

the Howard League for Penal Reform

Early Career Academics Network Bulletin

Issue 4 - June 2010

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Introduction



Hello! The General Election results have definitely brought some challenges and opportunities for the Howard League team. It will be interesting to see how things pan out regarding the youth justice system. What will happen to the Youth Justice Board? How will children who come into contact with the criminal justice system fair now that they are squarely in the remit of justice? We have also noted the enigmatic comments of Deputy Prime Minister, Nick Clegg, in an interview with Andrew Rawnsley: *He [Clegg] says we will see another in "a new approach to penal reform" which will end "mass criminalisation of young people" and Labour's "build and fill 'em approach to prisons"*

<http://www.guardian.co.uk/politics/2010/jun/06/nick-clegg-interview-coalition-cuts>). We are definitely going to keep an eye on what exactly he means by this.

We are also hopeful on another front, real work for long term prisoners, given the Conservative's interest in the Howard League's social enterprise, Barbed, while they were in opposition. So perhaps there is an opportunity to shift this agenda?

We are extremely busy at the moment organising a number of events, all of which are mentioned in the bulletin: a reception on the terrace of the Houses of Parliament; an event to celebrate the work of our youth participation project, U R Boss, to be held at the Cabinet War Rooms and a conference to celebrate and promote all that is good about community sentences. I hope you can get along to at least one of these events. I will look forward to meeting you.

I am also going to be at the British Society of Criminology conference in Leicester at the beginning of July. I will be leading a session at both the post graduate and main conference. Please come along to these sessions and introduce yourselves. It would be lovely to meet some of you and hear what you would like the Howard League to do to develop this network, as well as any new ideas you might have.

Finally, the eagle eyed among you will have noticed a new section: the members' noticeboard. This page is for short adverts for events that you are hosting at your university departments or to ask for help or support with your research projects. So if you have anything, let me know ...

I hope to meet some of you over the summer.

Anita Dockley
Research Director

News

Wine Reception at the House of Commons

The Howard League's President, Lord Carlile of Berriew QC, is hosting a wine reception for friends and supporters of the Howard League. It is on the Terrace of the House of Commons on 5 July 2010 between 4 and 6pm.



This annual event offers an opportunity for our members and supporters to meet in the splendid surroundings of the Palace of Westminster over a glass of wine. The event is traditionally attended by a number of parliamentarians, senior practitioners, academics, members of our student societies, volunteers, supporters and all those concerned with penal reform, as well as our trustees and members of staff. To book yourself a place follow this link: <http://www.howardleague.org/wine-reception-2010/>

Queen's Speech

The Howard League issued a briefing highlighting the main issues for parliamentarians. Follow this link to read the briefing:

http://www.howardleague.org/fileadmin/howard_league/user/pdf/Parliamentary_Briefing_for_the_Queen_s_Speech_25_May_10.pdf

The underlying principles which we hope parliamentarians will adopt as legislation passes through parliament are the need to stem the flow of people into the penal system and enabling a shift away from short prison sentences to community sentences.

UN Congress on Crime Prevention and Criminal Justice



In April, Frances Crook and the Howard League's Chair, Sue Wade, travelled to Salvador in Brazil to attend this quinquennial event. The Howard League was one of the first NGOs to gain consultative status with the UN. At this congress we were involved in two sessions, one relating to children in custody and the other about inspecting places of detention. We submitted a paper on this, which can be

read here:

http://www.howardleague.org/fileadmin/howard_league/user/pdf/Statement_submitted_to_the_UN_on_national_inspection_mechanisms.pdf

Howard Journal: E-reader on Crime, Justice and Media

The Howard Journal for Criminal Justice has just published a companion to its Online Student Reader. This time the focus is on the media and it draws on significant articles published over the years in the journal. Long time Howard League supporter and academic Nic Groombridge has put the reader together. To access both e-readers go to:

<http://www.wiley.com/bw/vi.asp?ref=0265-5527&site=1#404>



Howard League Event: Life Inside 2010

The Howard League's U R Boss project, funded by the Big Lottery, is launching a report, *Life Inside 2010*, which has been led by young people and offers a unique insight into day to day life for the 1,700 young men aged 15-17 years held in prison custody. The launch will be held on Thursday, 1 July, 2010, 6pm – 8pm at the Churchill Museum & Cabinet War Rooms, Clive Steps, King Charles Street, London SW1A 2AQ

The report launch will be followed by the first screening of two animated films based on the experiences of the young people who we have been working with and a reception.

The Howard League's U R Boss project is working with young people to come up with much needed new ideas and insights on youth justice. To find out more about U R Boss: <http://www.howardleague.org/u-r-boss/>

Please join us to hear what they have to say. To book a place, email shez.sutton@howardleague.org

Decision to stop the expansion of Glen Parva prison



The Howard League welcomed the decision to halt the expansion of Glen Parva site. It currently holds young adult prisoners (18-21 years), but was due to hold children again. Frances Crook commented on this decision, "We welcome the decision to cancel the building of a huge new prison for children next to Glen Parva, an existing large prison for young adults. Prison is no place for children and this was a mistaken plan that would have endangered children and the public. Sending children into large, violent prisons miles away from their home does not address offending behaviour and fails to make society safer, as the 75% reoffending rate demonstrates.

"Given the current financial climate and welcome decrease in the number of children being sent to prison, it is ludicrous that the new titan prison for children was ever suggested. The deaths, violence and reoffending rates of children's prisons are a national scandal and this new prison would have been an extremely costly addition to a failing system."

Rape in prison

The Howard League's legal team have been working to support some vulnerable young adults who have experienced rape while in prison. As part of our work we have highlighted their situation in the media (<http://www.guardian.co.uk/society/2010/may/02/male-rape-prison-jail-howard-league>) and we are trying to work with NOMS to update the way it deals with serious incidents in prison by updating the Prison Service Order (1300) (see <http://www.howardleague.org/case-studies/>).

Members' noticeboard

Sarah Lambie, ECAN member and a lecturer at Birkbeck University, invites you to...

Law-on-Trial

28 June- 2nd July, 2010

Law-on-Trial is a week of public lectures, workshops and film screenings which aims to explore and interrogate questions concerning the operation of law in its widest context.



An annual event this year the focus is on *Social Rights* – a critical issue after the general election.

Each day will be devoted to one aspect of social rights: refugees; education, minorities and faith schools; housing; employment and labour; copyright; Health rights and HIV; poverty and art. <http://www.bbk.ac.uk/lawontrial/>

The event is hosted by the School of Law and brings together academics, lawyers, activists, and NGO staff and is free and open to all. Any queries please contact: Daniel Monk: d.monk@bbk.ac.uk

Features

Hate Crime

Neil Chakraborti



Neil Chakraborti discusses the complexities for criminologists studying and understanding hate crime.

Hate crime has assumed an increasingly prominent position upon criminological agendas in recent times as problems of bigotry and prejudice continue to pose complex challenges for scholars and policy-makers. Although the terminology is relatively new in this country when compared to its longer history in the United States, there is nothing especially new about the types of prejudice that give rise to what we now refer collectively as ‘hate crime’. Acts of bigotry directed towards marginalised and vulnerable communities are part of our historical fabric, and we can all recount countless examples over time – be it high profile cases of murderous hate, episodes of organised extremist violence or repeated acts of harassment, abuse and bullying – which have vividly illustrated the many harms of hate crime.

However, although hate crime is widely recognised as a significant social problem it remains a contested area of study and policy. In part this is because of the ambiguity that surrounds its interpretation; although a number of criminologists have sought to offer conceptual clarity and a coherent framework for criminal justice policy (see, for example, Perry, 2001; Hall, 2005; Iganski, 2008; Chakraborti and Garland, 2009), there are still divisions over what the term really means and what its value is. Moreover, hate crime is a highly complex subject, and the harder we try to find solutions the more we seem simply to raise further questions. Learning how best to address these questions has formed a central part of my own work, and that of other criminologists keen to develop more progressive lines of scholarship and policy.

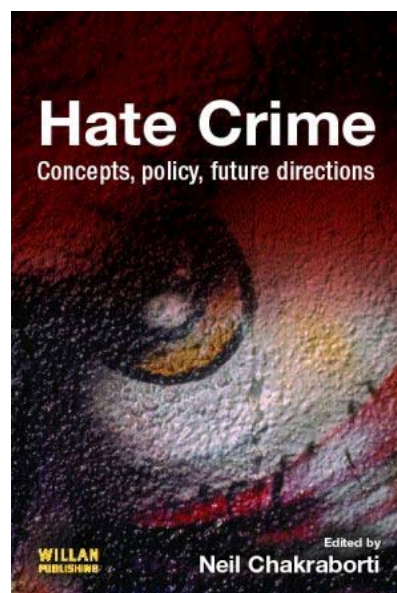
For instance, who are the victims of hate crime? Who should hate crime laws be designed to protect? While such questions have, in part, been addressed through the strategic guidance offered by the Association of Chief Police Officers (ACPO, 2005) which earmarks hate crime as hate or prejudice directed towards particular aspects of a person’s identity (their sexual orientation or ethnicity, for instance). One could argue that we know far too little about some groups of ‘Others’ – the homeless, the elderly and members of youth subcultures to name but a few – whose vulnerability extends beyond the boundaries of most hate crime policy and scholarly frameworks, nor have we paid anything like enough attention to the targeting of disabled and transgender people despite these groups being recognised ‘beneficiaries’ of

most official discourses on hate crime (Dittman, 2003; Chakraborti and Garland, 2009).

Similarly, who commits hate crime? This is a question that has been addressed in part by criminologists who have sought to challenge the popular stereotype of organised hate groups or far-right extremists being responsible for the majority of offences. But who then are these offenders? Are they ordinary people like 'us' – our friends, neighbours, colleagues – acting out mainstream bigotries which encourage them to blame the 'Other' for problems blighting their own lives? Are they strangers to their victims whom they target purely on the basis of their perceived 'difference', or might they be more familiar to their victim either as an acquaintance, friend, family member, carer or partner?

Then there is the related question of what should be done to tackle hate crime more effectively. This raises all kinds of questions for policy-makers and researchers. One could call for more effective monitoring of the ways in which police officers operationalise strategic hate crime guidance in their response to hate incidents, or of the decision-making processes at the recording and prosecuting stages of the criminal justice response to hate crime. One could delve deeper into inter- and intra-agency working practices amongst statutory and voluntary organisations responsible for protecting vulnerable communities; one could investigate more fully the deployment of third-party reporting systems, community engagement strategies or victim support mechanisms; or one could examine the scope for making better use of alternative modes of justice for dealing with hate crime perpetrators.

If we put our mind to it we could invariably think of many more avenues to pursue when thinking about what should be done to tackle hate crime more effectively, but hopefully this brief selection of contested issues underlines the importance of reflecting upon, and, where necessary, re-evaluating our current approaches. This is the premise upon which my new edited collection, *Hate Crime: Concepts, Policy Future Directions*, is based. In some respects this call for further reflection might seem somewhat superfluous given the increased prioritisation of hate crime, both nationally and internationally, and the associated series of academic publications, action plans, policy reviews and guidance documents that have accompanied this prioritisation. However, despite this changing agenda we still live in a society with worryingly high levels of hate and prejudice, and this underlines the ongoing marginalisation of vulnerable groups and the failings of existing policy and enforcement mechanisms. The term hate crime has been widely adopted and used as something of a buzzword without there being complete consistency in its application, and this has implications for how we conceive of the offences grouped under its



protective umbrella and the actors involved, be they victims, perpetrators or criminal justice agencies.

Without question, hate crime is an emotive and contentious subject area; any label which requires us to make qualitative distinctions between different forms of prejudice and vulnerability is likely to invite criticism and divide opinion. However, it is also an extremely important subject area and one which requires complex solutions to the complex questions it poses. *Hate Crime: Concepts, Policy Future Directions* brings together contributions from leading experts whose innovative work nationally and internationally is seeking to address these kinds of complexities. Whilst the book doesn't profess to offer all the solutions, what it does do is present a fresh range of ideas from scholars whose research is shaping conceptual and policy frameworks for the better. These are the kinds of ideas that can hopefully inspire further exploration and intervention in this field.

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Further information about *Hate Crime: Concepts, Policy Future Directions* is available at <http://www.willanpublishing.co.uk/cgi-bin/indexer?product=9781843927792>.

An alternative approach to tackling 'anti-social' youth: the case of Victoria, Australia

Nathan Hughes

This article follows Nathan Hughes' three-month visit to Australia as part of a Leverhulme Study Abroad Fellowship to explore approaches to tackling anti-social behaviour, during which time he was a visiting researcher with the Alfred Felton Child and Family Welfare Research Program at the University of Melbourne.

In the UK, the statutory definition of 'anti-social behaviour' is provided by the Crime and Disorder Act 1998. The Act defines behaviour as 'anti-social' if it 'caused or was likely to cause harassment, alarm or distress'. The significant difficulties that have emerged in attempts to apply this definition are well documented (see, for example, Burney, 2005; Millie, 2008). Of particular note is its deliberate subjectivity, allowing the alleged victim to determine that a particular behaviour caused 'harm', and was therefore, by implication, 'anti-social'.

Given this intent to empower the perceived victim, the extensive use of anti-social behaviour legislation against young people is unsurprising. At present in the UK, we are surrounded by images that portray the unacceptable and intolerable behaviours and attitudes of a whole generation of young people. Negative and highly emotive newspaper headlines appear to be the norm. Leading the way has been *The Sun* which has described a 'scourge of feral youngsters' as being 'the most important issue now facing Britain' (Mayer, 2008). In addition, representations of anti-social teenagers, such as Little Britain's Vicky Pollard and Catherine Tate's Lauren, provide pervasive images of a generation of thoughtless, uncouth, obnoxious teens.

It is of little surprise that the perceptions of the public appear to resemble those presented by the media. The research of Squires and Stephen (2005) consistently found that the behaviour of young people was identified as the major concern in local communities. Whilst this is not to deny or excuse the negative behaviour of some young people, such research suggests that, through this policy agenda, the 'demonisation of children and young people' (Davis and Bourhill, 1997) is given fresh impetus, with Burney (2005: 67) arguing that 'Anti-social behaviour has become a convenient peg on which to hang general prejudices about young people and their activities'. As a result, in the UK, anti-social behaviour is almost synonymous with youth,



Image source:

<http://www.jumpthecurve.net/images/uploads/1hoodies.jpg>

through the imagery of 'hoodies', intimidating street corner 'gangs', and a lack of 'respect'. Young people are therefore readily perceived as 'a risk' to their communities, and disproportionately made subject to enforcement measures, such as the ASBO and the Dispersal Order, that prohibit certain forms of behaviour that are seen as potentially distressing.

This stands in sharp contrast to the approach to anti-social behaviour apparent in the state of Victoria, Australia. Here an alternative discourse recognises, and then prioritises, the harm caused to the perpetrator by their behaviour, with anti-social behaviour seen as the cause of, or symptomatic of vulnerability. Within this discourse, the perpetrator engaged in anti-social behaviour is therefore seen as 'at risk', rather than 'a risk': at risk of causing themselves harm due to the negative repercussions of their behaviour; or behaving 'anti-socially' due to a number of underlying negative or risk factors that need to be addressed. As a result, the primary focus is on the harm to the perpetrator, rather than the victim. This is particularly the case in relation to young people, placing anti-social behaviour within a broader policy framework concerned with their appropriate and healthy development, and recognising the inter-linking nature of problems that can lead to involvement in negative behaviour, or occur as a result.

The consequent approaches to addressing anti-social behaviour are best illustrated through the interventions designed to promote 'pro-social' behaviour amongst young people exhibiting anti-social behaviour. Interviews and focus groups with a range of professionals and policymakers, across numerous and diverse services and organisations engaged in the design and delivery of strategies to address such behaviour, revealed consistent portrayals of the young people they were working with and the needs that they seek to address, each seeing criminal or anti-social behaviour as indicative of 'developmental pathway difficulties'.

Within this developmental discourse, services and support for young people exhibiting anti-social behaviour are described within a continuum of services that commence immediately after birth and illustrate the strong state commitment to supporting families. This was frequently exemplified by the 'maternal and child health services' available to all families with children under six years of age. These services aim to provide parents with support, information and advice around issues such as 'health, behaviour and development of your child', 'sleep and settling techniques', parental health and well-being, and child safety (Department of Human Services, 2009). Where necessary, state support to families continues through a broad range of specialist services designed to meet specific developmental needs. Whilst the universality is lost, the ethos remains the same, with the perception that it is a statutory or public concern to ensure a child's positive development. Those exhibiting 'anti-social behaviour' are considered within this framework of additional support needs. As such, concerns regarding anti-social behaviour are not framed by a concern with crime prevention but as an aspect of broader developmental processes.

By positioning such support within this broader framework, approaches to working with young people are presented as 'supportive not criminalising', emphasising developmental needs rather than sanctions and enforcement. Rather than separating welfare needs from crime or disorder-related interventions, it is seen to be the same set of needs that are to be addressed. Whilst the reason for referral to a particular service may be related to offending behaviour, and may be as a result of a court-mandated order, the approach to working with a young person therefore does not alter. Activities were described as focusing on the promotion of pro-social behaviour and positive developmental opportunities, rather than the prevention of anti-social behaviour – a sharp contrast to the dominant contractual and prohibitive approaches in the UK. In order to do so, services seek to establish networks for young people, including relationships with supportive adults, positive engagement in opportunities within their community, and increased aspirations and opportunities for future employment. Service providers also emphasised



notions of identity, self-esteem and cultural and spiritual awareness. To this end, providers were opposed to any separation from 'non-offending' peers which was seen as encouraging a labelling of young people as problematic or criminal, and an associated offence-based approach. In contrast, by not isolating offenders, the needs and issues that are shared with other young people become the focus, as opposed to the behaviour that marks them out as in need of support. Young people therefore access the same range of services and support as non-offenders, with service users unaware of which of their peers may have been referred due to having committed an offence.

Image source:

<http://yourjourneycenter.com/Images/hands.jpg>

Of course, this basic representation is necessarily a partial picture of policy and practice in relation to anti-social behaviour in both jurisdictions, and I acknowledge the complexity and variation in response, particularly in the UK. It is also not possible to offer an analysis of the success (or otherwise) of each approach, as comparable data does not seemingly exist. Nonetheless, contrasting these two counterposed perspectives offers the means to critically reflect upon the presumptions and influences informing policy in each state. In particular, it offers a useful challenge to the dominant policies and practices within the UK that appear to fuel a growing intolerance of young people, and further the alienation of British youth from the communities they live in.

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Users Views of Punishment: Qualitative Research on the Experience of Short Prison and Community-based Sentences

Beth Weaver and Sarah Armstrong

In this article Beth Weaver and Sarah Armstrong describe research they are currently undertaking with people serving short criminal sentences in Scotland.

This article aims to provide a sense of what our research is about and identify some preliminary findings, and in addition convey something about the value for researchers and policy makers of putting the views of those we punish at the centre of research.

Context and Objectives

In the context of contemporary concerns about the utility and costs of short prison sentences (Scottish Parliament Information Centre 2009, Scottish Prisons Commission 2008), this research aims to advance understandings of how different forms of punishment are viewed by those experiencing them. In particular, it aims to gain insights into “offenders” perspectives on serving short term prison sentences compared with community penalties. The potential impact of the study rests in its capacity to inform criminal justice scholars and policymakers about how people view and respond to these high volume penalties. Though there is a body of research on the experiences of long-term prisoners, there is a dearth of evidence about the most typical forms of punishment in many western societies; thus, the core rationale and basis of our claims to methodological and conceptual innovation is that consulting offenders has as much to offer the study of punishment as studying crime does.

Research Design and Methods

The project involves semi-structured interviews with approximately 40 men and women evenly divided between those currently serving a community sentence or a short (6 months or less) prison-based sentence, though most had experienced both. Those who met these basic criteria were recruited through a Scottish Prison Service contact and the individuals’ supervising officers in the relevant local authorities. Our research interviews are loosely constructed around the following themes:

- how offenders understand the purposes of the forms of punishment to which they are subject;
- how they experienced these disparate forms of punishment; and,
- the conditions under which, punishment is experienced as having meaning, impact and significance (or otherwise).

The semi-structured interview method enabled participants to express their own views and discuss their own experiences of the different forms of punishment to which they have been and are subject, in relation to a set of themes which were sufficiently flexible for their own voices to emerge.

Having completed interviews we are now transcribing and re-listening to them and identifying the main themes.

Initial findings, implications, and potential impact

Almost without exception, those in prison said they would rather be on a community-based sentence, which contrasts with previous research into sentence preferences (e.g. Petersilia 1990, 1994; Searle et al. 2003). The hardest part of doing a short prison sentence according to the prison-based group was the boredom and the inability to take one's mind off of getting out of prison. The few who had done long term sentences all said that short sentences felt like 'harder time', too short to be able to disengage from life outside or be eligible for many kinds of (usefully distracting) programmes and activities in prison. To deal with this issue, nearly everybody in the prison sample tried to keep busy - working in kitchens, doing education, meeting with service providers and so on. Nevertheless, the limited activities available and security system of the prison meant there was still much time spent in cells staring at walls. Recreation opportunities for this group, who will not stay long, are minimal and not particularly inviting.



Sentencers who feel that the purpose of punishment is to provide plenty of time for reflection might be disappointed to learn that few felt the experience of their short time in prison would affect their behaviour once back in the community. Rather than reflection time, the overall impression we got was that the short prison sentence is experienced as time spent on hold – delaying rather than transforming lives. Most of the people we spoke with had been to prison many, many times before, to the extent that penal experience could not be isolated to the impact of this sentence. With a number describing the numbers of their previous sentences in terms of frequencies (*'I'm in 2-3 times a year', 'I've not been out a full year since I was 16'*) short periods in prison have become a regular life activity like going to (a particularly uninspiring) school. Prisoners also felt their custodial sentence was a result of a long history of minor, often drug- and alcohol- related offending rather than the seriousness of the offence for which they were currently sentenced. To this extent, regular stays in prison undermined the legitimacy of punishment, in other words its symbolic and moral efficacy. It also demoralised prisoners, sowing a deep-seated belief that they would never be able to escape the cycle of prison, because their criminal histories would mean that prison would only ever be the appropriate sentence. As one interviewee put it, *'the past is always in front of you.'*

Indeed, similar sentiments were expressed by the community sample, whose experience of imprisonment led many to conclude that not only was it not a deterrent, but its effects had no constructive benefit for those imprisoned, or

for the people and communities harmed by their behaviours, when compared to community sanctions. As one person put it *'nobody gains from [prison]. It doesn't do nothing to change to you. It doesn't help any one you being in here. It just makes everything worse. You lose anything you did have before you went in and as soon as you step back out that door well that's you back down where you were if you know what I mean?'* Exceptions to this emerged in the accounts of those people for whom prison served as a drug rehabilitation centre in the absence of any available community based services. The impacts of short term imprisonment that most frequently emerged in the community sample's accounts were the loss of accommodation and employment, but most significantly, the impact on their families and relationships which served to further undermine any pro-social intentions on release. Constructively, a perceived benefit of community sanctions was not only the absence of these losses, but the reactions and responses of their families when they managed to sustain their commitment and desistance from offending over the duration of the sanction. This seemed to serve to enhance and bolster sometimes strained and fractured relationships as well as engendering a sense of self respect in the participants.



There was more support for community penalties than short term prison sentences amongst both the prison and community sanction groups, and in particular respondents were more interested in discussing their experience of community service to probation, which seemed to relate to the increased intensity of the experience, and the associated demands this sanction placed on them. This seems to further relate to the simultaneously redemptive and generative opportunities as they were able to extract something from this experience, in the form of both paying and giving something back, which impacted constructively on self concept and future aspirations. Examples mentioned by interviewees like re-decorating the homes of single parents or repairing damage to a nursery's garden offer examples of this; where this was publicly recognised and valorised, this seemed to further enhance this experience. Community service enabled some participants to get into the practice of developing a routine from having to show up somewhere on time on a regular basis, though for some these features of the sanction raised a fear of failure and, hence, a desire not to receive it. For others, however, this, in addition to the acquisition of new skills by virtue of the work they were engaged in, promoted individual's sense of self concept and self efficacy such that they wanted to capitalise on this and effect lasting changes in their lifestyle, which often translated into a desire to obtain permanent employment. A regularly mentioned factor in motivating the offender to participate fully in a community sentence was the personality of the community service supervisor or probation officer.

Many suggestions for creative practice emerged from their responses which have implications for policy and practice. In particular, these related to sustaining the impact of community sanctions beyond their statutory duration. Examples included the provision of a staff and peer staffed help line that operated beyond office hours and that could be accessed by those no longer subject to community sanctions who were encountering challenges or problems; the provision of opportunities to engage in community service related activities as volunteers or supervisors after their order had expired; the alignment of community service placements with recognised regeneration initiatives to ensure that the work they were undertaking was meaningful (this was contrasted with litter picking for example); the opportunity to be placed with local employers as part of community service, as a quasi-apprenticeship that would enhance skill development and, relatedly, the opportunity to undertake vocational qualifications whilst undertaking community service.

We are continuing to analyse our interviews, and given the interest in this area in the UK and across Europe, and are also contemplating comparative research on the subjective experience of probationers in relation to different kind of sanctions. Our findings so far are consistent with recent NAO research showing that short sentences appear to be ineffective and offer little value for money (NAO 2010). Moreover, by bringing to bear the voices of the people doing these short sentences, this research offers insights into why this might be the case and allows for more general debates about the use of prison or community sentences in the first place.

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Opinion

The age of criminal responsibility

One of the first things that the new Justice Secretary, Kenneth Clarke, commented on was the trial of two boys, aged 10 and 11 years, at the Old Bailey on rape charges. The former Director of Public Prosecutions, Sir Ken Macdonald, had described the case as a “*spectacle that has no place in an intelligent society*”. Kenneth Clarke has now ordered a review of how children are treated in the criminal courts.



The Howard League, other charities supporting children, and newspapers, including the Daily Express and The Sun, contributed to discussion about the need to reform the treatment of children by the criminal justice system.

A central issue in this debate is the age of criminal responsibility. England and Wales has one of the lowest ages of criminal responsibility in Europe: although Scotland’s is currently 8 years, there are plans afoot to increase it to 12 years in the near future.

Minimum ages of criminal responsibility from around Europe

Country	Age
Belgium	18 (16 for serious offences)
Denmark	15
England and Wales	10
France	13 (educational measures can be imposed at 10)
Italy	14
Lithuania	14
Netherlands	12
Portugal	16
Sweden	15
Turkey	12

The UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (1985), states:

“In those legal systems recognising the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind the fact of emotional, mental and intellectual maturity.” (4.1)

The Beijing Rules commentary adds:

“The minimum age of criminal responsibility differs widely owing to history and culture. The modern approach would be to consider whether a child can live up to the moral and psychological components of criminal responsibility; that is, whether a child, by virtue of her or his individual discernment and understanding, can be held responsible for essentially antisocial behaviour...

“If the age of criminal responsibility is fixed too low or if there is no lower age limit at all, the notion of responsibility would become meaningless. In general, there is a close relationship between the notion of responsibility for delinquent or criminal behaviour and other social rights and responsibilities (such as marital status, civil majority, etc.)”

Is now the time for change? The Howard League is an advocate for raising the age of criminal responsibility, and has surveyed the treatment young people in the criminal justice system around Europe in its report *Punishing Children* (free to download at <http://www.howardleague.org/punishing-children/>) What do you think?

Please let us know your thoughts either by emailing anita.dockley@howardleague.org or joining our facebook group (see below). A selection of comments will be published in the next Early Career Academic's Bulletin – so please indicate if you don't want your views published.

ECAN Facebook Group



The Howard League for Penal Reform is active on [Facebook](#), [Twitter](#) and [Delicious](#). There is a special page dedicated to the Early Careers Academic Network that you can reach either by searching for us on facebook or by clicking on the button above.

We hope to use the facebook site to generate discussions about current issues in the criminal justice system. We are currently seeking your views on the amount of time children have out of cell (above) – so perhaps you could share your views on facebook?

Also, if there are any topics that you would like to discuss, please start a discussion.

Member profile

This time it's the turn of ...



Nic Bowler from the School of Human and Health Services at Swansea University.

Hi, I'm Dr Nic Bowler. I'm a mental health nurse by instinct, training and background and my chosen profession has provided rewarding and often unexpected pathways to follow during my career to date. Most importantly amongst these has been the opportunity to work closely with individuals distressed and sometimes tormented by their illness. It is a privilege to have done so, especially where it was possible to make a difference. During my clinical practice I became familiar with the 1983 Mental Health Act and the conditions it placed on detaining individuals in hospital. As part of this area of practice, I worked with a small number of mentally disordered offenders and became interested particularly in the plight of mentally disordered offenders generally and prisoners specifically.

I have spent much of the past 10 years working with mental health practitioners in the 'serious mental illness field', supporting them in developing relevant skills and exploring the application of principles of cognitive-behaviour therapy (CBT) in their work. This has involved the practice of CBT approaches applicable to working with psychosis, for example, through teaching approaches to 'functional assessment', using rating scales for psychotic symptoms and detailing symptom specificity (frequency, intensity, duration, and onset) i.e. key tasks upon which CBT interventions can be based. These approaches can be used to modify voice hearing and delusional experiences. I am particularly interested in the possibility that CBT affords methods of effecting behaviour change and cognitive restructuring with individuals experiencing mental distress. To this end, I am seeking to develop a clinical role practising cognitive behaviour therapy which I see as essentially a structured development of the key features of the therapeutic relationship; to develop self efficacy, symptom reduction and coping skill enhancement over the long term.

I am fortunate that the School of Human and Health Sciences at Swansea University has committed to funding a place for me at Oxford University's Post graduate Diploma in CBT course from this September, if I am successful in my application. I have been able to bring together my interests in therapeutic approaches and care of mentally disordered offenders within a module for nurses working in forensic settings alongside colleagues from the South Wales Forensic Service based at the Caswell Clinic, Bridgend. Within this module we explore risk assessment utilising actuarial tools such as the HCR 20 and VRAG and how the findings from such assessments can be

incorporated within an approach to care management cognisant of both mental illness and offending variables.

I have recently been awarded my PhD which focussed upon determinants of mental state within a prison population, and consider myself to be very much a novice researcher. The opportunity to belong to The Howard League Early Career Academic Network appealed to me due to its focus upon criminal justice issues, its multidisciplinary composition and, simply, the opportunity to belong to a supportive community consisting of others interested in reform of the criminal justice system. I have made contact with another member at Swansea University and we are hoping to get an interest group going to provide a local social and supportive environment for others interested in working with offenders. It's another small step...

The future of the criminal justice system: Celebrating the value of community sentences

Catryn Yousefi

Catryn Yousefi explains why you should come along to the Howard League's upcoming conference to discuss how the criminal justice system should be developed by the new coalition government.

As we settle down to a new government and new political landscape, this conference will discuss and explore the future of our criminal justice system. What significant roles can the voluntary sector, probation service and youth justice system play in shaping the future of the criminal justice system and ultimately what impact can they have on community sentencing? And how can community sentencing be most effectively promoted to increase public confidence in the criminal justice system?

The Howard League for Penal Reform's one-day national conference *The future of the criminal justice system* is on 20 July 2010, at Kings Fund, Cavendish Square, London. The conference will include a morning plenary addressed by Frances Crook, Director, the Howard League for Penal Reform; Clive Martins, Director, Clinks; John Drew, Chief Executive, Youth Justice Board for England and Wales; and Jonathan Ledger, General Secretary, Napo. They will discuss the future role of the voluntary sector, the probation service and the future of justice for children post-general election and what these sectors' contributions would mean in practice.

The conference will be addressed by our keynote speaker Max Clifford, Max Clifford Associates, who will be exploring how best to promote community sentencing. The afternoon plenary will also include the Community Programmes Awards 2010. This is the Howard League for Penal Reform annual award for the country's most successful community programmes. The awards aim to encourage public and government support for successful community sentences. The Howard League for Penal Reform believes that well resourced and well structured programmes raise public protection, bringing down the rate of offending and repay the damage done by crime in a way which custodial sentences cannot.

The awards include the following categories:

- Adults (sponsored by Probation Association)
- Women (sponsored by Corston Independent Funders' Coalition)
- Children & Young People
- Unpaid Work
- Education, Training & Employment

The award winners will show, for example, how they:

- are rehabilitative and help to prevent future offending
- offer a programme tailored to individual needs

- are based on restorative principles
- encourage offenders to think about the consequences of their crime
- are cost effective
- work collaboratively with the local community

The awards will be presented by:

- Professor David Wilson, Birmingham City University and Vice-chair, the Howard League for Penal Reform
- Antonia Bance, Advocate, Corston Independent Funders' Coalition
- Christine Lawrie, Chief Executive, Probation Association
- Yvonne Thomas, Director, Offender Management for Wales and Director, Probation Trusts Programme
- John Thornhill, Chairman, The Magistrates' Association
- Lorna Hadley, Head of Vulnerable Young People & Youth Offending, Newham, Youth Offending Service

There will be an exhibition of all shortlisted projects of the Community Programmes Awards 2010 and a chance for delegates to network and share best practice at the conference.

Further details and a booking form can be found at

<http://www.howardleague.org/community-programmes-conference/>

Alternatively you can contact Catryn Yousefi, Community Programmes Manager, Catryn.yousefi@howardleague.org or 020 7241 7893

We are pleased to announce that the 2010 awards are supported by:



Catryn Yousefi is the Howard League's Programme Manager.

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 (eg 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.

Please note

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