthcare, University of

Tuesday 26 February 2008

*'All in a Night's Work: the Role and Experiences of Field Monitoring Officers in the Electronic Monitoring of Offenders'*

**Dr Anthea Hucklesby**, Centre for Criminal Justice Studies, University of Leeds

Tuesday 22 April 2008

*'Investigating Death in the Australian Coronial System: Toward a Model of Best Practice'*

**Belinda Carpenter**, School of Justice, Queensland University of Technology, Brisbane

Wednesday 1 October 2008

*'Prisons and the Prevention of Re-Offending'*

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

Tuesday 28 October 2008

*'Cops Talking About Use of Force in Six Countries'*

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

Tuesday 11 November

*'Governing Sex and Prostitution in an Age of Uncertainty'*

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

Tuesday 25 November

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

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



**Professor Adam Crawford Introduces the Hamlyn Lecture in the Clothworkers' Centenary Hall, School of Music, University of Leeds, 27 November 2007**



**Professor Nicola Lacey Presents the Hamlyn Lecture 2007**

## **CCJS Working Papers**

### **The Frank Dawtry Memorial Lecture 2008**

#### **Introduction by Professor Adam Crawford**

As Director of the Centre for Criminal Justice Studies, I would like to extend a warm welcome to everyone tonight on the occasion of the Centre's Annual Lecture for 2008 in the Frank Dawtry Memorial series. Let me begin by saying something, first, about the Frank Dawtry Memorial Fund and, second, about the Centre for Criminal Justice Studies, before introducing today's speaker.

Frank Dawtry was for 18 years the general secretary of the National Association of Probation Officers (NAPO) and sometime Secretary of the Campaign for the Abolition of the Death Penalty. Frank was awarded an OBE for his work with NAPO. Frank was described by one of his peers as "a prophet without honour among his own people and among his own kindred". He died on 5th October 1968. We, at the Centre for Criminal Justice Studies, are honoured to commemorate someone who tirelessly campaigned for the abolition of the death penalty and championed prisoners' rights. The fund was set up to establish a living memorial to Frank at the University of Leeds, where he completed a postgraduate MA in 1963. The endowment is for a lecture to be given annually by a prominent speaker on one of the following topics: "(a) the treatment of offenders; (b) the prevention of crime; (c) the administration of justice".

Previous speakers in the series include, the first lecture by Professor Terrance Morris of the LSE in 1973; Lady Barbara Wootton (1975); Professor Laurie Taylor (1981) – whose talk was entitled "Reducing the Prison Population: Prospects and Problems" which has pertinent echoes with today's talk. Other, more recent, speakers have included: The Head of Interpol, Ray Kendall (1997), the Right Honourable Jack Straw (1998); Professor Richard Ericson (1999) and last year we heard from Professor Rod Morgan the former Chair of the Youth Justice Board for England and Wales.

The memorial lecture has a longer history than the Centre for Criminal Justice Studies which was established in 1987, as an inter-disciplinary research institute based within the Law School. Incidentally, this makes us 21 years old this year! We celebrated our anniversary earlier this year in May with a highly successful two-day conference on the Crime and Disorder Act – which, of course, had been the subject of Jack Straw's lecture back in 1998 when he steered the Act through the Houses of Parliament. Jack, who is a graduate of the Leeds Law School, now presides of the Government Department with responsibility for Prisons – today's subject - the new Ministry of Justice!

The Centre for Criminal Justice Studies aims to excellence in research, teaching and learning and knowledge transfer. As well as being the home to over 15 academics, we have a growing body of research staff working on externally funded research contracts and a blossoming number of research students - some of whom are drawn from the local professions. We also have an expanding array of postgraduate programmes in criminal justice and criminology and last year launched new MA in International and Comparative Criminal Justice (the first of its kind in the UK). More information on this and other Masters programmes together with details of our public seminar programme can be obtained during the reception that follows today's lecture. Working with local criminal justice (and allied) professions is an important part of our work. We

are very pleased to be assisted in this regard by an Advisory Board made up of representatives of diverse (local and national) professional bodies as well as researchers, a number of whom I am pleased to see are able to join us tonight. We take very seriously our mission to engage with and inform public debate about crime and criminal justice.

This brings me to the subject of our lecture for today. As the earlier list of previous speakers in the Frank Dawtry memorial series reflects, it is our explicit aim to invite prominent high profile speakers who are able to address the urgent criminal justice policy issues of the day. The role and fate of prisons in the UK constitutes precisely such an urgent issue. I doubt that Laurie Taylor even in his darkest sardonic moment in 1981 would then have predicted a prison population in England and Wales, which on Friday 12 September this year stood at 83,518 - not including juveniles in Secure Training Centres and Local Authority Secure Children's Homes – nearly double the figure in 1981. We imprison 153 people per 100,000 of the population. More than double the rate in Denmark, Norway, Finland and Sweden; and considerably higher than in France, Germany, the Netherlands and Italy.

Home Office projections for the prison population published in 2006 set out three scenarios for future growth 'high', 'medium' and 'low' – in the two years since the projections the rate of increase has tracked most closely the 'high' scenario which by 2013 suggests a potential prison population of 106,550 in England and Wales.\* The Government has announced plans to build its way out of the overcrowding crisis with the provision of an extra 20,000 places in the next six years at a cost of £3.8 billion – including three gigantic new Titan "superjails" (each with up to 2,500 inmates).

It was famously Winston Churchill who advised the House of Commons in 1910 that: 'The mood and temper of the public in regard to the treatment of crime and criminals is one of the unfailing tests of the civilisation of any country'. He went on to say that "A calm, dispassionate recognition of the rights of the accused, and even convicted criminals" amongst other things "are the symbols which, in the treatment of crime and criminal, mark and measure the stored-up strength of a nation and sign and proof of the living virtue in it." How out of keeping with the current political and penal climate those words now seem!

I am delighted that Anne Owers accepted our invitation to give this year's annual lecture. Anne Owers CBE is Her Majesty's Chief Inspector of Prisons, a post she took up in 2001 as the fifth incumbent. It is a role that she has fulfilled tirelessly with a keen sense of the importance of the work of an independent inspectorate. Anne previously worked as Director of the law reform and human rights organisation JUSTICE. There can be no one better placed than Anne to speak across the three concerns that inform the Dawtry memorial namely: "the treatment of offenders; the prevention of crime; and the administration of justice" with particular regard to prisons. The title of her talk impressively (and unbeknown to her) straddles all those subjects.

As Chief Inspector of Prisons Anne gets to travel the country and sees places most of us never visit – sounds like a nice job until you realise these places are prisons - where society prefers to hide away its difficult social problems and troublesome people, often as a dumping ground for the failings of social institutions (notably education and mental health) in the wider society.

It strikes me that the existence and work of an independent Prison Inspectorate is a vital component in ensuring an informed and 'civilised voice' in public debates about the role and future of prisons– in keeping with Winston Churchill's aspirations. As he implied, the conditions

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\* de Silva, N., Cowell, P., Chow, T. and Worthington, P. (2006) *Prison Population Projections: 2006-2013 England and Wales*, Home Office Statistical Bulletin 11/06, London: Home Office.

of our prisons reflect and tell us much about our cultural values and how we deal with difficulty and conflict. And yet, most of us know very little about what occurs there *in the name of the public*, outside of the stereotypes prompted by TV series such as “Porridge” or “Bad Girls”. In Leeds, for example, the long shadow of Armley Prison, built on the hill where the residents of Leeds could see its gothic walls and fear its incarceration, certainly is an imposing one. But few people penetrate its walls and fewer still have any idea of what goes on therein. Appositely, Anne has previously likened the work of the Prison Inspectorate to ‘shedding light in dark places’. It is my firm expectation that Anne will spread some light for us this evening. She will talk to the title ‘Prisons and the Prevention of Reoffending’.

Anne the floor is yours.

## **‘Prisons and the Prevention of Reoffending’**

**Anne Owers**

*Her Majesty’s Chief Inspector of Prisons*

My title – Prisons and the prevention of offending – should be seen as two separate halves: first, what kind of prisons do we have and do we need and second, what contribution can and should prisons make to preventing offending. As I hope will become clear, I believe that those are indeed separate, though allied, questions.

It is well known that our prison population has increased, is increasing and is set to increase further. In 2001, when I became Chief Inspector, the prison population averaged 66,300. Last Friday it was 83,500. That is an increase of 17,000: in other words a 25% rise. So, a question we are entitled to ask – both morally and economically (given that the operating costs of the public sector prison service alone are just over £2 billion) – is whether that does, or can, make us 25% safer.

What kind of prisons do we have, and what do we need? The Prisons Inspectorate exists precisely to answer those questions – and to answer both of them. Many other inspectorates were created to report on the performance, and often the value for money, of government services, measuring them against the standards that have been set out for them. This is an essential, and usually well-performed, task: an independent evaluation of whether an organisation is doing what it is paid to. Some of those bodies have regulatory powers, and can indeed close down a failing institution, or require improvements, with sanctions. Prisons inspection, however, is different. My remit is to report on the conditions in prisons and the treatment of prisoners. I have no remit to report on the Prison Service (or the National Offender Management Service of which it is now a part) as such: its value for money, structure, HR practices, or performance management. I have no regulatory or enforcement powers. But neither can I be constrained to expect of prisons only what they can, or do, currently deliver.

I believe that that is very important, in the context of custodial inspection, and particularly the inspection of an overcrowded, pressurised system. Inspection of places of custody does not only derive from a statutory domestic remit (which it has done since 1981). It is also an international human rights obligation – now specifically set out in the Optional Protocol to the UN Convention against Torture and Inhuman and Degrading Treatment. That Protocol, of which the UK was one of the first signatories, requires all states party to have in place an independent mechanism for the regular inspection of all places of custody: importantly, this is not to report on

torture or ill-treatment, but to prevent it. There is a whole body of soft international law – as well as the harder, enforceable provisions of the Human Rights Act – which sets out the principles, as well as the processes, that should underpin imprisonment. To a large extent, they are reflected in the standards set for and by the prison system – as they should be. But that is not a given. With growing numbers, and decreasing public resources, those standards could slip. Already, and for a long time, practice has fallen below principle: for example, the near-certainty that a man in Leeds prison, or any other local prison in the country, will be locked up with a stranger in a cell meant for one, with a shared toilet, and that they will eat all their meals there, sometimes with one having to sit on the toilet for want of space for a chair. That, sadly, is normal. But, as I have said many times, if the inspectorate does not expect something better in a 21<sup>st</sup>-century prison system, the normal will become the normative. All institutions are self-referential and closed institutions more so than most.

So, what do we expect when we inspect prisons? We have developed criteria, which we call *Expectations* and which you can find on our website. There are over 500 of them, and they set out in detail what we expect from the moment a prisoner leaves court to the moment he or she leaves prison, and everything in between – including healthcare, segregation, education and training, visits. Importantly, they look for outcomes, not process; quality not compliance. Targets, by contrast, too often measure what is measurable, not what is important. Value for money is important in any public service, but in an organisation with total control over someone's life, it cannot be the sole, or even main, aim – what price a suicide?

How do we carry out this work? We use a mixture of chronology and intelligence. It is essential that all closed institutions are inspected regularly; but, given limited resources, it is necessary to ensure that the timing and format of those inspections is allied to risk. It is also vital that we have, and use, the power to inspect without warning. To some extent, this can compensate for limited resources, in that every governor in the country needs to know that tomorrow could be the day the inspectorate arrives – a kind of virtual inspection, if you like.

At inspections, a team of multi-disciplinary inspectors (including healthcare, substance use and education specialists) will descend on a prison for up to ten days, triangulating evidence culled from confidential prisoner surveys, discussions with staff and prisoners, study of all documentation, and their own observations. In this way, they will collect evidence against each of the expectations. This is then brigaded under four headings, which we believe to be definitive of a 'healthy prison' - that prisoners are held in safety, that they are treated with respect for their human dignity, that they can engage in purposeful activity and that they are prepared for resettlement back into the community. That definition is crucial, and I will return to it: a healthy prison is one which both provides a safe and decent environment and seeks to improve the skills and life chances of those within it.

What then do we find? I will deal with this under the four healthy prison heads.

I want to begin by focusing on our two tests of safety and respect. They rely on fundamental, and non-negotiable human rights. Article 2 of the ECHR (now incorporated in the Human Rights Act) ensures the right to life. This not only means that no-one should be killed; it also places on the state a positive duty to protect the lives of those it decides to imprison; and of course, those who are charged with looking after them. Article 3 prohibits not only torture (the deliberate infliction of suffering) but inhuman and degrading treatment (which may be an unplanned, or even unnoticed, consequence of actions, or failures to act). However, these are merely a baseline. First, inspection should prevent abuses, not chronicle them. We therefore want to ensure not only that systems and processes are in place which can safeguard against human rights violations, but that the culture, what Alison Liebling has called the 'moral

performance' of prisons, is sound. Inhuman and degrading treatment is a slippery slope: disregard for Article 8 (the right to private life: to a private space and the integrity of one's person) can elide into Article 3. Prisons that open and read all prisoners' mail because 'it helps to know what is going on in their lives' have already lost the concept of personal and private integrity. Prisons that cease to notice individual or collective miseries have already begun to think that individuals or groups do not matter.

We assume, too readily, that prisons are safe places. But they contain a high proportion of vulnerable, volatile and dysfunctional individuals – usually young men. In many prison systems in the world, it would be unthinkable for me – let alone our young, usually female, researchers – to wander around prisons alone, carrying our own keys, opening up cells and talking in private to prisoners. Safety in prisons is always fragile, and is something that has to be worked at daily: and the more pressurised the prison system becomes, the more work is needed. An obvious example is that, particularly in local prisons, nearly all men newly arrived in prison will find themselves sharing a tiny cell with a stranger, who may be psychotic, violent or withdrawing from drugs – or all three. The murder of Zahid Mubarek – and the two homicides that have taken place in our prisons this year – are mercifully rare, compared to other prison systems, but they stand as a reminder that prison is a frightening and sometimes violent place – as do the 164 reported serious assaults on prison staff and the 900 on other prisoners during last year.

There are now many more young men, serving extremely long sentences, in our prisons; there is more gang activity, imported from outside – and of course the 'churn' of prisoners makes it all the more difficult to establish and maintain the dynamic security (relationships, buy-in and activity) that is crucial to prisons' internal stability and safety – much more so than the physical security of locks, bolts and bars. And it is therefore of concern that there have been more 'incidents' (roof-top protests, assaults, failures to come in off the yard) that indicate a growing frustration and tension within our prisons. Drugs entering prison have a particularly corrosive effect on safety: the presence of significant quantities of drugs creates an alternative economy and potentially an alternative power structure, based on debt, intimidation and at worst corruption, serious injury or death.

Safety, though, has other aspects. Incarceration is the most extreme sanction available in this country, and the most acute exercise of state power. Prisons are places where power always lies with the custodian, not the prisoner. And power can corrupt, particularly in a closed environment – hence the importance of the 'decency agenda' promoted by the current and past Directors-General. There is always the risk of abuse, or of the normalisation of things that are unnecessary and disproportionate. The Inspectorate, for example, has been very concerned about the routine strip-searching of prisoners, particularly children and young people, on entry to prison or to segregation. We know that many young people entering prison have been abused in the past. I have seen a video of a young man, who we know had been abused, screaming and sobbing as three officers forcibly held him down and cut off his clothes. Sometimes such action may be necessary for the safety of a prisoner, or others. But in our view it should need to meet a high test of necessity, not a low test of institutional convenience or the catch-all defence of security. We have also sometimes, though rarely, in our prison system seen evidence of actual abuse of prisoners.

A third aspect of safety is the need to protect vulnerable prisoners, who may harm or even kill themselves. Many of those entering prisons have a multiplicity of needs: mental health, substance misuse, previous abuse. In our recent mental health thematic review, we administered the general health questionnaire (GHQ) that relates to mental well-being. We found that 50% of prisoners scored at levels that, in the community, would have indicated primary or secondary mental health needs: and this was even higher among women. It is known that the early days in custody, or in a

particular prison, are the most risky. For that reason, prisons have invested a great deal in support at this vulnerable time: with Samaritan-trained prisoners, called Listeners, to offer support, dedicated first night centres, where officers can settle in and talk individually to new prisoners, and better detoxification procedures for the large proportion of prisoners who arrive with drug and alcohol addictions.

The need for this is well illustrated in the recent history of Styal women's prison. Our inspection there in 2002 reported on an absence of first night, and particularly detoxification, support: we described women fitting and vomiting in their cells, with little staff support. Eighteen months later, proper detoxification and first night support was put in – but in the interim period, six women had killed themselves, all in the early days of custody and all withdrawing from drugs. Since 2003, there have been only three self-inflicted deaths at Styal. However, in spite of huge increases in the resources for, and the quality of, clinical support for those withdrawing from drugs or alcohol, this too cannot be taken for granted. Only this year, we inspected a prison where the systems in place acted in practice to prevent some suicidal and addicted men from accessing the detoxification they needed: no-one had planned this, but neither had anyone talked to prisoners or walked the walk of a desperate heroin addict.

There is much good work going on in prisons, and it is the task of inspection to promote and reinforce that. It is cheering that we find that around 70% of our recommendations – over 1,800 individual changes – have been implemented, wholly or in part, when we return on unannounced follow-up inspections. Some of the good work that is undoubtedly taking place is, however, undermined by population pressure. Last year, after a series of declines, the suicide rate in prisons spiked again, and the spike was particularly noticeable among those who died in the early days of custody. This was scarcely surprising: since prison overcrowding meant that many men were experiencing their first night in custody not in a prison at all, but in a police cell, without any of the support, or detoxification, available in prisons – and then might be shunted about, from one prison to another, or to a far-off prison, in a kind of 'musical cells' exercise, to wherever there was space. The incidence of suicide is, in many ways, an accurate test of the pressure points in the system: suicides among foreign national prisoners have grown considerably, in numbers and proportion, following the chaos and uncertainty around deportation; more recently, we have seen a rise in the number and proportion of suicides among those serving indeterminate sentences. This followed the explosion in such sentences since the introduction of the new indeterminate sentence for public protection, and the wholly inadequate systems for progressing those prisoners through sentence – recently found unlawful by the court of appeal, and the subject of a highly critical recently-published inspectorate thematic report.

Fortunately, that rise has not continued into this year, in spite of continuous rises in population. This which may reflect the fact that capacity has increased, and that proper clinical support for substance misusers, which had a significant effect in Styal and other women's prisons, is being extended to male prisons through the integrated drug treatment system. Staff are also much more alert to the need to preserve life – though, as I shall say later, in busy prisons this can be at the expense of dealing with the underlying issues.

For beneath the suicide statistics are levels of self-harm that are often both gruesome and prolific – particularly among women. Women account for only 5% of the prison population, but for half the incidents of self-harm. Our recently-published report on Holloway showed that there were around two incidents a day. Women may repeatedly ligature, with potentially lethal consequences, whether intended or not. In one women's prison I visited recently, women were held in strip clothing overnight to prevent potentially lethal self-harm: but one woman simply bit herself hard enough to find a vein. Women may insert objects – biro for example – into their veins, or batteries inside themselves. These are obvious indicators of acute mental illness and almost

certainly previous abuse – but prisons, which are not therapeutic environments, cannot compulsorily medicate or adequately give the individualised care that such women need.

Nevertheless, mental health, and healthcare in general, is one aspect of prison life that has visibly improved over the last few years. It used to be the case that the service provided was inferior, both in quantity and quality, to the service outside prisons, and in a seminal report in 2000, the inspectorate recommended that prison healthcare be provided through the NHS. That is now the case. Healthcare is paid for and commissioned by primary care trusts, and there has been a significant improvement in professionalism as a result. In addition, mental health in-reach teams were sent into prisons to deal with prisoners with severe and enduring mental health problems. However, the scale and extent of the need was underestimated. Prisoners are estimated to be about 10 years above their actual age, in terms of physical well-being, and that, plus the increasingly aged population, stretches physical healthcare. The mental health issues are even more problematic. Our thematic found that mental health in-reach teams found a scale of need which they had neither foreseen nor planned for. Prisoners have complex and longstanding mental health needs, often linked to substance misuse – and those needs are themselves only part of a more complex picture of multiple disadvantage and social exclusion, which may fall through the net of community health, social care, housing and drug agencies. Four out of five mental health in-reach teams said that they were unable to respond adequately to the range of need.

The distinction between our two tests of safety and respect is a fluid one. Prison staff deal with some of the most disturbed and difficult people in society: often facing abuse, threats or physical harm. In every prison, we see staff who are managing those risks daily and with considerable humanity and understanding. However, in those surroundings, under pressure, it is easy to slip into disciplinary, rather than supportive, responses, which undermine human dignity. Failure to provide proper care for a vulnerable prisoner, or an over-ready resort to use of force may, and has, resulted in suicide. Conversely, the desire ‘officially to keep alive’ may result in less than humane treatment. It is always physically possible to prevent someone from killing themselves – in some US prisons, those threatening self-harm are put in straitjackets, and I have seen that used in extreme cases in English prisons. At a less extreme level, I have seen women whose self-harm is life-threatening and who have so-called ‘care’ plans which require them to be placed in strip clothing every night, whatever their mood or current intentions – and force being used to impose this where it is resisted. This is understandable, in the context of an over-stretched, under-trained and anxious service – but it does not deal with the underlying causes of self-harm, nor does it necessarily prevent suicide, rather than simply postponing it – ensuring that it does not happen ‘on my watch’.

The environment in our prisons is also something that can imperceptibly or obviously degrade those who live and work in them. I have inspected a prison wing where soil stacks were leaking through the walls, some windows were missing, and the cells were freezing cold. We called for the wing to be closed, and it was – for about two days, until the growing prison population crisis caused it to be repopulated. Thankfully, our report, and the sterling efforts of the prison’s independent board of visitors, led to a legal action on health and safety grounds, which, to the relief of prison managers as well as prisoners, led to its permanent closure and demolition. But I have been in other prisons where cells lack integral sanitation and prisoners are reduced to using buckets overnight, sometimes throwing the stinking results out of their cell windows. We came across one exercise yard that was unusable because of the excrement in it and another that stank of urine. Holding men in conditions like this, in the 21<sup>st</sup> century, is degrading: it sends them a clear message about the value and dignity of their, and others’, lives.

On a more mundane, but equally important level, prisons control every aspect of prisoners’ lives: their sleeping and waking, the clothes they wear, their washing and laundry arrangements. Good

prison officers and managers – and there are many – are aware of this, and of the power they have over prisoners' daily needs. However, this can slip through simple neglect or ingrained institutional practice. In one prison recently, we had physically to march the Governor to the store cupboard to prove our point that there were no clean sheets in the prison; in another young offenders' institution, we needed to point out that young men could only shower and change their underwear every week (and sometimes less often than that); and that they were forced to wear dirty and smelly orange boiler-suits when their families visited them. This was said to be required for security reasons – though the security department denied all knowledge of it (another feature of prisons is that security can often be the all-purpose excuse, rather than reason, for practices that are comfortable for staff: a kind of security blanket). This is not only about concrete and physical issues – though they are important – it is about the value that is placed on each individual human being, which will affect the approach, attitude and behaviour not only of the custodians, but of the prisoners as and when they leave prison and can exercise autonomy over themselves and power over others.

Finally, in this part of the lecture, I want to refer to issues of diversity – race, gender, disability. A prison system that is looking after 84,000 individuals in large institutions will tend to revert to a mean – and that mean is the white, able-bodied male who makes up the great majority of the prison population, and for whom most of our prisons were designed. There have, thankfully, been significant moves towards recognising that within that population there are diverse needs and groups – partly as a consequence of discrimination legislation (the positive duties under the race relations, gender and disability acts), partly as a result of preventable tragedies, such as the death of Zahid Mubarek, or the spate of suicides in women's prisons.

Overt racism is rare in prisons – though occasionally with a jolt you realise that it still happens, as does overt sexism or references to mentally ill prisoners as 'fraggles'. Still common, however, is the unconscious discrimination that comes from a workforce that is culturally different from prisoners (indeed in some parts of the country, staff may only have come across black or minority ethnic people as 'offenders'). In our prisoner surveys, the experience of black and minority ethnic prisoners, and in particular Muslim prisoners, remains significantly more negative than that of white prisoners: and in some prisons that is particularly marked. The consequences may be almost imperceptible, but nonetheless important: who gets offered the most interesting or sought after jobs, who is referred to by name (and the right name), whose gathering together in a noisy group is regarded as normal banter, and whose may be seen as threatening, or even evidence of gang or extremist behaviour. Prisons are also starting to come to terms with their responsibilities under the Disability Discrimination Act, a considerable difficulty given the age and construction of many prisons. Our two thematic reports on older prisoners (who are more likely to have disabilities) found that provision is patchy, and too often dependent on one committed and overworked officer. Recent work from the Prison Reform Trust has also highlighted the hidden issue of learning disability and difficulty, and prisons have become aware of the need to identify and deal with an issue that can lead people to prison as well as affect their treatment and well-being while there.

I have so far talked a lot about prisons, but very little directly about the prevention of offending. Our second pair of tests – purposeful activity and resettlement – begin to address this more directly. Both are areas where the prison system, certainly in intent and generally in outcome, has improved considerably over the last ten or fifteen years. Activity in prisons is important for two reasons. First, it contributes to the dynamic security of the institution and the well-being of those within it. Prisoners, particularly younger prisoners, who are fully occupied will be making relationships with each other and prison staff, and will be less likely to engage in anti-social activity. Prisoners who are not locked in their cells all day will be less likely to be locked into their own despair: in our mental health thematic, when mentally ill prisoners were asked what

helped most, the top answer was not healthcare, but was being able to talk to others, and engage in activities.

Second, and importantly, purposeful activity (and I stress purposeful) has the capacity to remedy some of the deficits that prisoners have when they enter prison. Around 70% are below the literacy and numeracy standards required for any employment – sometimes because of learning disability, but more often because they have avoided, or been avoided by, school: 86% of under-18 boys in prison have been excluded or truanted from school. Few prisoners will have been in anything like regular employment: the Social Exclusion Unit's report of 2002 found that 2/3 arrived into prison from unemployment, and 3/4 left with no job to go to. Many, particularly short-term prisoners, will have had chaotic, dysfunctional lives, with little order or purpose. Those who are parents may have little experience of good parenting. A prison that simply locks people up 23 hours a day, or herds them into workshops to count widgets for a commercial contract, is likely to reinforce these traits rather than challenge them. Prisons can encourage irresponsibility in those who are already disorganised and poorly motivated. While there, they do not have to take responsibility for themselves, their actions, their victims or their families.

So, increasingly, prisons are providing professionally-delivered education and skills training – and it is professionally inspected, by the Ofsted teams that work alongside us and expect the same standards they would of a school, FE college, or workplace learning environment outside prison. Spending on prison education and training has increased from £47 million to £122 million. 48,000 basic skills awards were gained in prison in 2005-6. This is most evident in juvenile prisons, where the Youth Justice Board contracts for 25 hours a week of education and training, as opposed to an average of 7 a week in 2002; but in all prisons these days we will find an education department, headed by a Head of Learning and Skills, contracted out to an educational provider, and funded through the local Learning and Skills Council. So far, so good. But classroom teaching is not all that is required for people who have failed in, or been failed by, formal education – nor will a level 1 basic skills certificate, however important, ensure that a previously unemployed ex-prisoner is suddenly employable and employed. Vocational training, to professional standards, is more likely to be attractive and useful to many prisoners. There is more of this than there used to be – but not nearly enough.

In local prisons, we are still likely to find far too many prisoners locked in their cells, or carrying out notional 'cleaning' jobs on wings, rather than in classrooms or workshops – at the last inspection of Leeds, we found 40% of prisoners locked in their cells during the main activity period one afternoon, and those without any work (about a third of the population) would spend over 21 hours a day in their cells. To some extent, that is understandable in a prison that is often more like a transit camp – holding people on short sentences, remanded in custody, or passing through en route to a training prison to serve a longer sentence. But even in these so-called training prisons, we too often find too many prisoners without any employment, or with little opportunity to gain skills. In my annual report, published in January this year, I noted that nearly half of so-called training prisons were not performing sufficiently well against our test of purposeful activity, and none were performing well. In surveys, only half the prisoners felt that their education would help them on release, and even fewer – 42% – that they had gained useful vocational skills. Assessments of resettlement in these prisons, which release longer-term prisoners directly into the community, were in general worse than those for hard-pressed local prisons. To some extent, this reflects the fact that training prisons are usually further from prisoners' homes, and population pressure has of course exacerbated this problem. But they also reflect the increasing size, population churn and resource constrictions on these prisons, which make up the majority of the adult male prison estate and which have usually grown hugely in size, sometimes without a commensurate increase in facilities and resources.

There are, however, some beacons of good practice. Partnerships with Transco, first in Reading YOI and later in prisons such as Wymott in Lancashire, have trained prisoners in skills that lead to immediate employment outside. Similarly, a Toyota project in Aylesbury YOI turns out fully qualified, and already employed, Toyota mechanics. At Forest Bank prison, in Salford, a joint project with the local authority means that prisoners can be trained in construction work and offered not only jobs, but homes, when they leave prison. Those are examples of the targeted and immediately redeemable qualifications that prisons need to be able to offer.

However, in spite of recent improvements, there is a chiller wind blowing through prison activity. For many years now, it has been clear that the aim, if not the actuality, in prisons was to get prisoners out of their cells more, and into more activity. This has sometimes met resistance from prison staff, for whom 'happiness was door-shaped'; but it has also been one of the key factors changing culture in prisons, inspiring staff to see their role as more than simply turnkeys, but as key workers interacting with prisoners, challenging them and encouraging change. However, the first major casualty of the budget cuts (aka 'efficiency savings') in prisons has been a reduction in the 'core day': essentially the space within which activities can take place. From June this year, in general there has been no purposeful activity on prisons on Friday afternoons (and of course none on Saturday and Sunday either). This has consequences for order and control (it is already well-known that most assaults in prison happen on Monday mornings after prisoners have been cooped up most of the weekend), for the slowly-nurtured culture and confidence of prison staff, and of course for actual delivery.

And this of course links into resettlement – a word that prisons did not even regularly use when I first became Chief Inspector, but which is now accepted as a core part of their role: following reports both by the prisons and probation inspectorates and also the social exclusion unit. It is indeed the founding principle of the National Offender Management Service, incorporating both prisons and probation, which is meant to ensure end to end management of offenders through sentence in prison and/or the community. As a consequence, there is an offender management model, which applies to some prisoners – those who are high risk or persistent and prolific offenders, and those sentenced to indeterminate sentences for public protection. Under this model, an offender manager (a probation officer based in the community) will develop a sentence plan, based on the individual's needs and risks, and will oversee that and review it during sentence. Meanwhile, in prisons, an offender supervisor (a prison officer or prison-based probation officer) will ensure the day-to-day implementation and review of the parts of the plan to be undertaken in prison.

As a model, it is hard to fault. As a practical proposition in an overcrowded prison system and an overstretched probation service, it is equally hard to achieve. It is difficult to ensure that a prisoner is in a prison, or can move to a prison, to carry out the interventions determined in the sentence plan: in practice that the plan may be tailored to what is available, rather than what is most needed. Some key interventions are in any case not available: there is far too little alcohol treatment or domestic violence work, and effectively no sex offender treatment programmes for under-18s. Added to that is that most prisoners, particularly those serving longer sentences and within the scope of offender management, are likely to be held long distances from home, and therefore from the responsible offender manager. This is less of a problem in the north-east and north-west, which at least have a spread of different kinds of prison through which prisoners can progress to lower security, higher training environments – though when the system is really under pressure, even that cannot happen. But London has no training prisons for men or young adults, and exports its prisoners to East Anglia, Kent and the Isle of Wight. The London probation service is responsible for supervising one in five of those under probation supervision, and its workload is scattered among dozens of different criminal justice areas.

In spite of this, there have been some marked improvements in end to end joint working between prisons and probation in some areas. But even where the model can work effectively, it is by no means enough. Only a minority of prisoners are within it: those serving short sentences, those serving life sentences, those not considered high risk or PPO are all outside. Short-sentenced and remanded prisoners do not even have sentence plans, and are not even supervised by probation at all once they leave. But all prisoners have basic needs and support requirements once they leave – and the shorter the sentence, the earlier these need to be addressed. In relation to most short-term prisoners, we are not dealing with people who have been settled, or habilitated at all – but who will emerge from prison, perhaps with increased hopes and expectations, but also with increased problems. They include the need to find accommodation and employment, to deal with financial and debt issues, to repair or construct positive pro-social relationships with families and friends, to continue drug treatment or education. These may not all obviously link to offending behaviour – but prisoners are people as well as offenders, and it is well documented that those who gain secure employment are far less likely to reoffend; while, by contrast, those without homes, jobs and families are almost certain to do so.

There are particularly acute problems for women in prison. Two-thirds of them will have been living with their children before imprisonment. However, only 5% of children will remain in their home after their mother's imprisonment; a third of women will lose their homes and 80% their partner. Unlike most men in prison, most women have no-one to keep the home fires burning while they are away. As one woman in Askham Grange said to Baroness Corston's review: 'The reason why men are more relaxed in prison is that men always have females, whether it is their mother, sister, aunt or girlfriend, to take care of their needs'. In general, links with families, and the acquisition of parenting skills, are seriously underdeveloped in both women's and men's prisons, in spite of the clear generational effect of imprisonment.

These needs are now better recognised, through seven 'resettlement pathways' and the importation into prisons of organisations that can assist in bridging the gap between prison and the community – usually voluntary or statutory organisations working outside prison as well as within. Some prisons attempt, without any dedicated resources, to carry out custody planning for short-term and remanded prisoners, to ensure that it is not only the most assertive, or knowledgeable, who access the plethora of services and opportunities there may be in and around the prison. At its best, this can create or reinforce essential links, and involve genuine partnership between prisons and voluntary or statutory sector organisations. We have seen some pioneering work in all areas of the country. It would be invidious to name names, but it would also be dangerous – as I have previously found, it may be rather like a celebrity couple appearing in 'Hello' magazine. For many of these good and innovative projects are fragile pilot schemes that sink beneath the waves of short-term funding, changing priorities or institutional neglect. Conversely, some of what we see is at worst merely a tick-box operation to meet targets, or a series of assessments and promises that make no material difference and simply reinforce prisoners' negative views about themselves and society. But that is not to ignore the significant sea-change that has happened in the thinking behind our prison system, or the islands of good practice and committed work that we see in inspections.

I have described the prisons we have, and the prisons we need. It is quite clear that overcrowding and population pressure define the prisons we actually have and prevent them being the prisons we need. In every one of the areas I have described, we know how to make prisons better and more effective. There is no shortage of ideas, criteria and indeed dedicated staff – and there have been significant improvements in the prison system overall and in some individual prisons. I have already referred to the 70% of recommendations achieved. Were that not the case, the inspectorate might as well hang up its collective hat and go home. But all of

those are reeling under the need simply to keep the show on the road. It is more plate-spinning than creative ceramics. As I said in my last annual report:

‘Our prison system is at a crossroads. There is a real risk that we will move towards large-scale penal containment, spending more to accomplish less, losing hard-won gains and stifling innovation.’

The risk is that in order to house the burgeoning prison population, we have more, but worse, prisons. I have already spoken of the consequences of the core day; and no one knows what ‘efficiency savings’ will do to next year’s outcomes for prisoners. On the horizon loom the Titans – 2,500-bed multi-jails, flying in the face of what we know works best: small units, close to home. A similar prison was built near Paris in the 1980s, and the experiment has never been repeated, because it did not work. All the evidence in our reports is that small prisons perform better, against each of our tests, than large ones. Size, and the relationships that come with it, can at least mitigate some of the effects of pressure and overcrowding; at best they can provide a climate that encourages and allows the individual response that is at the root of change. And Baroness Corston’s perceptive report on women in prison – proposing both a significant reduction in the number of women imprisoned and a profound change in the institutions in which they are held, to create small, locally focused, more permeable units – is noticeably less imminently part of the Ministry of Justice’s planning than the Titans.

For preventing reoffending is not simply a mechanistic process, a kind of chemical formula. Take one offender; dissolve in the deterrent and punitive effect of prison; add a cognitive behaviour programme allied to criminogenic need; mix in an interview at the jobcentre and a short-term tenancy in a hard to let flat; sprinkle very occasionally with a formal visit from spouse and children and the occasional ten-minute and expensive phone call; pour back into the community, ideally with an appointment to see a probation officer. In practice, this is less like a straight-line formula or equation and more like one of those drawings by Escher where people climb around and around an endless staircase, getting nowhere – and never getting out of the system. That does not mean that we should do nothing – but it does suggest strongly that we should do differently.

To answer that question, we need to step a long way back from prisons, for if we stand too close – as those of us involved in prison are likely to do – we will lose any perspective. In an Edinburgh study on juvenile offending, among the key findings on desistance among young people was ‘bonds with teachers and parents, and parents’ involvement with school’: in other words, other people. In another article, Shadd Muruna, who has done some notable work on desistance, suggested, not entirely tongue in cheek, that the best desistance is wheelchairs: shorthand for the kinds of project where prisoners, often for the first time, do something for others (such as repairing wheelchairs for developing countries) – thus engaging a sense of responsibility and ‘good works’ and leading to what he has called in other studies a new narrative of their lives, in which they construct themselves as someone different. For that reason, the effect of peer support schemes in prison – Listeners who support suicidal prisoners, the Toe-by-Toe scheme to teach literacy, the training of prisoners to offer housing and other advice - is a double hit: like mercy, it blesses those who give and those who take. Prisons are places that inherently discourage responsibility; these schemes can provide and encourage it.

The previous deputy chief inspector of prisons, a man with long experience of custodial institutions from borstals onwards, taught me and the inspectorate a great deal. One of those things was: ‘Prison is never a neutral experience, and unless you work very hard at it, it will be a negative one’. That is true both inside and outside. You go into prison a person; you come out an ‘ex-prisoner’ a ‘lag’, a ‘con’. That takes some living down, or alternatively of course you can live up (or down) to it.

Those perceptions lead me to two thoughts. The first relates to our healthy prison model. I want to hold on to all the parts of that as essentials. In the focus on 'reducing reoffending', offender management, reducing risk of harm and so on, there is a real risk that the 'soft' areas, the moral and emotional performance of these highly concentrated, sectioned off, corners of humanity will be lost. I hope and believe that safe prisons, that respect human dignity, provide a purposeful existence and try to forge links with the outside, are more likely to have a positive effect on those within them, and ultimately on the rest of us. But even if it were not so, our prisons should be safe, respectful and proactive places. Once we regard those fundamentals as merely instrumental, they become negotiable, not least in a political and social environment which seeks quick fixes, instant value for money, and which has a tendency to dig things up to see if they are growing. They can also become negotiable for individuals: I was astonished, in a response to our inspection criteria, to receive back a comment from someone in NOMS that we should not expect family contact, or even activity, for all prisoners, but 'only if it is in their sentence plan'. This ignores not only individual needs, but the fundamentals of dynamic security in closed environments. One of the differences between prison and probation work is that prison staff need to manage a community of individuals safely; whereas probation work involves safely managing individuals in the community. Constructing prisons solely around individual targets to reduce reoffending can therefore be a dangerous fallacy.

Secondly, running through a healthy prison are personal relationships: positive or negative ones. There has been a lot of professionalisation of work done in prisons. You cannot argue with the need, and the benefits, of properly delivered healthcare; or teaching and training that meets the standards we expect outside prison; or the work of experienced drug workers, psychologists and probation officers; or social workers and advocates in juvenile prisons. But there is a real risk that this will be at the expense of the role of the residential staff – who are the primary carers of mentally ill prisoners, the reinforcers of pro-social modelling, the proto-parents, mentors and peer models who either encourage or discourage engagement in activities or planning for the future.

Most prisons aim to have personal officer or keyworker schemes – giving officers responsibility for named prisoners. But inspections find that effective schemes are as rare as hen's teeth. They are not prioritised, staff are not trained and supported in the role, nor are they given dedicated time for it. Indeed, the training of our prison staff (or the lack of it) is nothing short of scandalous. There is no other country in western Europe that decants men and women, after six weeks' basic training, to deal with some of the most damaged and challenging people in our society – and then provides mandatory on-the-job training only in the methods of control and restraint. And these are the staff who are supposed to fire prisoners up with the importance of and the need for training. I have seen some amazing examples of instinctive personal caring in prisons. But for each one of those, each prisoner could point to other examples, and I fear more of them, where staff were overwhelmed by the scale of the task, were simply turning up hoping nothing would go wrong, or were taking out their frustrations on the prisoners who they see recycling through the system. The difference, for officers as for prisoners, comes when there is a breakthrough, when they can be involved in some scheme which actually makes a difference; though, just like prisoners, if the system as a whole does not seem to value this enough to make it mainstream and permanent, prison staff will be even more disillusioned and reluctant to commit to new things next time.

So, small, personalised, relationship-rich prisons.

But we need to dig deeper even than that. I have seen four prisons constructed on this model. They are the small units for young women under 18 that the Youth Justice Board has set up

adjacent to four women's prisons – one of them New Hall, near Wakefield. They hold no more than 20 young women, some less. They are well-staffed, with a multi-disciplinary staff group – uniformed officers, healthcare professionals, social workers, drugs workers – working together and with each individual young woman. These are difficult and challenging young people, with long histories of crime and anti-social behaviour, previous abuse and mental illness. Many have learnt to trust no-one but themselves. Three things stand out about these units. First, they are costly: costing on average £120,000 a year per place. Second, they offer the holistic individualised care that I have mentioned. For the young women, they are sometimes the safest places they have known. For the staff, some of whom resisted going to work there, they are the most rewarding environments they have worked in. But finally, they hold the young women for only a maximum of a year – between their 17<sup>th</sup> and 18<sup>th</sup> birthdays. By the time they are 18, they will either have returned to the community – usually to the same problematic environments they came from – or they will have gone into the much less well-resourced adult women's estate.

Those units stand as an example of what prisons can do and be like. But they also stand as a pointer to why, no matter how much we invest in our prisons, they are not the answer to preventing or reducing offending. By the time those young women arrive at New Hall or the other three units, they have already accumulated a lifetime's experience of exclusion, abuse, violence and problematic behaviour. As the Scottish study has found, it is early intervention that is needed: children who come into contact with the Children's Hearing system (which deals both with welfare and offending) are three times as likely to offend - 'youngsters most likely to be convicted are amongst the most vulnerable children known to the children's hearings system, with many personal, family and school related problems.' For those children, and for many adults I see in our prisons – the mentally ill, those with ingrained and complex substance use problems, the school excluded, the learning disabled – what is needed is not more prisons in which to stack the contents of society's 'too difficult' tray, but much more focused intervention early on, before the chronic becomes acute, and the occasional becomes routine.

We also need more enlightened alternatives to prison. The Corston report deals only with women, but men in prison are people too – they can be equally vulnerable, needy and intimidated. Smaller prisons would certainly help. But so would some form of intermediate estate, with more structure than a community punishment can provide – for example, somewhere to live, someone to provide support and a structured day, and to assist in the process of social inclusion and behaviour management. Hostel accommodation has rightly had a bad name (and now exists in practice only for high risk offenders), as did the old asylums: but there are self-evidently people who need asylum, in its proper sense, and supported living, at least for a time – like the young man with severe autism I met in one prison, who lived in a skip, and when released from prison in December threw a brick through his solicitor's window in order to have somewhere warm to live in the winter.

Finally, we need much more structured support for those who leave prison, and who struggle to make the real world fit the hopes and ambitions they may have had in prison. In one of the girls' units I mentioned, the young women were sitting around chatting about the future. One was really enthusiastic about the hairdressing work she had done there, and the fact that she was going to continue it outside. But every adult there knew that she would not be able to – the course she wanted to go on was over-subscribed, she was still under-qualified, and she would be leaving prison at the wrong time anyway. Without the kind of individualised support and encouragement she had had in the unit, it is all too easy to see what would happen to her: precisely because of their background, prisoners have little resilience. Contrast this with the Transco scheme, where young men walk straight into a well-paid job, for which they have already been trained – but even here, they are likely to need personal and social support, if that is not already there. At a recent reception for the Trailblazers project, which provides mentors for

young men in transition from prison to the community, a young man spoke very movingly of the frustrations of the inevitable knock-backs as he tried to engage for the first time with bureaucracy and employment, and the importance of having someone who could both guide him and deal with his frustrations. There are some extremely effective mentoring schemes, and some forward-looking housing developments – but, compared to the resources we pile into prisons, they are under-resourced and often dependent on a few committed volunteers, dealing with some extremely problematic individuals.

For in the end we prevent offending in society, not in and through prisons. Too often criminal justice is the route through which troubled and troublesome individuals access the services and support they need. They are not meant to be places where we educate our children, look after our mentally ill, or treat our addictions. Nor should they be needed as respite care for outside agencies' most difficult, demanding and expensive clients. Designating so much – and increasing amounts – of public money to prisons is almost certainly at the expense of not-prison. Prisons sometimes redeem (or rather individuals within them do so) – but more often they recycle, however positive an environment we and those in the service try to create. The price of making prisons healthy, or healthier, is that we may feel more comfortable about people being there; the danger is that this will not 'work' and, in a time of increased economic stringency, we will get more, but worse, prisons – with huge damage not only to those in them, but to the society from which they come and to which they will return.

So, my final points are:

- Prisons need to be healthy places – offering holistic approach, support, encouragement, and long-term incarceration for the serious and dangerous
- They have shown that they can be places which offer opportunities to those wanting not to reoffend; but alternatively they can be, or become, places which wreck any chances and reinforce exclusion
- Preventing offending is a task for the whole of society – starts long before prison, and lasts long after; prisons can and must be part of the answer, but they are not the solution.

# **‘Street Policing of Problem Drug Users’**

**Stuart Lister, Emma Wincup and Toby Seddon**

## **Introduction**

Street policing involves policing personnel having frequent contact with problem drug users. Although many in this group are considered to be prolific offenders, little is known about the nature, processes and outcomes of their routine interactions with police. This study of street policing of problem drug users is an attempt to fill this gap.

## **Key points**

- Street policing involved personnel from public and private agencies but problem drug users associated the coercive use of authority with police officers.
- Policing encounters with problem drug users aimed to manage a ‘risky’ population and were seldom initiated in response to a specific crime. Consequently, problem drug users often experienced policing attention as hassle which they felt was unjust and intrusive.
- Encounters between public police and problem drug users rarely involved formal use of police powers. Rather, they usually involved running name checks, enquiring about their presence and behaviour and moving them elsewhere.
- Police officers said the value of these encounters was not only in the information about people and places gained – they also communicated to problem drug users that their everyday activities were being routinely monitored.
- Welfare-oriented activities (for example, referrals to drug treatment services) were not a core part of routine encounters between problem drug users and police officers.
- Police officers said discretion would be used if they found evidence of Class A drug use (such as needles) while searching someone, but actual possession would usually result in arrest. The outcome of arrests, whether ‘no further action’, caution or charge, varied between and within the three research sites.
- Regular low-level uses of police authority, such as name checks, had a compounding effect on problem drug users, sometimes fostering antagonism and resentment.
- Street policing was perceived by problem drug users to be an ‘occupational hazard’. While they used many strategies to minimise the threat of unwanted policing attention, it was not a deterrent to involvement in drugs and/or crime.
- To avoid contact with police, problem drug users sometimes went ‘underground’ or moved to different areas, making it difficult for support agencies to contact them and offer help.

## **Background**

*Tackling Drugs to Build a Better Britain*, a ten-year strategy published in 1998, focused strongly on tackling drug-related crime. The police were expected to become a key player, combining the curbing of drugs supply with the potentially contradictory role of channelling drug-using offenders into treatment. The strategy provided little direction in terms of the street policing of problem drug users. Instead, this was shaped by wider developments in the organisation and delivery of policing. Prioritising ‘volume crime’, the removal of institutional targets for drug offences and the greater emphasis on reassurance-based street patrols have diluted the extent to which problem drug use is the focus of law enforcement agendas.

Since 1998, a series of policy and legislative developments have informed the street policing of problem drug users:

- The *Updated Drug Strategy 2002* included a tougher focus on Class A drugs and expanded opportunities in the criminal justice process for drug-using offenders to access treatment.

- The *Drug Interventions Programme* (2003) aimed to get drug-misusing offenders out of crime and into treatment and other support.
- In 2004, an amendment to *The Misuse of Drugs Act 1971* reclassified cannabis as a Class C drug (from Class B), potentially allowing the police to prioritise action on Class A drugs.
- The *Prolific and Other Priority Offender Programme*, established in 2004 as a multi-agency initiative, focused on the 0.5 per cent of offenders responsible for committing 10 per cent of offences. In 2007, it was aligned more closely with the Drug Interventions Programme.
- The *Anti-Social Behaviour Strategy* (2002) led to new policies and powers designed to help police and community safety partners tackle low-level crime and disorder.
- *The Police Reform Act 2002* introduced police community support officers to address public demands for a greater, more visible police presence on the streets.
- *The Neighbourhood Policing Programme*, rolled out nationally in 2005-6, established the institutional arrangements for a more community-focused and 'customer-responsive' method of delivering policing.

### **Organisation of street policing**

Across the three research sites, street policing of problem drug users took a variety of forms and involved the police working alongside personnel employed by other statutory and private sector organisations. On city centre public streets, the police received information about problem drug users from CCTV operators and municipal wardens. On quasi-private streets within shopping centres and retail parks, private security guards took the lead role in policing.

Police officers rarely specialised in the policing of problem drug users, although some focused on particular groups (for example, beggars, rough sleepers and prolific offenders) which brought frequent contact with them. More typically, police officers encountered problem drug users whilst conducting generic policing activities, such as patrolling neighbourhoods, undertaking routine enquiries and responding to calls for assistance.

### **Managing problem drug users**

Street encounters between problem drug users and police personnel were often unplanned and did not involve formal use of police powers. Police, especially those engaged in neighbourhood policing, often approached problem drug users but not in response to a specific crime. Instead, they made judgements about which individuals to approach on the basis of their knowledge about past behaviour and judgements of their current behaviour, circumstances and appearance.

These encounters aimed to show problem drug users they were being monitored in the hope it would encourage them to regulate their future behaviour to escape further police attention. The location of problem drug users was influential, whether in an area thought to be a 'hotspot' for drugs or an area police wanted to keep free from drugs. Police officers also said they used these encounters to obtain information, such as where to find someone with an outstanding warrant for their arrest or the name of an individual wanted for a crime.

In some instances, formal use of police powers was necessary, sometimes following checks with CCTV and police control rooms and most commonly included:

- stop and account;
- stop and search; and
- exclusionary strategies to displace problem drug users.

Arrests were rare. Police officers in all three sites said the usual response to an individual found in possession of Class A drugs was to arrest, but the outcome of these arrests was inconsistent within and between the research sites. If evidence of drug use (i.e. paraphernalia) but not drugs was found, discretion was used about whether to arrest. Arresting a problem drug user allowed them to access drug treatment, if they met certain criteria which suggested that their offence was drug-related. Indeed, police officers sometimes justified their decisions to arrest on this basis. In

contrast, if police used their discretion and issued a Penalty Notice for Disorder, drug users would not be provided with such support.

### **Problem drug users' experiences of policing**

Problem drug users' experiences of street policing varied in accordance with the breadth of policing duties undertaken on the streets. Mostly their experiences were as the recipients of unwanted policing attention, whether overt or covert surveillance, informal cursory questions about their circumstances or actions, or the formal use of police powers. As a consequence, interactions between problem drug users and police were often adversarial.

Within these encounters, the way authority was dispensed greatly influenced their experience of being policed. Many problem drug users felt police tended to define them in terms of their drug use and criminal behaviour. This labelling process often had a demoralising effect on those subjected to it. Former problem drug users who were abstaining or undergoing treatment programmes often continued receiving regular policing attention because policing profiles were constructed from information and knowledge of past behaviours. Potentially, this can impede a drug user's attempts to establish an identity unrelated to drug use and offending and to reintegrate themselves into mainstream society.

The subjective experience of being policed was also affected by the amount of attention received. Some individuals were systematically targeted as they went about their routine business; others had only intermittent and fairly superficial dealings with police. Those who regularly received coercive forms of policing described their experience as 'hassle', suggesting that the regular use of authority can have a compounding effect so that even minimal policing actions can give rise to friction and resentment. As many of these encounters were preventative in nature and so unrelated to a specific crime incident, they were often seen to be unwarranted.

### **The implications of street policing**

Street policing attention was widely viewed by problem drug users as an 'occupational hazard' to be managed rather than as an effective deterrent to involvement in drugs and/or crime. For example, experiencing arrest and detention was thought to 'come with the territory'. For problem drug users, managing the threat of drug withdrawal largely outweighed concerns about attracting policing attention and criminal justice sanctions.

In order to reduce the threat posed by forms of street policing, problem drug users tried to manage relations with police. This led most to limit their contact with them by avoiding certain times and places they associated with high levels of policing and surveillance, using drugs in secluded places shortly after purchasing them and concealing drugs on their person or in their body.

Some problem drug users sought to manage policing and other criminal justice interventions by moving to a different police force area. In so doing, they risked severing relationships with locally-tied treatment agencies and other support structures. The same outcomes sometimes arose from policing strategies which deliberately 'pushed' problem drug users out of one area and into another. For example, a street outreach worker employed by the local council at one site suggested that policing activity focused on begging and rough sleeping had led many of his regular clients 'to go missing'.

The desire of many problem drug users to minimise their contact with police had two important consequences. Firstly, it reduced the extent to which problem drug users passed crime-related information to police. Secondly, it made it less likely that they would report offences to police,

either as victims or witnesses of crime. This has implications for police and problem drug users, not least because the latter are a highly victimised group.

### **Conclusions and policy implications**

The street policing of problem drug users, while typically not the focus of specialist activity, nevertheless is an important strand in a range of generic policing work stretching across the extended policing family. It is, in other words, a *mainstream* policing issue.

Policing of problem drug users in the study focused mainly on managing the 'problem' without formal use of police powers. Operating in a preventative manner, it was problem drug users rather than drug offences which were the main focus of street policing. The way this 'risky' population was managed by policing personnel had implications for policing and support agencies as well as for problem drug users.

For some problem drug users, street encounters with policing personnel were frequent. Whilst this could be a source of friction and antagonism, the regularity of this contact could be used constructively for more than the purposes of regulation and control. But for a few exceptions, this potential appeared to be under-utilised in the research sites. Possibilities include police providing telephone numbers or referrals to agencies offering support and advice. In addition to drugs, these interactions could cover benefits, housing and employment.

Displacement and exclusion were central to policing strategies towards problem drug users. If police officers judged it inappropriate to make formal use of their powers, there were limited options available to them. Moving problem drug users elsewhere in a piecemeal manner is unlikely to address their problems. It is also likely to have repercussions for residents and policing and support agencies in the area drug users are moved into. Consideration should therefore be given to planning where drug users might go when moved on or excluded. A multi-agency approach to managed displacement should be considered to provide strategic oversight and coordination of effort.

Community-based drug treatment agencies are a place where police can readily locate problem drug users. Although this type of targeted street policing activity was not a common feature in the research sites, any visible policing activity within the vicinity of drug agencies risks eroding the trust of users who view those services as 'safe spaces'. The relationship between policing agencies and treatment agencies needs to be carefully and actively managed. At one research site, a protocol was established between the police and drug agencies and this may provide a model of good practice. A further example of the need to manage the relationship between the police and drug agencies relates to police officers finding individuals in possession of drug paraphernalia. Sometimes this would be confiscated and at other times drug users would be allowed to keep it. These inconsistent police responses led some drug users to avoid carrying paraphernalia. Further guidance could help to ensure police practices do not undermine the harm reduction efforts of drug services.

The recent growth of summary forms of justice has given policing personnel new powers to issue 'street fines' for a range of low-level offences. Penalty Notices for Disorder in particular have potential implications for problem drug users. Individuals who receive these disposals circumvent the processes of arrest and charge which can trigger involvement in treatment interventions. Therefore, any expansion in the use of these fines, whether planned or otherwise, should be monitored in light of their potential to undermine the significant investment in treatment tied to criminal justice processes.

**About the project**

The study was conducted over an 18-month period in three police force areas in England and Wales and focused on one division in each. The main sources of data were interviews with 42 police officers and 62 problem drug users and over 100 hours of observation accompanying policing personnel in street contexts. The experiences of other policing personnel (for example, street wardens and security guards) were obtained through a small number of focus groups and interviews. In addition, researchers interviewed professionals working in a range of organisations, including drug agencies and local councils, who had frequent contact with problem drug users. Key contributors to policy and practice debates were also interviewed. Fieldwork data was supplemented by administrative data supplied by the three police forces.

The full report, *The Street Policing of Problem Drug Users*, by Stuart Lister, Toby Seddon, Emma Wincup, Sam Barrett and Peter Traynor can be downloaded free of charge from <http://www.jrf.org.uk/knowledge/findings/socialpolicy/2161.asp>

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## **‘Any Advance on 42 days?’**

**Clive Walker**

Debates around the Counter-Terrorism Bill 2007-08 were heavily concentrated on whether the period of police pre-charge detention should extend from 28 days to 42 days. The battle was eventually lost when the House of Lords rejected the proposal at Report Stage in October 2008. With Parliamentary time running out for the passage of the Bill as a whole, the government decided to jettison this point of deep contention. But was it ever likely that there would be new justifications sufficient to convince Parliament to depart from the compromise on 28 days (down from 90 days) which had been agreed as recently as the debates on what became the Terrorism Act 2006, section 23? The arguments of the government were as follows.

First, a claim was made of a ‘duty to intervene early, to protect the public, at a point when much work remains to be done to put together a case for suspects to be charged’.<sup>1</sup> The anticipatory nature of many anti-terrorism measures is evident and is justified by the consequences of a failure to intercept even one per cent of mass murder attacks which are characteristic al-Qa’ida tactics.<sup>2</sup> However, the claim ignores that the law already grants extraordinary powers. The power to arrest under section 41 of the Terrorism Act 2000 for ‘terrorism’ and without proof of a specific offence and without giving specific reasons is an extraordinary departure from normal standards observed by police powers. The granting of a period of detention beyond four day detention under Part IV of the Police and Criminal Evidence Act 1984 is likewise an extraordinary incursion. Of course, one could go further and further still, which has been the direction of travel in 2003 (up from 7 days to 14 days)<sup>3</sup> and again in 2006. But these longer periods can begin to be counter-productive, leaving aside their dubious legality under articles 5(1) and (2) of the European Convention.<sup>4</sup> The ongoing campaign against terrorism requires the cooperation of the public in general and minority communities in particular. The very goal of the government’s ‘CONTEST’ strategy is ‘to reduce the risk from international terrorism, so that people can go about their daily lives freely and with confidence’.<sup>5</sup> Freedom cannot be delivered by legislation which substantially diminishes civil, political, economic or social life. Confidence cannot be secured if people are fearful of the arbitrary and ineffective impact of security measures.

The next factor cited in favour of 42 days was that terrorism is now qualitatively different.<sup>6</sup> But that perception depends on one’s time frame. Cases may be qualitatively different from when the Provisional IRA was the main threat. But how are cases qualitatively different from in 2003 or 2006. Most cases cited in the Home Office brief even pre-date those debates. The detention period beyond 14 days had not in fact been utilised in the 12 months before the 2008 debate. Thus, there is a claim of a shift of quality in time without evidence as to the time frame in mind or the precise changes of importance which necessitate extra powers. The same argument applies to the argument about factors producing complexity.<sup>7</sup> How are these factors qualitatively different to the prevailing situation in 2003 or 2006, given that the same cases were previously in the minds of the legislators?

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<sup>1</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) p.2.

<sup>2</sup> See Suskind, R., *The One Per Cent Solution* (Simon & Schuster, New York, 2007).

<sup>3</sup> Criminal Justice Act 2003 s.306.

<sup>4</sup> See Joint Committee on Human Rights, *Counter-Terrorism Policy and Human Rights (Thirteenth Report): Counter-Terrorism Bill (2007-08 HL 172/ HC 1077)*.

<sup>5</sup> Home Office, *Countering International Terrorism* (Cm 6888, 2006) para.5.

<sup>6</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) p.2.

<sup>7</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) p.3.

A further argument in favour of a longer period and based upon the sequencing of investigations is also spurious.<sup>8</sup> Surely if more resources can speed up each stage of the investigation, it does not matter that there are several stages. The remedy is to apply more resources to all stages. In this connection, it would significantly speed up pre-charge investigations if more defence legal resources were to be provided, since a major delay factor is the unavailability of defence lawyers or the time they take to complete their inquiries either with clients or otherwise. Their availability has always represented a drag on the detention clock. It is therefore highly counter-productive that changes in legal aid funding arrangements are now decimating the number of available solicitors in criminal practice.

Next a claim is made at several points that 'the Parliamentary decision to increase pre charge detention limits from 14 to 28 days has been justified. We have been able to bring forward prosecutions that otherwise would not have been possible.'<sup>9</sup> Equally, it is said that the change in 2006 'has enabled suspects to be charged who may otherwise have had to be released.'<sup>10</sup> These assertions are troubling. In so far as there is a claim that the increased period is justifiable because it has been actually used, that is a weak claim which deserves much deeper examination on the facts.<sup>11</sup> So, the second leg of the argument is much more persuasive, if true. But where is the evidence? The evidence seems to consist once again mainly in the amount of evidence which has been generated by the grave and complex attacks such as on 21 July 2005,<sup>12</sup> or in the case of Dhiren Barot,<sup>13</sup> or in the 2006 airline plot.<sup>14</sup> But the generation of a large amount of evidence is not the same issue as whether within 14 days there is sufficient evidence for a prosecution to succeed on the basis of some serious charges. On the one hand, the fact that there is a surfeit of evidence is to be expected in complex cases. On the other hand, there was no deficit of evidence to sustain charges in all three cases. The airline plot case did result in acquittals on some of the most serious charges – does that show more time was needed? The problem raised at the time was the early intervention being precipitated by the arrest of Rashid Rauf in Pakistan.<sup>15</sup> Any amount of extra time in detention could not make up for covert surveillance and evidence-gathering pre-arrest.

Next comes the assertion that something more by way of incriminating evidence may turn up if more time were to be given.<sup>16</sup> Of course, it is always possible that some evidence will emerge at a later date, but on that argument, police detention should be unlimited, and liberty should be abolished. Likewise unacceptable on grounds of constitutionality is the test given in the Pre-Charge Detention Paper that:

'The principle by which the limit should be determined remains the same: the need to balance the right to individual liberty against the risk to national security. In particular, against the risk that police will have to release individuals suspected of committing a terrorist offence, who might then be free to commit a terrorist offence in the future, because the police were unable to charge them within the time limit.'<sup>17</sup>

This is neither a fair nor proportionate test. Rather than the foregoing test, the real questions are as follows. First, has any person released without charge after prolonged detention after 2003

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<sup>8</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) p.3.

<sup>9</sup> Home Office, *Possible Measures for Inclusion in a Counter Terrorism Bill* (London, 2007) para.12.

<sup>10</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) p.5.

<sup>11</sup> *Report of the Joint Committee on Human Rights, Terrorism Policy and Human Rights* (2006-07 HL 157, HC 394), para. 32.

<sup>12</sup> See *R v Ibrahim and others* [2008] EWCA Crim 880.

<sup>13</sup> See *R v Barot* [2007] EWCA Crim 1119.

<sup>14</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) p.5.

<sup>15</sup> Campbell, D., 'The fugitive: Arrest in Pakistan that made police close in on main suspects' *The Guardian* 10 September 2008 p.11.

<sup>16</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) pp.6, 7.

<sup>17</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) p.8.

been found to have committed later terrorist offences? No such case is cited or reported. Second, where the police believe that the person is really guilty but have not been able to prove it to a criminal standard, are they able to resort to alternative mechanisms in order to manage the continuing risk? There has been at least one case. Rauf Abdullah Mohammad, a mini-cab driver of Iraqi origin, was charged under the Terrorism Act 2000, section 57, with making a video which might be useful to terrorists.<sup>18</sup> The jury returned a not-guilty verdict, but he was immediately subjected to a control order or 'conviction lite', according to one commentator.<sup>19</sup>

The government next called in aid support for the change by senior police officers.<sup>20</sup> However, the police had their fingers burnt over support for 90 days and were rather more circumspect over 42 days, so some police organisations stated explicitly that they do not seek an extension.<sup>21</sup> The DPP was firmly critical of the change, and his opposition was a very persuasive factor in the debates.<sup>22</sup> There is no growing consensus for an extension of the period, and the force of police support present in 2005 was diminished. The government sometimes relied upon the evidence of longer periods of investigation in other countries, especially in France and Spain. But the useful survey published by the Foreign and Commonwealth Office<sup>23</sup> reveals that no other country allows three month detentions for the purposes of interrogation by the police and in pursuance of an investigation under police control. Even Sri Lanka<sup>24</sup> and Zimbabwe<sup>25</sup> maintain shorter police detention periods than 42 days.

It is accepted that a period of 28 days may not represent the end of an investigation in any given case or indeed the end of the amendment to charges on an indictment. Therefore, there might be some profit in reviewing the laws relating to the amendment of indictments. It would also be helpful to consider how control orders might be used to facilitate a form of further examination period. Other measures to be considered are the use of intercept evidence. The government has accepted, pursuant to the Chilcott Report,<sup>26</sup> that it should be introduced but then denies its efficacy, flying in the face of its impact in terrorism trials elsewhere.<sup>27</sup> Post-charge questioning is also set to be added to the official armoury, though according to designs which themselves damage fair process.<sup>28</sup>

In summary, the debate over 42 days appears to have been concocted without any firm evidence of changing circumstances or heavy lobbying by the police. Perhaps it was designed to trip up opposition politicians into being seen as soft on terrorism. Perhaps it was designed to deflect attention from other shoddy parts of the Counter-Terrorism Bill. It did not succeed in either task. In keeping with the sorry episode was the petulant parting shot of the Home Secretary, who, on conceding defeat in Parliament, tabled another draft Bill to enable 42 day detentions, threatening its use should an emergency arise.<sup>29</sup> Another emergency will certainly arise, but that draft Bill is most unlikely to be a solution to it.

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<sup>18</sup> See Dominic Kennedy, 'Film of High-Profile Targets Was Made as a Joke, Trial Told', *Times*, Aug. 23, 2006 p.23.

<sup>19</sup> See Dominic Kennedy *et al.*, 'Restriction Order on Cab Driver Cleared in Terror Case', *Times* Aug. 30, 2006 p.4 (quoting Gareth Crossman, Liberty).

<sup>20</sup> Home Office, *Options for Pre-Charge Detention in Terrorist Cases* (London, 2007) p.8.

<sup>21</sup> *Report of the Joint Committee on Human Rights, Terrorism Policy and Human Rights* (2006-07 HL 157, HC 394) para. 22.

<sup>22</sup> See House of Commons Public Bill Committee on the Counter-Terrorism Bill, 22 April 2008.

<sup>23</sup> Counter-terrorism legislation and practice: a survey of selected countries (London, 2005).

<sup>24</sup> Prevention of Terrorism (Temporary Provisions) Act 1979 s.7.

<sup>25</sup> Criminal Procedure and Evidence (Amendment) Act 2004.

<sup>26</sup> Privy Council Review of intercept as evidence: report to the Prime Minister and the Home Secretary (Cm.7324, London, 2008).

<sup>27</sup> See the case of Abdul Nacer Benbrika and others: Kissane, K., 'Bombing on scale of Madrid planned' *Sydney Morning Herald* 16 September 2008 p.6

<sup>28</sup> Walker C., 'Post-charge questioning of suspects' [2008] *Criminal Law Review* 509.

<sup>29</sup> See <http://www.homeoffice.gov.uk/documents/draft-counter-terrorism.pdf>.

## **‘A Key Issue: does carrying keys compromise the prison researcher?’**

**Richard Peake**

As I lay face-down on the ground, my nose pressed firmly against the cold, damp concrete floor, a prison supervisor holding me down, I wondered whether a career in prison research really was for me! The opportunity to conduct PhD fieldwork with lifers in HMP Wolds, the first private prison in Europe and subsequently the first private prison to house a dedicated group of life-sentenced prisoners was too good to miss – but it came at a price.

A 4-day course was undertaken with Group4 Securitas (now GSL) before the research began. This allowed me unescorted access to the prison without notice to conduct interviews and observation. The course covered the handling of keys, how to move safely around the prison, radio protocol, health and safety, physical security, problem scenarios and how to raise the alarm. Emergency first aid was also covered, including how to use ligature kits to cut down a prisoner attempting to hang himself. By this time my initial enthusiasm had started to wane, to be replaced by anxiety. However, course completed, prison key tally and radio issued – the fieldwork could begin.

The price I mentioned was remaining neutral. The training described above plays right into the hands of the traditional prison researcher, such as Joe Sim, who advocates that keys should never be carried under any circumstances. I would argue that it is not quite so simple, although it was not until my PhD was complete that I realised just how polarised opinion is on this thorny issue of carrying keys. The practice remains controversial and although there are several notable prison researchers who are happy to carry keys, there are others who feel it is ethically inexcusable.

There are certainly ethical dilemmas in being perceived as a figure of authority. To be seen ostensibly as a member of the prison staff could put the researcher at a distinct disadvantage and could affect the cooperation of the interviewees and the quality of the data. Other techniques such as ethnography, covert participant or non-participant observation, are not an issue within prison research as they are unrealistic and unfeasible - a researcher cannot simply ‘blend in’ to such surroundings.

Dress is an essential element in gaining acceptance and casual jeans and shirts are the order of the day but despite dressing down the researcher will always have a slight air of authority within the prison. The only way to dispel this is by communicating with inmates in the hope this can be diminished or alleviated and subsequently gain their confidence. Not requiring a constant escort also means that an inordinate amount of the staff’s valuable time is not unduly impinged upon, promoting a much healthier attitude to the research. Time is a consideration and research impacts on both staff and prisoners, although obviously less so on prisoners (King and Liebling, 2008). Staff can also frequently be sceptical about research projects, as most published research seems to question the quality of the establishment and in turn the staff.

When given the opportunity to carry keys and undergo security training, the belief was that this would be so beneficial organisationally, that it would outweigh any ethical limitations and that would be the end of the discussion. Holding keys and becoming familiar with the prison layout makes a huge difference to planning and conducting interviews, indeed it improves time management immeasurably. However, I have found the depth of feeling against this practice from colleagues and other penal researchers to be somewhat surprising. There appears to be no middle ground on the issue and as Alison Liebling observed very recently when compiling a list

of 'dos and don'ts' of prison research, that co-author Roy King fundamentally disagreed with her stance on the ethical acceptability of carrying prison keys (Liebling & King, 2008:443). To Liebling, a researcher who accepts carrying keys, there seemed to be an element of surprise in her co-author's disclosure.

Sim certainly directed criticism at Yvonne Jewkes in 2003, whilst reviewing Jewkes's book 'Captive Audience', when he clearly articulated that this is a 'contentious issue' for researchers in prisons and that just because it makes access easier, it does not make it ethically correct. In Sim's view, the idea that keys are issued by the 'authorities' is in itself ethically 'indefensible' and has 'symbolic connotations' for the researcher within the power dynamic (Sim, 2003: 241).

It is argued here, that prisoners separate individuals they encounter into just two categories: prisoners (us) and non-prisoners (them). Trust must be earned through developing rapport and it is my firm belief that keys make little or no difference to how prisoners perceive the researcher, it is much more about how one acts, how you communicate and relate to the respondents as individuals. There is an obvious subordinate power dynamic between uniformed Prison Officers (or private supervisors) and prisoners, but it must also be explained to readers who are not familiar with the inside of a prison, that there are many non-uniformed individuals who carry keys, including psychologists, medical staff, catering staff, grounds maintenance staff, probation staff, social workers, clergy, workshop trainers and education providers, to name but a few. Visually, within HMP Wolds, those carrying keys in civilian clothing heavily outnumber those in uniform.

The argument is therefore, that particularly at this lower category of prison with a plethora of civilian providers evident within the facility daily, prisoners are used to non-uniformed staff carrying keys and understand that the reason is one of mobility rather than power or discipline. The carrying of keys was discussed with the cohort at the start of the fieldwork and all clearly understood the reason that keys were being carried. It was made explicitly clear that this was independent, academic research. In my view, the message was received and understood.

There is an argument that civilians may feel threatened whilst carrying keys or may be vulnerable. This is understandable, but researchers, especially ethnographers have historically put themselves in questionable and sometimes risky situations. In truth, I never once felt threatened in over two years of carrying keys at HMP Wolds, in fact, I have felt far more vulnerable and even 'in danger' interviewing apparently much 'safer', recently-released ex-prisoners in the community. For a lifer to commit an act of violence towards a researcher at this advanced stage of the sentence would have a severely detrimental effect on progress to open conditions: it would not be in his best interests.

On a positive note, those experienced in prison research will undoubtedly appreciate the improvement in time management, as perennial issues of gate-keeping, security clearances and access can be frustrating and time-consuming exercises. Prisons can be difficult to access at the best of times and can take months of negotiation. Having unrestricted access not only makes best use of time, but also helps with assimilation into the prison. Prisoners get used to seeing the researcher and much can be gleaned from casual conversation and observation.

Following discussions with the Director, access to this cohort of lifers at HMP Wolds was dependent on working in this way due to critical staffing levels. So, in further defending these actions, it should be understood that without undergoing the training course, this research would simply not have been able to take place. If any opportunity to conduct unique research in this closed environment is prevented by the insistence of keys not being carried, then much data will remain undiscovered. To Sim, it seems a price worth paying.

The argument against carrying keys may be stronger at a higher category of prison or YOI, but it can no longer be dismissed as simply 'unethical' in all circumstances of prison research. Several notable prison researchers carry prison keys, so it is certainly not a new phenomenon. Hopefully, the resistance to the idea that holding keys places the researcher in a position of power within the dynamic, thereby adversely influencing the research will fade in time and a more balanced view should be adopted, if not universally, then at least on a case-by-case basis.

**Taken from 'The Privatised Lifer' – PhD thesis: University of Hull 2008**

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