

the **Howard League** for **Penal Reform**

**Early Career Academics Network Bulletin**

**October 2012 – Issue 17**

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## Introduction



This edition of the ECAN bulletin reflects an increasingly prominent area of a concern for us at the Howard League: policing. Just as our [Symposium](#) seeks to stem the flow of people into the penal system by generating debate around the development of a model that achieves this, the same logic applies to our concerns with policing.

You will be aware that two of our recent research reports have looked at the policing of young people, [Overnight Detention in Police Cells](#) and [Out of Place](#). We are working hard to achieve changes to policing policy and practice based on the research recommendations through direct contact with senior police officers, parliamentarians and other practitioners. We are continually building on this work and through our youth participation project [U R Boss](#) we have launched [a campaign](#) to ensure that candidates for the Police and Crime Commissioner (PCC) elections are aware of children and young people's views. We want them to consider the views and issues that affect the children and young people we work with and ensure they are not just the soft targets of their election campaigns.

In December we are running [a conference on Policing and Children](#) which will explore issues ranging from the police as gatekeepers of the criminal justice system to children's views of policing and the use of community resolutions by the police to children's legal rights. We have secured some really interesting speakers including Jacqui Cheer, the temporary Chief Constable of Cleveland Police and the ACPO lead on children and young people; John Drew, Chief Executive of the Youth Justice Board; Drusilla Sharpling, HM inspectorate of Constabulary and Professor Jo Phoenix, author of our *Out of place* report. I hope to see you there!

Finally another reminder for our joint ECAN/BSC Yorkshire and Humberside event: Desistance: Understanding *The Road from Crime* on Monday 12 November at the University of Leeds. We are now accepting [bookings](#).

Anita Dockley  
**Research Director**

## Member's noticeboard

### **Research positions available at the University of Sheffield**

Are you a talented academic, ambitious to make a difference in the world? Do you believe you have the enthusiasm to make an important mark internationally in your chosen field?

Are you looking for a University which will help you make your ambitions a reality? Do you want to join a University which makes the most of diverse talents?

If you have the potential to be a world-leading researcher, find out more about the prestigious [Vice-Chancellor's Fellowship scheme](#) at The University of Sheffield. For more information on criminology fellowships, please contact [Stephen Farrell](#).

## News

### Howard League for Penal Reform announces new President



our Commission on English Prisons Today.

The Howard League for Penal Reform has [announced](#) that its new President is Lord Myners of Truro CBE. Lord Myners is a former Chair of the Guardian Media Group, the Low Pay Commission and Marks & Spencer. He was a Treasury minister in the last government and before taking up that appointment, a member of

Chief Executive of the Howard League for Penal Reform, Frances Crook, said, 'As a former government minister and well respected figure in the City of London, Lord Myners will provide us with invaluable advice and represent the Howard League at the highest levels in the coming years.'

### The Howard League supports the Every Child in Need campaign

The Howard League is supporting the Every Child in Need campaign, which has been launched to protect society's most vulnerable children from damaging changes proposed by the Department for Education. The campaign is led by charities, campaigners and lawyers, but everyone can get involved by signing an e-petition. The [Every Child in Need website](#) has more information about the campaign and details of how to take action to stop these changes.

### Howard League research submitted to Home Affairs Select Committee inquiry



Professor Jo Phoenix's recent research, [Out of place](#), formed the basis of the Howard League's [written evidence](#) to the Home Affairs Select Committee's inquiry on localised child grooming. Professor Phoenix's report addressed some of the key issues of the inquiry, including: the proportion of child victims in local authority care or known to social services; the quality of data collection, sharing and research on child victims; whether front-line agencies are equipped to identify victims and support provided to victims and witnesses by a range of agencies such as the CPS, police and voluntary agencies.

The Howard League and Professor Phoenix hope to give oral evidence at the next stage of the inquiry.

The Howard League has also responded to further consultations on the Quality Assurance Scheme for Advocates (Crime) and on [the Code for Crown Prosecutors: Children and young people](#).

### **What if...? event a great success**

The third in the Howard League's series of [What if...?](#) seminars took place at the London School of Economics on the 4 October. The audience heard from Professor Andrew Ashworth of Oxford University, who proposed that property offences should be non-imprisonable. Discussants Keir Starmer (Director of Public Prosecutions) and Lord Falconer of Thornton also contributed their thoughts to the debate.

A review of the seminar, and details on the next event, can be found on page 20.

### **Reaction to European Court of Human Rights judgment on IPPs**

Speaking in reaction to the [European Court of Human Rights judgment](#) on the indeterminate sentence for public protection (IPP), Frances Crook said, 'the judgment emphasises that the government was right to abolish the IPP in recent legislation as the sentence was fundamentally unjust'.

The Howard League has said for many years that the IPP sentence was both wrong in principle and wrong in practice. It is wrong to imprison someone not for what they have done but what they might do and in practice, the IPP has proved a disaster that has left many in a Catch 22 situation where they can only be released from prison after completing courses that our overcrowded prisons cannot provide, not least because there are now over 6,000 prisoners serving IPP sentences.

### **New research on the criminalisation of migrant women by Professor Loraine Gelsthorpe**



Professor Loraine Gelsthorpe and Liz Hales have recently published research funded by the ESRC and published by Institute of Criminology, University of Cambridge on the [criminalisation of migrant women](#).

The research aims to fill the gap in knowledge around the numbers of trafficked women in custody on criminal charges and addresses many problems around the treatment of foreign nationals in the criminal justice system. The research also makes a number of key recommendations aimed at improving policy and practice.

Professor Gelsthorpe (along with Nicola Padfield and Jake Phillips) also recently completed a piece of research for the Howard League on [Deaths on probation](#). An update on this research can be found on page 18.

### **Research Medal and Sunley Prize**

The Howard League for Penal Reform is committed to supporting researchers who want to make an impact and change penal policy and practice through high quality research.

The recipient of our **Research Medal**, awarded in memory of Lord Parmoor, will receive a prize of £1,000 and will be asked to present an aspect of their research at an event in central London on 7 March 2013. The deadline for

entries is Wednesday 9 January 2013. Please visit [our website](#) for further information.

**The John Sunley Prize** rewards master's students who generate outstanding research dissertations that are both topical and original and can also offer genuine new insights into the penal system. We are currently welcoming entries from master's students who have completed a dissertation in the academic year 2011–12.

There will be three recipients of the Howard League for Penal Reform's John Sunley Prize, each of whom will receive £1,000. The winning dissertations will be printed as a monograph and published by the Howard League for Penal Reform. The deadline for entries is 31 January 2013. For further details on how to enter, please visit [our website](#).

## Feature

### Law and order: Evolving the British policing model

James Gale, Devon and Cornwall Police

This article is based on academic findings from doctoral research and over 15 years of experience as a practitioner and senior leader in the Police Service. It examines the ability of modern day policing methods to anticipate and mitigate the risk of radicalisation amongst certain communities at street level. In so doing, it provides a commentary on the practical implications of current and fast-moving changes to the governance, accountability and the nature of the British police. This is brought into even sharper focus in the current period of extreme austerity. This article examines the post-war evolution of the Police Service; looks at present day policing and considers lessons for the future. It concludes by examining a fundamental question: What sort of Police Service do we want?

The United Kingdom began the post-war years with a non-white population of some 30,000 people; it now has in excess of three million. Significant parts of major British cities and towns like London, Birmingham, Luton and Leicester (previously traditional homes to white working classes) became, and remain, home to large numbers of ethnic minority people. There were two key periods of immigration in Britain: the first occurred between 1948 and 1961 and saw a wave of primary immigration, and the second occurred between 1962 and 1974 when dependants and spouses of those already in the UK started to



arrive. This article focuses particularly on the immigrant Muslim community, which now makes up nine per cent of the population of London and 14 per cent of the population of Birmingham, and will continue to rise (Hewer, 2006). Research has shown that Pakistanis and Bangladeshis in particular are consistently at a disadvantage compared to white people, and often when compared to other minorities

(Modod, 2012). Indeed, Pakistani and Bangladeshi men are disproportionately employed in manual work and are between two and five times more likely than white people to work in semi-skilled jobs.

The progress of the Police Service (and indeed many other public agencies) in responding to this rapid societal change has been woefully slow. This is exemplified by five key events: (i) the Brixton and other urban disorders of 1981 (ii) The murder of Stephen Lawrence (iii) 'The Secret Policeman' investigation [in which undercover reporter Mark Daly joined Greater Manchester Police and exposed extremely damaging racism and racist new recruits] (iv) The urban unrest of 2001 in Bradford, Oldham and other northern cities, where sections of ethnic minority communities were living in areas with extremely high levels of deprivation (v) The London bombings of 2007.

These seminal events are linked by 'common roots' amongst certain communities: a sense of injustice; a lack of political representation; declining perceptions of legitimacy in state authorities; relative deprivation (which may include unemployment and a gap between expectation and achievement) and discrimination. As a principal agency of the government, the police's role is pivotal in the creation of a sense of fairness, social justice and legitimacy but as each successive event is linked by commonalities, there is arguably evidence that the police (and state institutions more widely) have failed to learn lessons from these experiences.

From the events identified above, it is possible to identify five themes. These are 'critical success factors' for police organisations to deliver upon in order to mitigate the risk of harmful radicalisation, and indeed other forms of politically-motivated unrest. These are:

- The need to work in partnership with other agencies, especially education and housing departments.
- The need to strive to reflect the community the police serve – the recruitment, retention and promotion of ethnic minority staff is a crucial part of this.
- Community representatives should be involved in training, especially community awareness training.
- The role local 'beat officer' or neighbourhood policing team is vital and must attract officers of high calibre.
- Police organisations must work towards the elimination of racial discrimination of all types and contribute towards the development of cohesive communities.

My research was carried out in Oldham, in Greater Manchester (chosen on the basis of its potential 'fit' with the concepts discussed above) and tested whether or not these five critical success factors are being delivered, and whether the Police Service is learning lessons from the past. By analysing both quantitative data (crime levels, racist incidents, complaints against police) as well as qualitative data generated largely through face-to-face interviews with members of the community (local public agency staff, including police officers, teachers, police community support officers and local authority workers) an assessment can be made of current progress and risk.

The research showed clear evidence of communities remaining polarised along cultural and geographic lines (a sinister concept of 'white flight' was articulated by some) contributing to a sense of isolation. Moreover, individual members of some of these polarised communities were experiencing a lack of social identity: there was a dearth of role models, and as such, those generating cash through dealing drugs and demonstrating their wealth by driving a large, expensive cars and wearing lots of jewellery were a significant draw to young people who have little prospect of legitimate employment at all, let alone of sufficient magnitude to realise this sort of reward.

These matters are compounded by a democratic deficit and a poisonous mix of a lack of confidence in the political system brought about at a local level through the complex interplay of the British political system with Asian politics: tribal and clan influences, and the desire of local political parties to court the



Asian vote. Young people described experiences of discrimination and racism on the part of the police as well as other practices which they considered to be unfair. These experiences clearly play into the perception of social injustice, and can be described more generically as a 'trust deficit'.

Scrutiny of policing methods against the five critical success factors described above revealed some weaknesses. Three of the five factors were not being properly delivered: the local police force was not reflecting the community being served; the community awareness training was weak and partnership working at the local level was flawed. The force was, however, largely delivering two of them: they had high quality staff who were extremely well-engaged with communities and delivering neighbourhood policing (though they were not in the main police officers, but rather PCSOs), and they were working towards the elimination of racial discrimination.

The research demonstrates lessons for the future, not only in the drive to reduce the risk of the development of radicalisation amongst communities but also in the manner of the delivery of policing in an age of austerity and the resulting changes to the governance, organisation and accountability of the service. Key recommendations proposed on the basis of this research are:

- Role models – the police and their partner agencies should critically examine communities, and ask 'who are the role models?' In this research, many of the role models were criminals. PCSOs or members of local council community units could fill this void.
- Active investment by all partners – there is a need for a community infrastructure, and active investment in things such as mothers and toddler groups, family support groups and sessional play would serve to minimise the isolation and polarisation amongst communities.
- Policing style – the research indicated that policing style is capable of adjustment to promote an improved relationship with young Asian men in particular. Examples of this might include the use of independent advisory groups to inform the police and Crown Prosecution Service regarding charging decisions and community resolutions as an alternative to prosecution.
- Police culture – the action-orientated, task-focused culture of police organisations is a potential inhibitor to the sensitivity and empathetic style which would maximise the opportunity to hear whispers and rumours, and be aware of the 'feelings' of communities rather than the current focus on statistical data and hard performance indicators. This requires a different mind-set around performance and asks for different skill sets from front line police officers. This research indicates that PCSOs in the case study area are already delivering this effectively but also poses some strong questions about the future direction of policing.

These recommendations highlight some challenges to the current thinking where modern-day policing is concerned. The mantra: 'cut crime, nothing more, nothing less' (May, 2010) does not sit at all well with the findings of this research. The 'common roots' discussed above, and others like gang-related

behaviour, indicate that to dismiss the role of the police in building successful communities is naïve at best and dangerous at worst.

The research shows that policing needs to be fully immersed and engaged in communities and that the organisation must be made up of people drawn from these communities. It would be nearly impossible for a private organisation to successfully deliver the five identified critical success factors. Even more importantly, an elected Policing and Crime Commissioner (PCC) will arguably contribute to the 'democratic deficit' which already exists, and Chief Officers of Police, 'hired and fired by the PCC', will no longer be able to provide the independence that they previously enjoyed.

The argument distils to one of philosophy. John Alderson describes ten objectives of a police system in a free, permissive and participatory society (Alderson, 1979). Two of these are highly pertinent to the debate: (i) to contribute towards liberty, equality and fraternity in human affairs (ii) to contribute towards the creation or reinforcement of trust in communities. Returning to the question posed in the introduction: what sort of police do we want? One that contributes to the creation of trust in communities or one whose mission is 'to cut crime – no more, and no less'?

### References

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### About the author

James Gale is a serving Chief Inspector with Devon and Cornwall Police. He also holds a research-based master's degree in police studies. This article is based on his [doctoral thesis](#). He was supervised by W. A. Tupman at the University of Exeter.

## Feature

### Stop in the name of drugs laws!

Daniel Bear, London School of Economics



In the aftermath of the London riots of August 2011, much attention has been paid to the poor relationship between the police and the community. Whilst this may be the result of a myriad of factors, the use of stop and search is arguably significant in creating tension between these two groups. While stop and search is often touted as a tool to combat knife crime, in the London borough my research was conducted in, 50 per cent of stop and search activity was actually directed at finding drugs. Indeed, across the Metropolitan Police Service, the number of drugs stops has risen

considerably in the last ten years.

This article, based on some of the research for my doctoral thesis, examines the rationale behind police officers' engagement in stop and search. Officers' actions and discourse are examined in light of the pressures involved in upholding a policing model that emphasises both increasing the public's confidence in the police and a strict enforcement of drug laws. In short, officers are at the intersection of two competing organisational discourses, with limited avenues for their response to be directed. My research attempts to contextualise the forces at play on street officers from the perspective of Garland's (2001) theories on the bifurcated approach in criminal justice policies, and argues that current street-level policing reflects the need to get things done in a manner that works for officers, and is in line with actions that protect the 'organisational ego'.

Current UK drugs policy has seen a shift from welfarism to control in recent years and drugs policy has been guided by several different documents, each of which addresses the harmfulness of drugs and prescribes multiple plans of action and goals. These documents continue to feature both a 'care' and 'control' element (Macgregor, 1999) but also show 'a strategic shift in the focus of national drugs policy' away from harm reduction and treatment towards a preoccupation with the crime caused by drug use (Harman and Paylor, 2002). National strategy documents offer a mixed bag of approaches in an attempt to control drugs and these competing approaches clearly demonstrate the pressure on police to be both 'forceful' in attacking drugs but also to engage in community partnerships and education.

Garland's research asserts that cultural and economic shifts have transformed from the penal welfarism of yesteryear due to the normality of high crime rates and the acknowledged limitations of the criminal justice system. This has brought about a split in the structure of criminal justice policies, and means that adaptive responses measuring success in terms of input instead of outcome were adopted at the same time as non-adaptive strategies (also known as sovereign state strategies) attempted to reassert the power of the state through punitive enforcement-based measures. For Garland, changes to the family structure, city structures, and electronic mass media bring with

them criminal problems associated with a lack of internal and social controls. The obvious policy response to this is to ratchet up the perceived missing control, and in this way, stop and search has taken on a central role as a very visible step towards controlling and interacting with the population.

My research involved spending more than 500 hours alongside street officers in one London borough. I observed that the implementation of stop and search powers happened in a variety of situations during my time in the field.



Largely, they can be split in to low-discretion and high-discretion stops. Low discretion situations are those most often associated with having a suspect description for officers to react to, or are in response to a specific criminal event. For example, if the description of a recent mobile phone snatching was a black male, six feet tall, wearing black track suit bottoms and a grey hoodie, citizens matching that description in the vicinity would be likely to be searched. Despite the narrow focus of searching for a specific suspect, these low-discretion searches actually provided officers the widest leeway for conducting stop and search as officers have carte blanche to search anyone closely resembling the description. Often, due to a less detailed description than that identified above, officers can justifiably target nearly anyone of the same ethnicity, gender, and general age range in a given area:

*“We were looking for a robbery suspect, and at 5 o’clock in the morning anyone on that area on that street is in play. It was a very minimal description; black male, dark clothing. So we’re driving round 5 o’clock in the morning, [see a] black male, dark clothing. Stopped him, handcuffed him, explained he was going to be searched because we believed he was a suspect in a robbery, and as I search through him I could see he looked a bit spaced out, and I think he had 12 or 13 rocks of crack in his pocket. He was dealing, obviously had been dealing.”*  
PC Jack, Response Team

Most drug-related searches come under the classification of a high-discretion search, meaning that the officer has taken proactive efforts to find someone to search. The ‘reasonable grounds’ used to engage in stop and search activities are sometimes not particularly strong. Officers are supposed to rely on specific intelligence or facts, but ‘gut feeling’ is often the closest they come in high-discretion searches. Many have difficulty explaining what specific element triggered a stop (Quinton, et al., 2000), but often an officer’s justification is related to the behaviour the subject was engaging in:

*“Why’d I stop that kid? It was pretty clear, you know, with the way he stood there. On the corner, bit behind the Ford’s bonnet? That’s suspicious behaviour when you’re wearing a hoodie around here.”*  
PC Fred, Response Team

Interestingly, the two conflicting discourses discussed previously often intertwined when in the field, with officers vacillating between the two when asked to explain their actions around a specific drugs stop. Dorn and Lee (1999) have argued that in recent years drugs policing has taken a less 'heroic' stance, and while that is certainly reflected in aspects of community policing, the traditional ethos of the 'drug warrior' remains prominent in officers' description of the implementation of drug-related searches. Examples of officers as 'drug warriors' focused on the idea of drugs and what they represented, and followed that since drugs are bad, stopping people from obtaining or using drugs was good. Most officers were convinced that drugs, especially cannabis, would cause serious psychological problems:

*"Skunk rots your brain. The chemicals, the smoke; brings on psychosis before you can even say 'Rastafarian'."*

PC Henry, Response team

This logic extended to the idea that people using drugs must be 'bad' people, and therefore searching them was appropriate because other illicit items may be found or intelligence on illicit activities could be generated. Additionally, the connection of drugs and drug-related crime were often cited, and police used this supposed connection to argue for stronger enforcement tactics in an effort to thwart both. By creating the image of an outsider who used drugs and most likely committed crimes either as a result of or alongside his drug use, the organisation openly sanctioned the targeting of minor drug offences. The drug-crime link allowed officers who were not particularly against the idea of drug use to justify their actions:

*"I don't really care about cannabis so much, but it's all the other crime associated with it. You know how it is? If some illegal cannabis is okay, so's nicking a bike or a wallet."*

PC Hugh, Response Team

This 'drug warrior' ethos was adopted by many officers in the policing units I assessed during my research and allowed them to view the use of stop and search as their main proactive tool for reducing the harm of drugs on the community they worked in. Unfortunately, many of the stops they conducted ended in people feeling they had been unfairly targeted, and in turn, lowered their confidence in the police.

The process of creating coherent policy, strategic vision and tactical responses across an organisation the size of the Metropolitan Police Service is undoubtedly a daunting task. Unfortunately in their current state, street level drugs policing guidelines appear to be nearly non-existent. There are conflicting pressures on officers that go unchecked, and are likely to change again with every introduction of a new government, chief constable, or even a new unit commander. Furthermore, this problem cannot be easily dealt with, as even though the policies may change rapidly, an indelible imprint remains upon the community and officers. As is, drugs represent a node of the conflicting pressures faced by officers, and the constant search for them can be seen as a logical response by officers who must appease their own commanders, the community, organisational identity, and their internal needs. Development of a coherent drugs strategy, useful tactical responses, and

organisational uptake remain a long way off, but understanding the cause of the recent rise in stop and search activity for drugs can bring us a step closer to this.

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## About the author

Daniel Bear is completing his PhD at the LSE under the supervision of Dr Michael Shiner and Professor Eileen Munro. This article is based on research undertaken for his thesis. Daniel was the recipient of the Howard League bursary to attend the British Society of Criminology Conference 2012. A more detailed article on Daniel's research will appear on the Howard League website shortly.

## Feature

### **Resettlement and floating support in the criminal justice system: An evaluation of St Mungo's floating support service**

Dr Vickie Cooper, Liverpool John Moores University and Dan Dumoulin, St Mungo's



In 2008 St Mungo's introduced a Floating Support Worker Service (FSWS) at Feltham Young Offender Institution to work with young adult males aged 18–21. FSWS was a 'through the gate' service that supported people who were making the transition from prison to the community. The primary objective of the service was to ensure that there was accommodation available for young men leaving Feltham. A further objective was to work with service

users to prevent reoffending.

Young men were referred to the service if they had told staff at Feltham that they would be homeless when they were released. Recent national statistics are hard to find; however, figures from 2002 showing that there were between 27,000 and 30,000 homeless people in prison (Social Exclusion Unit, 2002) point to the likely scale of the problem.

The FSWS supported 244 service users over the three year evaluation period and accommodation was found upon release for all but three or four of these service users. The service was also successful in preventing service users from reoffending and re-entering custody. Available data shows that 13 per cent of clients supported by St Mungo's FSWS returned to custody, which compares favourably to Home Office (2005) figures showing that 78 per cent of 18–21 year-old ex-prisoners reoffend within two years of release.

Drawing on data collected from qualitative interviews with service users and staff, the evaluation looked at four distinct areas:

1. The relationship between housing and imprisonment
2. The role of the private rented sector
3. The significance of St Mungo's FSWS in reducing offending
4. Advocacy on behalf of service users with different agencies

There is also a need for more research on floating support services for people released from custody. A robust evidence base should be built to support the development and wider provision of this type of service.

#### **The relationship between housing and imprisonment**

The role that stable housing can play in the lives of young adults who have been in custody should not be underestimated; the evaluation found that housing not only alleviated homelessness and reduced offending, but that it also functioned as a base to build a rehabilitative network of support with the

potential to generate wider opportunities in relation to work, education and the development of positive emotional relationships.

Moreover, service users claimed that stable housing was crucial for making the transition from adolescence into adulthood, from which they could think about their long-term goals, begin to take responsibility and live independently.

Such is the significance of housing that one interviewee suggested that imprisonment was a preferable alternative to homelessness. Given the difficulties in finding food and shelter while sleeping rough, some service users viewed imprisonment as a safer and more secure alternative.

### **The role of the private rented sector**

The research found it was often not possible for service users to be accommodated in social or supported housing, despite the fact that many would fit in priority need categories. Intentionality criteria, inconsistencies in the approach taken across local authorities and the length of time that it took for local authorities to process referrals all acted as barriers to service users accessing social housing.

Private rented accommodation was used as a short-term option, often as the only available alternative to rough sleeping. However, in some instances, it was also viewed as a viable long-term solution; for example, one service user was housed in the same private rented property for three years.

A strong relationship between private landlords and St Mungo's FSWS was crucial for finding accommodation for service users. Critical custodial periods, such as being held on remand, where release dates were unpredictable, meant that St Mungo's FSWS had to support people into accommodation in the community at short notice.

### **Reducing offending**

St Mungo's FSWS helped to divert young men away from the criminal justice system. It also often operated as the sole community contact for young men who had come into contact with criminal justice services.

In addition to helping service users to find accommodation, the research found that St Mungo's FSWS delivered broader, more holistic support. This comprised of three key elements: first, St Mungo's FSWS steered and referred service users onto wider rehabilitative services, including supporting clients to attend courses and engage with Jobcentre Plus. Second, St Mungo's FSWS assisted service users in keeping key meetings with agencies of the criminal justice system, such as probation, court hearings and drug workers. Third, St Mungo's FSWS would assist clients with 'settling in' such as taking them shopping, helping them with budgeting and introducing them to key community agencies.

### **Advocacy**

A recent report found that 96 per cent of 'mentally-disordered' prisoners were returned to the community without supported housing (Prison Reform Trust, 2012). Many of the young men who used the FSWS had complex needs,



including mental health issues. Service users with mental health issues, as well as those with learning difficulties, benefitted from the advocacy role undertaken by the FSWS. The service ensured that individuals could access appropriate mental health services and receive their full welfare entitlement. In this way, young adults were empowered by St Mungo's FSWS, as they were connected to support that could meet their specific needs.

### Recommendations

The research found that a range of positive outcomes were secured for young men who used the service. Consequently, the evaluation makes recommendations for improving and expanding future St Mungo's FSWS work as well as that of other similar services.

1. Services operating within prisons need to ensure that they have a clear and concise coordination strategy for young men leaving prison. Service users should be well informed about the support that is available including around when the period of support terminates.
2. At the outset services need to put in place systems that will allow them to record data so that they can closely monitor performance, measure outcomes and maintain better records on current and former clients. Stronger communication and data sharing is also required between prisons, the Probation Service and support services such as St Mungo's.
3. The FSWS consisted of one worker, who had a large case load and was providing support that was time-consuming but extremely beneficial. Due to limited resources, the FSWS prioritised service users according to their needs, the extent of their social exclusion and existing support networks.

The service could have made even more of a difference with greater funding and resources. The funding ended in 2011, meaning the service had to close despite the significant impact it had made on people's lives. The research concluded that further funding should be sought to enable St Mungo's to provide the service on a permanent basis.

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### About the authors

**Vickie Cooper** is a lecturer in criminology at Liverpool John Moores University. She has also previously worked as a housing and homelessness resettlement support worker and team manager.

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## Research update

### Deaths on probation: An analysis of people dying under probation supervision



The Howard League's latest piece of research, [\*Deaths on probation: An analysis of people dying under probation supervision\*](#) by Loraine Gelsthorpe, Nicola Padfield and Jake Phillips was published on 6 September, 2012. The research analyses data on people dying under probation supervision and is the first time such a study has been carried out. The report underlines the need for additional information about deaths under probation supervision in order to highlight prevention of deaths as a priority. It also makes a series of recommendations around a requirement for an 'ethics of care' surrounding the needs of others for whom we take responsibility.

Frances Crook, Chief Executive of the Howard League, will be presenting the research to the Ministerial Board on Deaths in Custody at a meeting in Parliament at the end of October. She said, "Data on deaths in custody have been available for many years. These deaths have a huge impact on the prison, on the prisoner's family, on other prisoners, and on wing and governing staff. The death of someone in custody is still recognised as a human tragedy. In contrast, deaths in the community – under supervision or licence – have been neglected in recent times. This study aims to rectify this".

The analysis conducted for the research counted a total of 2,275 deaths of men and 275 deaths of women under probation supervision across each of the financial years for which data was requested. The data show that whilst a high proportion of the deaths related to natural causes (over 25 per cent in each year) – suicide (13 per cent in each year), alcohol issues (8 per cent in each year for which there are figures), unlawful killing (5 per cent in each year), and misadventure/accident (not less than 8 per cent) also featured in significant proportion. Younger people (those aged 18–24) were underrepresented in the deaths (accounting for 35 per cent of those under supervision but 14 per cent of the deaths); but people aged 25–49 were over-represented (accounting for 59 per cent of those under supervision but 64 per cent of all deaths).

One of the most interesting findings of the research was the tone of defensiveness on the part of some probation staff completing recording forms. There is some anecdotal evidence to suggest that probation workers may see risk assessment tools as protective devices for themselves rather than as a tool to measure need and risk and in this case, it could be that the recording forms are seen by probation officers as another tool primarily used for self-protection, rather than contributing to an understanding of deaths under supervision and improving related practice.

If the purpose of recording deaths is to learn more about why people die under supervision then there may be more productive ways of collecting the

data. It is clear from the forms we received that the information captured represented only part of what occurs prior to and following a death under supervision. Talking to officers, managers and policy makers could reveal relevant information about deaths under probation supervision and how the number of deaths might be reduced. Clearly, statistical analysis of deaths under supervision would be beneficial in terms of highlighting where and when people are most vulnerable. It would also put deaths in the community on a par (in terms of attention, and thus perceived importance) with deaths in custody. There can be no justification for considering deaths in custody as more important than those under supervision, especially where deaths may be preventable.

A key aim of this research is to provoke critical thinking and generate increased concern about policy and practice regarding some of the most vulnerable people in this country. It is very clear that much greater care in the community is needed for people leaving prison on licence or under probation supervision and this is one of the key recommendations of the research. When the court curtails freedom it hands over to the organs of the state some responsibility for safeguarding an individual. Probation and community sentences are increasingly intrusive and controlling and this must bring with it increased duty of care. As government moves towards a payment-by-results system for probation, results should not just look at whether someone reoffends or not. The system must also make sure each person is safe, secure, healthy and ready to re-enter their community.

The research argues for a return to the core values of what it means to supervise people who have committed crime: making bureaucracy less of a priority and making looking after some of the most vulnerable people in our society the number one objective. This means not just helping them to turn their backs on lives of crime, but also caring for their welfare needs and giving them some hope for the future.

The report can be downloaded from:  
[www.howardleague.org/deathsonprobation](http://www.howardleague.org/deathsonprobation)

## Event update

### What if...? Property offences should be non-imprisonable Emily James, Public Affairs Officer, Howard League



The third in the Howard League's series of [What if...?](#) seminars took place at the London School of Economics on the 4 October and was chaired by Professor Jill Peay. The seminars are a joint venture by the Howard League for Penal Reform and the Mannheim Centre at the LSE to challenge conventional thinking on penal issues. Working with established and well

thought of thinkers, academics and practitioners, the seminars and accompanying pamphlets aim to develop innovative, and perhaps controversial, ideas that can work as a stimulus to new policy initiatives and ultimately achieve change.

The audience heard from Professor Andrew Ashworth (Oxford University) who proposed that property offences should be non-imprisonable. Discussants Keir Starmer (Director of Public Prosecutions) and Lord Falconer of Thornton then contributed their thoughts to the debate.

Professor Ashworth argued that for non-violent property offences the use of imprisonment as a punishment is disproportionate as property offences are low down on the scale of offending. Even in cases where a person has committed a large number of property offences Professor Ashworth proposed that the accumulation of these offences should not result in a prison sentence. Professor Ashworth maintained that even in these cases, for an offence that amounts to no more than a deprivation of property, it is difficult to justify deprivation of liberty. Professor Ashworth did discuss possible exceptions, for example, the theft of a person's life savings.

The discussants both agreed that most property offences are comparatively low level in terms of seriousness but put forward further examples which they thought could be classed as exceptions. Keir Starmer argued that the seriousness of the crime should involve an assessment of all the circumstances, including the sums involved, the impact on the victim and the wider impact on the public. He proposed a sub-group of property offences to demonstrate his point. Examples included the theft of medical supplies from a hospital, metal theft from the railways and the theft of a war memorial. In such cases, he argued that, the anxiety, distress and inconvenience caused might justify a prison sentence.

Lord Falconer argued in favour of discretion for sentencers saying that the criminal law would be made to look ridiculous if persistent thieves could not be given a prison sentence.

Following an hour of discussion, members of the audience were given the opportunity to ask the panel questions. At the end of the debate Professor

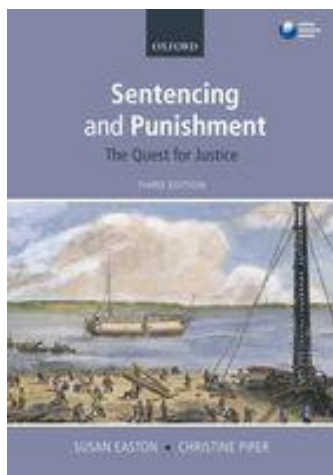
Ashworth thanked everyone for their contributions and repeated his belief that prison should not be used to punish property offences except for in exceptional cases.

A pamphlet derived from the arguments proposed by Professor Ashworth is due for publication in early in 2013. The next seminar in the series is planned for 29 November where Professor Jonathan Shepherd, University of Cardiff, will explore: What If University Probation Schools become the research and education foundations of probation services? For further details, please see the Howard League's [website](#).

## Book review

Julian Roberts, Oxford University

### ***Sentencing and Punishment: The Quest for Justice* (third edition) S. Easton and C. Piper (Oxford: Oxford University Press)**



With respect to sentencing, scholars, students and practitioners in England and Wales benefit from a wider range of texts than their counterparts in other jurisdictions. In most countries, a single sentencing text is the norm; here we have several on which to draw, including the latest (third) edition of Easton and Piper's *Sentencing and Punishment*. This volume is more clearly aimed at the student market than its competitors, containing many pedagogic devices which will be useful to law and criminological students. In addition, the style is rather student-oriented which may put off some non-student readers, such as criminal justice

professionals and magistrates seeking to learn more about sentencing.

Another difference between this text and others is the breadth of coverage. Indeed, one of the strengths of this latest edition of the text is its diversity and its broad approach to the study of sentencing and punishment. As the title implies, the text contains a lot more than just description and discussion of sentencing law, policy and practice in this jurisdiction. The authors also explore a range of issues such as the death penalty; prison conditions; prisoners' voting rights and suchlike. Indeed, a glance at the index reveals a number of subjects that few readers would expect to find in a conventional text about sentencing.

The text begins in Part A with a useful overview of the influences on penal policy development and sentencing. This is followed by a chapter exploring the sources of structured sentencing in England and Wales. This chapter includes discussion of the Court of Appeal and the statutory guidelines authority (the Sentencing Council of England and Wales). The next few chapters describe the retributive and utilitarian bases of sentencing; followed by chapters on restorative approaches to sentencing and forms of mitigation including personal mitigation. Part B provides useful explorations of prison, community-based punishments and the sentencing of young people. The text concludes with a discussion of the more general context of sentencing; including more recent innovations such as so-called therapeutic courts and community courts.

This strength may also be seen by some readers as a weakness – at least to the extent that it has prevented the authors from exploring some issues to an appropriate depth. One subject which is, in my personal view, neglected, is the definitive sentencing guidelines issued by the Sentencing Council of England and Wales. These definitive guidelines are statutorily binding on courts and now cover the vast majority of common offences. Although there are periodic references to the Council, its predecessors and the guidelines throughout the volume, there is no systematic discussion of the guidelines or

visual material. Readers might have benefited from seeing an extract – perhaps the first two steps taken from one of the new format guidelines such as that relating to the offences of assault or burglary.

There is little discussion of the significant change in the definition of a departure from the sentencing guidelines. The Coroners and Justice Act 2009 makes it clear that compliance with the definitive guidelines involves sentencing within the total offence range, rather than the more restricted category range. This has important consequences for the discretion that courts enjoy at sentencing as well as for researchers evaluating the impact of the guidelines. This important (and controversial) development is neither noted nor discussed.

Under the new guidelines, when passing a sentence for which a definitive guideline exists, courts are required to follow a series of steps (usually nine). Yet nowhere is the new guidelines format discussed. Piper and Easton offer little discussion of the guidelines beyond some comments on specific issues such as aggravating factors (pp. 86–7), and no specific example is given to illustrate the way in which they work. Instead, the authors offer their own checklist of steps for the reader to follow in order to understand the sentencing process in this jurisdiction (p. 80). Their checklist omits some important considerations such as the application of the principle of totality. Presentation and discussion of the definitive guidelines methodology would have been more useful to the reader.

Readers might have also been interested to know more about the sentencing issue on most people's minds in the period from 2011–13: the sentencing of people convicted of offences during the August 2011 riots. Courts adopted a very punitive, deterrence-based approach to sentencing in these cases and the uplift in severity was striking. Yet the only references to these developments are a brief paragraph late in the volume and in a citation to the authors' blog.

These minor caveats aside, the latest edition of Piper and Easton's sentencing text provides a timely and interesting addition to the scholarly literature on sentencing in England and Wales. The text will serve as a basic text for sentencing courses and as an important resource for students in general criminal justice or penology courses with a component on sentencing. The appearance of this third edition after less than five years in print suggests that they have attracted a significant readership, one which will undoubtedly appreciate this latest edition.

### **About the author**

Julian Roberts is Professor of Criminology at Worcester College, Oxford. He is currently a member of the Sentencing Council of England and Wales and Associate Editor of the *European Journal of Criminology* and the *Canadian Journal of Criminology*.

## Member profile

**Dr Rommel K. Manwong**

**School of Criminology and Criminal Justice at Systems Plus College Foundation, Angeles City, Philippines**



I am the Dean of the School of Criminology and Criminal Justice of the Systems Plus College Foundation in Angeles City, Philippines. I was formerly the Assistant Dean of the College of Criminal Justice Education of Angeles University Foundation, also in Angeles City, Philippines. I earned my baccalaureate degree in Criminology and master's degree in Public Administration at the University of the Cordilleras in 1996 and 2000 respectively. In 2007, I was conferred a master's degree in Criminology by the University of Baguio. I earned my doctorate degree in Public Administration from the Angeles University Foundation in 2011.

Whilst serving as Dean, I hold part time position as faculty member in other schools of criminology. I have published 15 textbooks on Philippines criminology, all of which are being utilised as library resources and student handbooks. Internationally, I have attended several scientific conferences and seminars/workshops in the field of criminology and criminal justice. Recently, I presented a paper on the Philippines prison system at the Third Annual Conference of the Asian Criminological Society (ACS) held on December 2011 in Taipei, Taiwan. I have also presented papers on prison management, substance abuse, and law enforcement administration.

I joined the Howard League ECAN because I think it is an excellent avenue to exchange information about the study of criminology. Sharing ideas collectively through ECAN can establish an innovative network of people who can effectively deal with the issues and concerns of people in the criminal justice system.



## **Guidelines for submissions**

### **Style**

Text should be readable and interesting. It should, as far as possible, be jargon-free, with minimal use of references. Of course, non-racist and non-sexist language is expected. References should be put at the end of the article. We reserve the right to edit where necessary.

### **Illustrations**

We always welcome photographs, graphic or illustrations to accompany your article.

### **Authorship**

Please append your name to the end of the article, together with your job description and any other relevant information (e.g. other voluntary roles, or publications etc.).

### **Publication**

Even where articles have been commissioned by the Howard League for Penal Reform, we cannot guarantee publication. An article may be held over until the next issue.

### **Format**

Please send your submission by email to [anita.dockley@howardleague.org](mailto:anita.dockley@howardleague.org)

### **Please note**

Views expressed are those of the author and do not reflect Howard League for Penal Reform policy unless explicitly stated.