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

Early Career Academics Network Bulletin

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Contents

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The Howard League for Penal Reform is active on Facebook and Twitter. 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. If there are any topics that you would like to discuss, please start a discussion.

Introduction

In the spring the Howard League conference Justice and Penal Reform: Re-shaping the penal landscape welcomed academics, practitioners and campaigners to Oxford from both home and abroad. Over the course of the three days so many topics and concerns were addressed providing so much food for thought.

The conference was part of the What is Justice? symposium, so some of the issues discussed will ultimately feed into its final report which will be published later this year. In the meantime, there are a number of ways through which you can delve into the ideas we are considering. Take a look at the book that preceded the conference Justice and Penal Reform is an

edited collection with contributions from eminent academics from around the world discussing justice in terms of human rights, legitimacy and civic repair as well as justice in terms of societal institutions such as the police or prisons. This ECAN special edition also seeks to explore some of the ideas that have been taken forward under the What is Justice? symposium and allow those of you who were unable to attend the conference to join the debate. A further volume of papers from the conference will be published shortly as will the audio from the conference plenary sessions featuring contributions from Todd Clear, Alison Liebling and Dirk Van Zyl Smit among others.

Features

'Never waste a good crisis' An analysis of the current penal policy window in Ireland

Jane Mulcahy

Introduction

The title of this article, 'Never waste a good crisis' is a reference to the opportunity to take a different, more enlightened and principled approach penal matters following the implosion of the Irish public finances. It is a quotation derived from Governor Martin O'Neill's (2013) application of Liebling's Quality of Life research for prisoners and staff (see Liebling 2012; Liebling et al 2004) to the Irish context. This paper examines the years of unprecedented penal reform during the difficult electoral cycle of 2011 to 2016, a period characterised by financial austerity. While the discussion focuses on efforts taken by the new prison administration to reduce overcrowding and tackle poor physical conditions and the various factors that contributed to long overdue change, including increasing condemnation from international human rights mechanisms and the Inspector of Prisons, advocacy from penal reform groups, and the appointment of key personalities, namely a new Minister for Justice and Director General of the Irish Prison Service.

Jane Mulcahy

Election 2011 – a precarious time

Before the General Election on 25 February 2011, Ireland's leading penal reform NGO, the Irish Penal Reform Trust (IPRT) published its *Policy Statement for Election 2011 - Ten Steps to Better and Safer Communities*[1] arguing that it "it makes social and economic sense to place penal reform in a new Programme for Government."

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[1]

http://www.iprt.ie/files/IPRT_Policy_Statement_for_Election_2011.pdf

The outcome of the 2011 election was that Fianna Fail, the dominant party since the foundation of the State, was ousted from power, blamed by the electorate for the economic collapse and the crippling EU/IMF bailout.[2] The change of political leadership, a coalition between centre-right Fine Gael and the left-leaning Labour Party, presented prison reform advocates with an opportunity to impress on policy-makers that a different approach to prison and prisoners was essential (Mulcahy 2013: 142).

Putting the numbers in context

Ireland's prison population increased by 400% between 1970 and 2011.[3] In 1970, the daily average prison population was 749 (Committee of Inquiry into the Penal System, 1985: para 14.15).[4]

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[2] In February 2011, Fine Gael won 76 seats making it the largest political party in Ireland. The Labour Party increased their seats to 37. Fianna Fail was decimated, going from the largest party with 71 seats, down to 20. In February 2016, the tide turned resoundingly against the outgoing Fine Gael/Labour Government, in no small part due to anger about the effects of austerity and the imposition of water charges. A minority Fine Gael Government was formed in early May, with the support of a number of Independent TDS (representatives in the Dail). See "Enda Kenny announces minority government Cabinet", *Irish Times*, 06 May 2016, available at http://www.irishtimes.com/news/politics/enda-kenny-announces-minority-government-cabinet-1.2637567 (accessed 02 June 2016).
[3] See http://www.iprt.ie/prison-facts-2.
[4] However, O'Sullivan and O'Donnell (2012) explain that the historical low levels of imprisonment in Ireland must be understood as existing in a landscape of other non-penal institutions such as mental hospitals, Mother and Baby Homes and industrial schools, where "the difficult, the deviant, the disengaged and disturbed"

According to the Whitaker Report in 1985:

Casual large-scale releases have been resorted to in order to relieve congestion. The pressure on accommodation in prisons and places of detention arises not only from the numbers committed but from the length of time effectively spent in prison. The Committee is in favour of custodial sentences being reserved for the most serious offences (with the corollary that very short sentences should be virtually eliminated) but is opposed to any general lengthening of sentences or to haphazard, as distinct from well-judged, early releases. The Committee prefers a system in which sentences imposed would in fact be served subject to a higher standard of remission (1/3 as against the present ¼) for good conduct, to a system of regular judicial review of all sentences of 5 years or more, and to provision for supervised release at any stage if recommended by review committees representative of all the services operating in prison. (Ibid. para 2.15)

The Whitaker Committee ominously predicted that the prison population could expand to 4,000 by 1995 if committal trends and "the tendency towards longer sentences" continued, stating that the impact of "an increase of this magnitude would be very grave" (Ibid. para 13.5). Although the Committee was somewhat off in its forebodings as

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(p. 5) – often women, children and inconvenient siblings - were deposited by their families. They suggest the purpose of this coercive confinement was frequently the protection of the family farm.

to the precise timeline, between 1997 and 1999 Ireland's daily average prison population increased by 32% from 2,227 to 2,929 prisoners (O'Donnell and O'Sullivan 2000:59). Between 1997 and 2011 prison numbers doubled.[5]

According to O'Donnell and O'Sullivan crime was not a major source of concern for the public in the early 1990s. They refer to *The Sunday Press* opinion poll in 1994 where only 3% of the public viewed crime as the biggest social problem (ibid: 1). In 1997, following two high profile murders involving a journalist and a member of An Garda Síochána (a policeman) by gangland figures, 86% of people surveyed in a poll believed crime was increasing. In its 1997 election manifesto Fianna Fail declared a war on crime, pledging to "adopt a zero tolerance policy on all crime" and to create 2,000 more prison places (Ibid: 43). Subsequently, the European Committee for the Prevention of Torture (CPT) stated that overcrowding in Irish prisons was "endemic" (CPT, 2000: para 57).

As a result of Fianna Fail's poorly thought out penal policies (which had a blind faith that the dropping crime rate in the late 1990s was due to punitive zero tolerance and an increase in prison spaces)[6], the

daily average prison population increased from 2,948 (a rate of 77 per 100,000) in 2000 to 4,290 (94 per 100,000) in 2010.[7]

According to the recently published Irish Prison Numbers contained in the World Prison Brief, Ireland's prison population was down to 3,733 on 30 October 2015, a rate of 80 per 100,000.[8] On 04 July 2016 there were 4,292 prisoners in the system, of which 3,746 were in custody, 364 were on temporary release and 503 on remand.[9]

By adopting strategic measures such as those discussed in this article, the Irish Prison Service (IPS) has safely and responsibly reduced prison numbers by 10% since its peak in 2011[10] and is now better placed to prioritise rehabilitation, sentence planning and resettlement of prisoners. The recently published *Strategic Plan 2016-2018* sets out an ambitious agenda for the IPS over the next three years and contains an encouraging narrative account of the importance of human rights, equality, ethics and dignity to the prison service as a "responsible organisation of the State". (Irish Prison Service, 2016a: 5) As regards the subject matter of this article, the following statement is particularly relevant:

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[5] See http://www.iprt.ie/prison-facts-2.
[6] O'Donnell and O'Sullivan (2000: 53) refer to a Department of Justice, Equality and Law Reform press statement from August 2000 "full of self-congratulation" which stated: "There is no question but that the Minister's policies are working. The number of crimes reported to the Garda Siochana in each of the three years since he took up office has declined and is tangible proof of the success of his anti-crime measures … [There has been] a

staggering drop of 21 per cent in reported crime since this government took office."
[7] See the World Prison Brief, Irish Prison Numbers, 02 February 2016 at http://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_11th_edition.pdf
[8] Ibid.
[9] See http://www.irishprisons.ie/wp-content/uploads/documents_pdf/04_July_2016.pdf
[10] See IPRT *Smart Justice = Safer Communities* at http://www.iprt.ie/

We strive to ensure that conditions of detention for all prisoners, either physical or regime, conform to international standards including those instruments set out by the United Nations as a minimum. Where possible, we strive to exceed these standards and become a global leader in penal practice. Where deficiencies are identified we ensure appropriate action is taken to address same. We are continuing to implement a comprehensive capital programme of works to modernise and improve the physical conditions of our prison estate including reducing overcrowding and eliminating "slopping out". We continue to build on the many positive developments made in this regard in recent years. (Ibid.)

Physical conditions

The phenomenon of 'slopping out' has been condemned as having a "direct and substantial bearing on the prison regime" (CPT 2011: para 48). In 1985 the Whitaker Report stated that prisoners should have "a wash-basin in every cell and ready access to toilet facilities at all times" (Committee of Inquiry into the Penal System, 1985: para 2.22). In a written submission to the UN Universal Periodic Review in 2011, IPRT stated:

Conditions in our older prisons are in clear violation of a number of human rights standards. The ongoing practice of 'slopping out' in Mountjoy, Cork, Limerick and Portlaoise prisons has received national and international condemnation. A quarter of Irish prisoners do not have in-cell sanitation. … prisoners urinate

and defecate in buckets or portable units in the cell during lock up … On December 17th 2010, 1,003 prisoners out of a total of 4,397 prisoners were required to slop out. (IPRT 2011:3)

Over the years the CPT repeatedly called upon the Irish authorities to "eradicate" slopping out from the prison system (CPT 2011: para 48). The UN Human Rights Committee (2008), the Inspector of Prisons (2010) and the CPT all declared that slopping out constitutes "inhuman and degrading treatment".

Human rights mechanisms, the Thornton Hall Review Group and political action

UNCAT Examination – May 2011
In May 2011, Ireland was subject to its first periodic examination in Geneva before the UN Committee against Torture and featured an arrogant performance by the State Delegation, led by the outgoing Secretary General of the Department of Justice, Sean

Aylward.[11] IPRT made submissions to the Committee against Torture on prison-related matters including the human rights implications of overcrowding and 'slopping out' and helped secure extremely strong Concluding Observations (see ICCL and IPRT 2011).[12] At the NGO briefing session IPRT was questioned by the Committee Rapporteurs as to whether it supported the development at Thornton Hall, a green-field site in North Dublin. Reiterating its opposition to "the super-prison on grounds of location, size, proposed mixture of security levels and the fact that it would almost certainly lead to further penal expansion rather than cell closures elsewhere", IPRT agreed that in order to comply with international human rights standards urgent action was necessary to address both overcrowding and inhuman and degrading conditions, most notably the lack of in-cell sanitation (Mulcahy 2013:143). IPRT urged the committee to question the Irish State as to whether it intended "to proceed with the Thornton Hall development and to provide a clear timeline for its construction, or any refurbishment of existing prisons" (Ibid).

In response to this request and a similar appeal from the then Irish Human Rights Commission, UNCAT Rapporteur, Myrna Kleopas, did indeed press the State Delegation to clarify the State's position on Thornton Hall.[13] In June 2011 the Committee against Torture recommended that Ireland "Adopt specific timeframes for the construction of new prison facilities which comply with international standards. In this regard, the Committee requests the State party to inform it of any decisions taken with regard to the Thornton Hall prison project.'

As to existing prison conditions, the committee recommended that the Irish State "strengthen its efforts to eliminate, without delay, the practice of "slopping out", starting with instances where prisoners have to share cells. [14]

The Thornton Hall Review Group Once in office, the new Minister for Justice and Equality, Deputy Alan Shatter, took a more principled approach to penal policy than his predecessors. On 05 April 2011, the Minister set up the Thornton Hall Review Group on foot of a commitment in the Government Programme for National Recovery "to review the proposal to build a new prison at Thornton Hall and to consider alternatives, if any, to avoid the costs yet to be incurred by the State in building such a new prison" (Thornton Hall Prison

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[11] See web-stream of State Delegation at http://www.ustream.tv/recorded/14928621. At 29 minutes and 41 seconds Brian Purcell, then Director General of the Irish Prison Service rolls his eyes at the Committee when asked to which page of his submission he was referring.
[12] See also Concluding Observations of the Committee against Torture, Ireland, Forty-sixth session 9 May–3 June 2011, available at www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx

[13] See UN CAT Rapporteur Myrna Kleopas' question about Thornton Hall at 41 minutes http://www.ustream.tv/recorded/14908354s.
[14] See Concluding Observations of the Committee against Torture, Ireland, Forty-sixth session 9 May–3 June 2011, para. 12 available at www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx

Review Group 2011:1). The Group was tasked with examining the need for the planned super-prison and to make recommendations on the twin problems of overcrowding and poor physical conditions.

The resulting Report was published in July 2011. Describing overcrowding as 'pernicious', the Review Group's recognition that prison building alone would not provide a lasting solution to the problem came at a crucial moment. Doing nothing to ameliorate the situation, however, was also not an option (Ibid: 65). Their admission that the deplorable physical conditions and overcrowding in Cork and Mountjoy exposed the State "to significant reputational, legal and financial risk" was highly significant, particularly in the wake of the *Napier* judgment in Scotland.[15] The proposal for innovative 'back-door' strategies such as an incentivised system for early release including supervised community service, (Ibid: 68; Mulcahy 2013:144-5) was also an important contribution.

The emphasis placed on safeguarding the human rights of prisoners and the Review Group's bold message that overcrowding "will not be solved solely by building more prisons" was endorsed by Minister Shatter at the IPRT Annual Lecture, 2011. Minister Shatter stated:

…it is, of course, right in a *constitutional democracy governed by law and committed to human rights principles that we keep the human rights of offenders in view when we shape or reshape our penal policy and practice. As the great American judge Robert Jackson vividly wrote: 'We can afford no liberties with liberty itself'.[16] It is striking that the 1950 European Convention on Human Rights has had a wide-ranging effect on penal policy and practice. And the European Committee for the Prevention of Torture, Inhuman and Degrading Treatment – the 'CPT' - is contributing immeasurably to improving prison conditions in Europe. Political integrity dictates that we should comply with the human-rights principles of international conventions to which this State is a party and with which we expect other States to comply. To do otherwise, would be rank hypocrisy. I am not suggesting that our concern to protect the community on the one hand and our obligation to respect prisoners' rights on the other hand should result in a crude tug of war or that the two are entirely irreconcilable. I am saying that since policy-making must keep faith with these concerns, our perspective on penal policy is a morally complex and nuanced one.*[17]

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[15] See "Prisoner wins 'slopping out' case", 26 April 2004, at http://news.bbc.co.uk/2/hi/uk_news/scotland/3659931.stm. See also "Slopping out: Irish prisoners line up for €4.2m payout" *The Independent*, 19 April 2015, available at http://www.independent.ie/irish-news/slopping-out-irish-prisoners-line-up-for-42m-payout-31154067.html

[16] *United States v Spector* 343 US 169, 180 (1952)
[17] See Department of Justice and Equality, *Irish Penal Reform Trust Annual Lecture, Squaring the Circle: Penal policy, Sentencing offenders, and Protecting the Community*, 16 September 2011 http://www.justice.ie/en/JELR/Pages/SP11000177.

*UN Universal Periodic Review –
October 2011*
In its submission to the UN
Universal Periodic Review process
IPRT again highlighted
overcrowding and poor physical
conditions in Ireland's older
prisons, including Cork and
Mountjoy, where the pains of
slopping out were exacerbated by
chronic overcrowding (IPRT 2011).
Prison related issues were also
raised by the ICCL in its *Your
Rights Right Now* Civil Society
Report.[18] Ireland's first examination
under the UN Universal Periodic
Review took place in September
2011. Having made the error of
leaving the State delegation to
UNCAT completely in the hands of
the outgoing Secretary General
and his team of senior Civil
Servants, Minister Shatter travelled
to Geneva to lead the UPR
delegation himself where 17
countries made recommendations
on prisons, mostly relating to
reducing overcrowding and
eliminating 'slopping out'. Fourteen
of these prison-related
recommendations were accepted
by Ireland (ICCL 2015:26). The
State submitted an interim report to
the UPR in March 2014[19] in

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[18] See http://www.iprt.ie/contents/2017.
See ICCL, *Your Rights Right Now,
Ireland's Civil Society UPR Stakeholder
Report* (2011) at
http://www.rightsnow.ie/images/Your%20R
ights.%20Right%20Now%20UPR%20Stak
eholder%20Report%20March%202011.pd
f; J. Mulcahy for IPRT in "Ireland's UPR" –
The Video Report [2011] at 2.38, 6 and
9.54 minutes at
http://www.distilledideas.com/videos/irelan
ds-upr/. And *ICCL Your Rights, Right Now
UN Universal Periodic Review campaign
launch* January 2011, at 1.58 minutes at
http://www.distilledideas.com/videos/upr-
launch/.
[19] See *Universal Periodic Review Ireland
National Interim Report* March 2014, at

advance of the second periodic
review (IPRT 2016a),[20] outlining
progress made since 2011.

*So what has happened since
2011?*
Since the end of 2011 there has
been far greater respect for the
need to comply with international
human rights instruments and a
new emphasis on inter-agency
working with an integrated
approach to offender management
(Irish Prison Service 2016a:2; Irish
Prison Service 2016b: 3; Irish
Prison Service and Probation
Service 2015).

Towards the end of 2011 key
personnel changes occurred which
have had a major bearing on the
recent progress in achieving penal
reform in Ireland. When the
Secretary General in Justice, Sean
Aylward, retired he was replaced by
Brian Purcell, the then Head of the
IPS. Mr Aylward was then
appointed to the CPT. Michael
Donnellan, former Head of
Probation, became the new

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http://www.rightsnow.ie/assets/55/65D552
91-1129-4527-
B72ADF0F438B2BEA_document/UPR-
National_Interim_Report-Ireland.pdf. See
also ICCL (2015)
[20] At the second UPR, 11 May 2016,
prison-related matters again figured
strongly. In particular, 20 countries
condemned Ireland's ongoing failure to
ratify the *Optional Protocol to the UN
Convention against Torture* (OPCAT),
which requires a National Preventive
Mechanism to be established to inhibit the
torture and ill-treatment of those in
detention. According to IPRT, members of
the Human Rights Council also raised
concerns about "the regular overcrowding
in certain prisons that only exacerbates
existing problems, the poor sanitary
conditions and 'slopping-out' still
experienced by some prisoners."

Director General of the IPS in December.

The previous month, Minister Shatter made a commitment to set up a Penal Policy Review Group to "undertake an all-encompassing strategic review of all aspects of penal policy" by the end of 2011, following another recommendation of the Thornton Hall Project Review Group.[21] The Strategic Review Group published its Report in 2014 (Dept of Justice 2014). Unlike the Whitaker Committee Report which was left on a shelf for more than eight years before an attempt was even made to explore the feasibility of implement any recommendations (See Dept of Justice 1997; 1994), the Review Group has an implementation task force which meets every six months, chaired by Dr Mary Rogan (former Chair of IPRT) to monitor actions.

In its *Three Year Strategic Plan 2012-2015* the Irish Prison Service stated*:*

> The intention of addressing poor physical conditions in Mountjoy and Cork *prisons, including the lack of in-cell sanitation, through the construction of prison facilities at Thornton Hall and Kilworth is now not possible in short term to medium term due to economic constraints. However the Irish Prison Service remains committed to the objective of providing in-cell sanitation in all prisons and upgrading outdated prison facilities.* (IPS 2012)

Under *Strategic Action 5: Prison Estate*, the IPS promised that in-cell sanitation will be provided in all areas of the prison estate where there is a toilet and wash hand basin in every locked cell.

By November 2013, the IPS reduced the numbers 'slopping out' to 504 (12%). 182 of these were in Mountjoy. Slopping out has since been eliminated at Mountjoy prison. €28 million euro was spent on refurbishing the prison. The scandal is that in 2005 €29.9 million was paid for the Thornton Hall site, eight times the going rate.[22] Had that money been spent on upgrading Mountjoy prison in 2005, a sizeable number of prisoners would have been spared the indignities of slopping out, usually in over-crowded conditions, over the intervening decade.

Interestingly, given the resurgence of punitive language in the run-up to the recent General Election, most notably in respect of reported increases in rural burglaries, the IPS has tended to announce their progress in remedying egregious human rights abuses in somewhat defensive language, lest the media or the punitive minded public protest about 'holiday camp' conditions. An article in the New York Telegraph from January 2016 reports that the elimination of slopping out in Mountjoy has been accompanied by a reduction of inter-prisoner violence by 40%. The article states:

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[21] See "Minister Shatter announces capital allocation available to the Justice Sector in 2012", available at http://www.inis.gov.ie/en/JELR/Pages/PR11000217

[22] See "Price paid for Thornton Hall 'eight times' the going rate", *The Irish Times,* 27 October 2006*.*

Cork Prison

Prisoners now have single cells with in-cell sanitation, TVs, and computer points with controlled internet access … The prison service said the improvements in facilities and the increased access to education and training programmes have contributed to the significant reduction in violence. The prison service said the improvements are basic human rights and that prison is still tough, because inmates have lost their right to choose how to spend their days, their privacy and their liberty." [23]

The new Cork prison was opened on 12 February 2016. The old prison was a refurbished army barracks and had an original design capacity of 150 cells with an official bed capacity of 230 (but usually housed 260-270 prisoners, according to the Inspector of Prison's Report from 2007) and prisoners were subject to slopping out. The new state-of-the-art development which cost €45 million has in-cell sanitation, an enhanced visiting regime and an outdoor play area for children. 163 prisoners were transferred from the old prison to the new site. With an official bed capacity of 296, the new Cork prison housed 273 prisoners on 04 July 2016.[24] At the official launch of the new prison on 18 July 2016, IPRT welcomed the progress made but expressed disappointment "that the new prison operates a cell-sharing policy, and not single cell accommodation which is best practice and supports safer prisons" (IPRT, 2016c). In its recently published *Capital Strategy 2016-2018* the IPS stated that subject to the constraints "of trends in overall prisoner numbers" it was its long-term objective to make single cell occupancy the "estate-wide norm" (Irish Prison Service 2016c:21).

[23] See "Irish Prison Service noted lower violence after improve inmate conditions" *New York Telegraph,* 25 Jan 2016. And "What did Alan Shatter do in office?" The Journal, 7 May 2014.

[24] See http://www.irishprisons.ie/wp-content/uploads/documents_pdf/04_July_2016.pdf

At the opening of the new Cork prison, the Director General of the IPS stated: "The new Cork Prison will provide good working conditions for staff and suitable accommodation for all prisoners in accordance with our national and international obligations – this new prison ends the practice of slopping out.[25]

The opening of Cork prison means there has been a 90% reduction in the number of prisoners slopping out (under 100, down from 1,000 in 2011). Construction work to eliminate the practice at Limerick male prison and in Portlaoise has yet to commence. Hopefully, some progress will be made in 2016. (See Irish Prison Service 2016c: 24) When slopping out ends in Limerick and Portlaoise, "it will mark the full and final resolution of this singularly negative legacy of the historic prison estate" (Ibid: 21) and the IPS will move a step closer to "upholding prisoners' dignity and human rights" (Ibid), in deed as well as in rhetoric.

IPRT gave the following analysis of progress to improve physical conditions ahead of the General Election on 26 February 2016:

There have been very positive and (literally) concrete action to address unfit and inhumane prison conditions since 2011, including renovations at Mountjoy Prison to eliminate slopping out; the opening of a new Cork Prison in February 2016; and the tendering for renovations at Limerick Prison. The reduction of prisoner

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[25] "Slopping out ends for Cork inmates as new prison opens" *The Irish Times*, 14 Feb 2016.

numbers has also had positive impact on conditions. Although slopping out persists in Portlaoise Prison, and building has yet to commence in Limerick Prison, there has been significant progress in the past 5 years: an overall reduction in the numbers slopping out from over 1,000 men in advance of the last general election, to around 100 today. This is an example of true commitment by the outgoing government to meeting Ireland's human rights obligations. (IPRT 2016b)

Efforts to bring the numbers under control

At IPRT's Annual Lecture in 2011 the Minister for Justice, Alan Shatter, acknowledged that the stark increase in the prison population did not create a safer society.

Now, the prison system operates today under great pressure due to the high number of offenders being sent to prison. Five years ago the number of prisoners in this jurisdiction (including those on temporary release) was about 3,300. When I took office earlier this year, the number of prisoners was over 5,000. This figure represents a 50% increase. I have heard no suggestion that we are 50% safer because of this rise in imprisonment. (Dept of Justice and Equality 2011)

By enacting the *Criminal Justice (Community Service) (Amendment) Act, 2011*, Minister Shatter lent his "full support" to the greater use of community service as an alternative to imprisonment. The *Fines Act, 2014* was commenced in

early 2016, which makes provision for the payment of fines by installment and which will hopefully see an end to committals to prison for non-payment of fines. In 2014 there were nearly 9,000 *committals for non-payment of court-ordered fines* (IPS 2015:19*); a grossly wasteful practice as many people are released within hours due to space constraints, with the fine itself "purged" with the committal to prison* (IPRT 2012:10).

In October 2011 the cross-party Sub-Committee on Penal Reform was established by the Joint Oireachtas Committee on Justice, Equality and Defence "to analyse the recommendations of the Thornton Hall Project Review Group in respect of non-custodial alternatives to imprisonment – in particular back-door strategies which involve some form of early release" including: the experience from other jurisdictions, 'earned temporary release', release under community supervision, parole reform and enhanced remission. In its Report published in 2013 the Sub-Committee called on the Government to reduce prison numbers by adopting the 'decarceration strategy', committing to reduce the overall prison population by one-third over a ten-year period. It also made a 'front-door' recommendation that all sentences of under 6 months imprisonment imposed in respect of non-violent offences should be commuted and replaced with community service orders, and a 'back-door' recommendation that standard remission should be increased from one-quarter to one-third of all sentences over one month in length, with an enhanced remission scheme of up to one-half

available on an incentivised basis for certain categories of prisoner, particularly those imprisoned for the first time (House of the Oireachtas 2013). Regrettably, none of these recommendations have been implemented to date.

A pilot Community Return Project was, however, launched in October 2012 in line with the recommendations of the Thornton Hall Project Review Group. Prisoners are eligible for release from the half-way point of their sentence if their sentence of imprisonment is between 1-8 years, instead of at the three-quarter point through normal remission.

> *The scheme roughly equates to a week of community service for extra remission of one month – essentially a swap of prison time for time in the community paying back through unpaid work.*(Ibid:21)

According to an evaluation of the Community Return Scheme, there were 232 persons released in the first year of the scheme, from October 2011 to end September 2012. As at the end of year 2013, 91% of those involved in the Scheme had not returned to custody (See IPS and Probation Service 2014: 9; McNally and Brennan 2015).

In 2013 the Community Support Scheme (CSS) was introduced to provide structured support upon release for short sentence prisoners (less than 12 months imprisonment). Prisoners can be released at any point in their sentence following pre-release assessment regarding suitability and needs/risks (homelessness, addiction etc.) and must attend

meetings with a support worker in the community usually within a week of release. The CSS is more about support than supervision and does not contain a community service component in lieu of time in prison. Previously, many of these short term prisoners were likely to have been released on a Friday evening, with a black plastic bag and no warning, preparation or community supports.

In a recent interview about penal reform and recent initiatives to improve rehabilitation and reintegration outcomes, Michael Donnellan made the following statements:

> *[The people on Community Return] love the structure. It's the feedback they give us all the time - that they actually love the structure. Because most of these guys haven't had the structure of work, school, all of these things that give people structure in their lives.*

> *I think [the CSS initiative] is a must, because every prisoner should have a support system or a support service on release from prison and given that we, in Ireland, still put a lot of people in prison for short periods, then absolutely we have to make sure that we give them the best support we can. It also has the benefit of, maybe, keeping some of them out of prison.[26]*

Explaining the change

How can we explain the recent period of penal reform and in particular the measures taken to reduce overcrowding and improve prison conditions? How relevant was the economic downturn? Had criticism from international human rights bodies and negative findings of the domestic Inspector of Prisons finally reached a critical mass? Or was the shift primarily attributable to the new Minister for Justice and personnel changes in the Department of Justice, the Irish Prison Service and Probation Service? What impact did advocacy from NGOs have?

During a recent interview for my PhD when I questioned the Director General of the IPS about the relevance of international human rights instruments, bodies and recommendations to him he responded thus:

> *They're not alone relevant to me, they're relevant to everything in the penal system. When you have international bodies, my view is that you have to listen to them. […] they're making commentary on the prison system in Ireland. […] If you take the example of the detention of children in a prison environment, why wouldn't you listen to what they're saying and why wouldn't you take it seriously that children should not be within a prison and should be in a much more therapeutic type environment? [A]s an influence, that is just one example of where … I see their criticism as helpful as they're pushing a policy change, which should be for all our benefits.[27]*

The Director General also gave his views on the important contribution

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[26] Follow-up phone interview with Michael Donnellan, Director General of the IPS on 07 March 2016.

[27] Ibid.

played by the Inspector of Prisons, Judge Michael Reilly.[28]

> *[T]here's no doubt that when you look back over the last 7 to 10 years he has had a huge influence. The previous Inspector didn't have an influence. This current Inspector does. But I suppose there has to come a time when the Prison Service has to start doing it for itself and setting out its own vision of where it's going, and simply having the Inspector … adjudicate on that. Whereas I think in the past there was such a vacuum in leadership and such a vacuum in practice that he found his way into … trying to manage the system as well. […] I think it was better to take control of our own destiny, than actually be shown a destiny by someone else. I think that we do know where we want to go and we do have a clear vision of what we want to do. And you're better off to channel your own destiny rather than have it dictated by somebody else. I think there was a realisation that it was better we do it **ourselves.***

As regards the contribution of IPRT to the change process, the Director General had this to say:

> *Well, I think that we're all on the same agenda. They're reasonable, they're rational. I think they're fairly evidence-based. […] So I see no conflict between one and the other. So when they're pushing for ending*

"slopping out", ending Protection Prisoners, ending punitivism within prisons, then my view is their view. They can [sometimes] articulate it … better. Because they are often criticising, and … the media love people who are critical, or who are finding fault. But, you know, that doesn't really matter as long as the job gets done and as long as the change happens. .... It doesn't really matter who gets the credit, as long as the job is done. And I think they have played a very significant part in the last five years.

Conclusion – "It doesn't really matter who gets the credit, as long as the job is done"

While the economic crisis meant that the construction of the super-prison at Thornton Hall was unfeasible, considerable financial investment was nonetheless required to make necessary improvements to the prison estate. What was unusual was that from late 2011 onwards the pace of change was remarkably quick, given the constricted public finances and shameful inaction over the previous quarter of a century.

In a sense, there was a 'perfect storm'. While factors such as the economic crisis, the reports from international human rights bodies and the domestic Inspector of prisons, along with targeted advocacy from groups such as the IPRT,[29] the ICCL and Irish Human Rights Commission certainly played

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[28] See also Irish Prison Service (2016), *Capital Strategy 2016-2021*, p. 7 which provides a compilation of the various standards of the Inspector of Prisons relevant to prison infrastructure and regimes.

[29] It might be argued that IPRT's increased effectiveness from 2010 onwards was due the increase in staff (1 to 4 + 2 supported interns).

a part in contributing to much-needed change, it is submitted that the single most important factor was a 'changing of the guard'.

A new dynamic Minister for Justice and Equality, Alan Shatter, [30] an experienced lawyer with an impressive work ethic and understanding of his brief, took office at a time of massive political upheaval. This combined with the timely and crucial appointment of a visionary new Director General of the IPS - eager to provide leadership and instil the prison service with a more humane, rehabilitative focus – was the crucial lever for change.

Without the drive and commitment of these two key players to make swift, decisive improvements regarding prison numbers and slopping out, all the international condemnation, and focussed penal reform advocacy of IPRT and others may well have been ignored, as in previous decades – since the Whitaker Report in 1985.

When the Minister for Justice and new IPS administration decided to tackle the deplorable conditions in Mountjoy and Cork prisons, time was not wasted. Targets for completion were set to which the contractors closely adhered. Once the official will to act was finally there, money was ring-fenced and spent. It was not merely a case of idle rhetoric, of responding to CPT or UN criticism with a contrite "yes, yes we will *try* to do the right thing", only to forget about those slopping

out in overcrowded conditions as soon as the dust settled.

Without these 'policy entrepreneurs' (Rogan 2011), it is highly probably that human rights bodies, the Inspector of Prisons, IPRT and others would have found themselves pointing out the same violations arising from chronic overcrowding and inhuman and degrading prison conditions for years to come.

Much still remains to be done as regards eliminating the detention of children in adult prisons, reducing deaths in custody, changing prison officer culture (Inspector of Prisons 2015) and providing a fully independent complaints mechanism for prisoners (Martynowicz 2016). Nonetheless, the recent period of penal reform, at a time of austerity, has clearly demonstrated that change need not be a painfully, shamefully slow process.

Where powerful people commit to change and set deadlines for the completion of key actions, progress can be surprisingly swift. This is an important lesson, not just for penal reformers but for those advocating for any form of legal or social change. It is difficult, if not impossible to achieve vital change without the "buy in" of the relevant Minister, but what is at least as important to secure the "buy in" of senior policy makers and civil servants who outlast their respective Ministers and are capable of propelling, or derailing progress (Mulcahy 2016).

[30] When Minister Shatter resigned from office due to mishandling the whistleblowing controversy concerning the police quashing of penalty points, his successor, Frances Fitzgerald, continued to implement many of his policies.

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About the author

Jane Mulcahy is a PhD candidate in law at University College Cork in Ireland. Her research is into post-release supervision of long sentence male prisoners and the practices, actions and resources in the community that enhance their reintegration prospects. Jane is the recipient of the Irish Research Council's funded employment scholarship and is co-funded by the Probation Service. Her employment partner is the Cork Alliance Centre, a desistance project based in Cork City.

As an independent research consultant Jane wrote the research report on *The Practice of Pre-trial detention in Ireland* (2016) for the Irish Penal Reform Trust (IPRT) as part of an EU Commission funded project facilitated by Fair Trials International. Between 2010 and 2013 Jane worked as Research and Policy Officer at IPRT. Previously she was senior legal researcher on the Codification of the Criminal Law project at University College Dublin. Prior to that Jane worked on the law of homicide at the Irish Law Reform Commission, writing the Consultation Paper on Involuntary Manslaughter (2007) and the Report on Homicide: Murder and Involuntary Manslaughter (2008). Email:
jane@corkalliancecentre.com
Twitter: @janehmul

Citizens in Policing – A new paradigm of direct citizen involvement

Ed Barnard and Iain Britton

The deep roots of citizen involvement in policing

British policing is admired around the world for its original model, attributed to Sir Robert Peel, of an approachable, impartial, accountable style of policing based on minimal force. Many countries send officers to the College of Policing here in the UK for training and development of leadership skills.

This model is based on some fundamental principles: 'policing by consent'; indicating that the legitimacy of policing in the eyes of the public is based upon a general consensus of support that follows from transparency about the powers they possess, their integrity in exercising those powers and their accountability for doing so. The concept is for the police to be citizens in uniform; "the police are the public, and the public are the police".[31] A transparent, ethical and accountable police service is crucial to delivering efficient and effective policing for the 21st century.

The concepts that underpin the British model of policing also support the fundamental idea behind the importance of the direct involvement of citizens in policing.

There is a long tradition of voluntarism within criminal justice and public safety, and policing is no exception. Volunteers exercising

Iain Britton and Ed Barnard

the powers of the Office of Constable can be traced back to at least the 13th century[32] and Special Constables – volunteer police officers - can be found in legislation as far back as 1662. However, much of what is still recognisable today as being the role of the Special Constabulary was effectively formalised into legislation in 1831.

Against this background it is apparent that the agenda of direct citizen involvement is neither a new idea nor a new reality on the ground. For example during both World Wars there was a major scaling up with massive impact on the Special Constabulary as an organisation.

Building on these deep historical roots, enhancing how citizens are directly involved in policing is a critical success factor for police reform. This is particularly pertinent within the context of the new and evolving challenges which the police service faces today.

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[31] Sir Robert Peel, "Principles of Law Enforcement", 1829

[32] Statute of Winchester, 1285

Citizen involvement is crucial to meeting the challenges facing modern policing

Firstly it is necessary to recognise and embrace the changing demands upon 21st century policing. Increasingly there is a move away from the types of policing traditionally thought of as representing 'the norm'. Society is changing fast, as are the type of crimes and threats to safety to which the public look to the police for protection. Policing needs to be equipped and able to effectively deal with new and different threats. For example the growing proportion of criminality which is 'cyber' in nature, and so not bound by geographical boundaries, presents new challenges, with an increasing need for effective collaborative working across forces to be in evidence. Other areas of prominent criminal activity include large-scale online fraud, the challenge of child sexual exploitation and the growth in online radicalisation. These issues stretch traditional policing skill sets and ways of operating. In simple terms budget pressures make traditional ways of thinking about citizen involvement and legacy thinking about the police workforce potentially unsustainable. Without elements of change being adopted the likelihood is an approach of less for less, with a retreat into a narrow and response-based model of policing focused upon a much more sharply defined role for the decreasing number of regular warranted officers.

There are significant developments across police reform, that require new ways of working to be embraced, implementing technological advances (e.g. body-worn cameras) or adopting new operating models (e.g. cross-border collaboration between forces). There are also significant collaborative developments beginning to be introduced across the 'blue light' services, with particular emphasis on looking to bring policing and fire and rescue services more closely together to streamline the way in which the emergency services deploy their resources.

New models for how policing is delivered need to embrace a reconceptualising of how citizens are directly engaged and participate in policing. This may include resetting and reinvigorating relationships between an active citizenry and the police, optimising the contribution of direct citizen participation from volunteers including special constables, and exploring the optimum operational design and workforce to maximise citizen engagement and achieve desired outcomes.

There is an important role for direct citizen involvement across the wider agenda of police reform. While there is general recognition of this across policing, and some movement in the direction of greater levels of citizen involvement, a step change is still needed to truly realise the potential benefits of increased citizen involvement in policing.

There are many identifiable benefits and assistance that volunteers bring:

- Critical skills and capacity in helping to manage and reduce risk and harm. This is about providing additionality, not being a direct replacement for paid roles.

- A step change in the available front-line visible policing resources, and with that public engagement, problem-solving, quality of service, reassurance and confidence building.
- A wide variety of skills and experience from outside of policing.
- There is an emphasis, often seen in the strategic plans of Police and Crime Commissioners, on achieving a significant 'opening up' of policing and bringing in different perspectives, ideas and ways of working. Police volunteering is a core means by which to achieve this aim.
- Additional capacity and capability, which in turn can help refine and refocus the roles and contributions of officers and police staff. The capacity and capability provided by volunteers in policing is going to be critical to meet changes and challenges.
- A direct route to enhancing police contact and engagement with communities thereby maintaining and improving community relations and interaction.

The use of volunteers can represent a means of achieving greater involvement in policing from a diversity of conscientious and dedicated people more quickly than do changes in the diversity of those in paid roles, particularly in times of limited police officer and police staff recruitment.

A new picture of citizen engagement in policing is emerging

Currently there is an exciting pattern of developments in ideas and practice underpinning a greater citizen involvement in policing.

There is the growing concept of the *'police family'* – a widespread involvement of different roles and individuals in delivering policing in communities. Volunteers form a key part of this concept, as do the array of community-based organisations and activists who impact positively upon crime and public safety. There is a need to forge stronger links across all those who are now involved in delivering safer communities, to create a greater sense of cohesion and embracing joint goals, but collectively the broadening of the range of roles and widening of participation marks a significant change in policing models over recent times.

While recognising there exist numerous volunteer organisations whose efforts support policing, there are three main volunteer groups that form a significant part of the concept of a policing family; special constables, police support volunteers and volunteer police cadets.

Special Constables – volunteer police officers – are the single most visible element of direct citizen involvement in policing. Currently there are over 16,000 specials across the 43 Home Office police forces of England and Wales[33] who volunteer in their free time (usually for at least 16 hours per month). As warranted officers they hold the same powers as a regular officer, do many of the same demanding, challenging tasks and make a huge impact on the ongoing delivery of effective policing. They are generally indistinguishable from regular officer colleagues by members of the public. While special constables are increasingly well integrated within policing there

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[33] *Police Workforce, England and Wales, 30 September 2015*, Home Office statistical bulletin 01/16, 28 January 2016

remains some tremendous potential for further development in areas such as broadening the type of roles specials perform, utilising skills they possess from their working lives outside policing, increasing operational responsibilities (e.g. in some force areas special constables police public or sporting events without drawing upon regular colleagues) and, in a planned way, further expanding their numbers.

Police Support Volunteers (PSVs) mark a significant recent change in direct citizen involvement. PSV programmes are operated by forces at a local level, with the first such programme beginning in Kent Police in 1992. The role of a PSV is not enshrined in legislation and they have their origins as non-uniformed individuals, without policing powers, who provide additionality. They operate primarily within 'back-office' functions to better enable officers and police staff to concentrate on front-line duties and provide a more visible policing presence in communities. While a relatively new addition to the policing landscape, PSV numbers are currently estimated to be around 10,000 nationally. Increasingly, PSV's are undertaking a wider variety of support roles; with recent data nationally indicating they are engaged in excess of 100 different roles across the police service.

Volunteer Police Cadets (VPC) has seen significant recent expansion in many force areas with total numbers having recently reached 10,000. These cadets are young people (aged 13-18) who volunteer directly in policing. They are assisting in community and crime prevention measures; learning new skills; developing a practical

understanding of policing and connecting with the police and with their peers. They undertake tasks which have real positive impact in local communities. VPC also aim to engage with young people who reflect the diversity of the area, and to achieve 25% representation from young people identified as being from a 'vulnerable' background.

In addition to those who volunteer within police forces, there is a vast amount of wider community-based activity, which sees citizens engage directly in making their communities safer. For example, Neighbourhood and Home Watch is the largest voluntary organisation in the country, in terms of membership (around 173,000 coordinators) and there is a huge amount of local, charitable, faith-based, voluntary activity which is assisting in making communities safer.

The important role that Police and Crime Commissioners (PCCs) now have is also a key factor in the ongoing citizen engagement. Citizen involvement is in the DNA of the recent reforms that brought about the office of Police and Crime Commissioner – about making the police more open and accountable, involving people much more directly in policing. Additionally there are

also roles for volunteer groups outside the direction and control of policing but who hold the police service to account (such as Independent Advisory Groups and custody visitors). Some major innovations have taken place led by PCCs during their first terms many have been passionate and effective champions of police volunteering and wider citizen involvement. It is likely that themes of citizen involvement are going to remain as the second-term of PCCs begin their terms of office.

There are also important legislative developments in progress via the Police and Crime Bill.[34] These include providing greater flexibility to Chief Constables to give limited powers to volunteers. In particular this may create a potential opportunity for volunteer Police Community Support Officers. However, the differing nature of volunteering also needs to be recognised and the Bill requires that any designated police volunteer must be considered by their chief constable to be trained, capable and suitable to carry out their role. It should be noted that special constables, police support volunteers and all those in volunteer roles under the direction and control of a police force are subject to the provisions within the Code of Ethics[35], which sets and defines the exemplary standards of behaviour for everyone who works in policing.

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[34] Introduced into Parliament in May 2016
[35] *Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales;* College of Policing, July 2014

A relatively neglected issue

The vision of this paper in seeing the huge potential of volunteering for policing is not necessarily reflective of the wider discourse of police reform. Police volunteering and citizen involvement often remains a 'side issue' to key discussions of policing futures. Indeed the issue of police volunteering and wider citizen involvement has suffered from something of an absence of dedicated attention across policymakers, politicians, professionals and academics.

In part this peripheral status to wider conversations about policing futures reflects the under-developed state of police voluntarism and wider citizen direct involvement in terms of policy, practice and research. There are some clear limitations in areas such as a lack of reliable data with which to build a strong evidence base; in securing necessary, dedicated resource in order to develop and lead this aspect of police reform and in securing a place within forces' strategic focus; given the priority 'to do' lists of most Chief Constables is unlikely to have police volunteering at the top.

Evidence-based police volunteering

The Institute for Public Safety, Crime and Justice is working nationally across a programme of work developing the evidence-base for police volunteering. There are two key interlinked questions underpinning this work: how to further enhance the impact of police volunteers? And, how to improve the experience of volunteering with the police? This work reflects the first

time a 'what works'[36] approach has been systematically engaged across police volunteering.

This work is timely. It feels like this is a significant moment for police volunteering. A time of significant commitment, ambition, investment and innovation. But there is a risk that may be undermined by limitations in the evidence-base, in the analysis and evaluation of current police volunteering programmes, and in the sharing and learning around best practice across forces.

The evidencing work is heavily focused on practical questions. How to target and attract volunteers? What are the most effective training and induction models? How to identify, develop and utilise skills? How to best integrate and embed? Better understanding activity and outcomes. Understanding and managing the 'whole career span'. How to improve visible diversity and outreach? Managing the whole police family cohesively together.

The approach is aiming to be innovative and collaborative. Aiming to engage a range of interested academics across a range of institutions. Developing an online, interactive knowledge hub for police volunteering. Focusing on the translation of evidence into real change in practice on the ground –

through toolkits and guidance, diagnostics; continuous professional development, solutions workshops. It is important, across the investigation of 'what works' to address diversity and be able to 'reach' into hard to reach communities around engagement in police volunteering.

It is important this work engages with better understanding costs and benefits. Making the 'business case' for police volunteering will be a crucial part of taking what it can contribute to the next level. Volunteers are not free – it is important to understand the 'whole career value' of a special constable or PSV.

National survey of police volunteering

In January 2016 a large-scale survey of special constables and police support volunteers in England and Wales was undertaken eliciting 3,000 responses.[37] Listening to those who volunteer in policing and 'giving them a voice' is important, and this was a survey which had a lot to say.

In contrast to some recent surveys of paid staff in policing, which have made challenging reading regarding the state of morale, the results of the volunteers' survey were largely positive.

Most of those who responded would recommend volunteering in policing to others. They describe morale as good and enjoy the activities that

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[36] The language of 'what works' mirrors the 'What Works Centre for Crime Reduction', within the College of Policing, which was set up in September 2013 to map the crime reduction research evidence and get this evidence used in practice. It is part of a world-leading network of What Works Centres launched by the Cabinet Office to provide robust evidence to guide decision-making on public spending.

[37] Britton, I (2016), 'National Survey of Special Constables and Police Support Volunteers: Initial Findings Report', Institute for Public Safety, Crime and Justice: Northampton, UK.

volunteer have lived up to the expectations they possessed when joining as a volunteer. Overall, the survey results presented an uplifting picture of the morale and motivation of those who volunteer with the police, both as special constables and as police support volunteers.

While for many who volunteer in policing the experience is overall a positive one, there remains a significant minority of respondents who painted a less positive picture of their personal experiences as a volunteer. While celebrating areas of success it is also important to recognise the areas with room for improvement identified by respondents. Overall, many did not consider that the police service is good at managing volunteers – not a ringing endorsement for those in supervisory or leadership roles within policing, and senior policing leaders should note and consider

what could be done to change that impression. Disappointingly, a sizeable proportion of special constables and police support volunteers reported sometimes having had the impression that they are seen as more of a burden than a help to their regular colleagues. A sizeable proportion of respondents also felt regular officers and police staff need to have a better understanding of volunteers, the support they provide, and what they are capable of doing to ease the burden upon regular officer and staff workloads. The responses also reflected a frustration that the pace of recruitment of volunteers into policing is seen as simply too slow and cumbersome.

It is important for leaders in policing to better understand what drivers lie behind this less satisfied portion of volunteers, and what can be done to address the issues raised so that

this disaffected minority becomes less significant when the survey is re-run in future years.

One of the most important findings was a strong appetite from both special constables and police support volunteers to take on more responsibilities. In particular it was commented that the skillsets of individuals, and what they are capable of doing within a policing context, are not always understood or utilised. A sizeable proportion of respondents would like to volunteer in more specialist areas of policing. These include many areas where policing has an identifiable need for extra capacity and specialised skills, including 'cyber' crime, safeguarding and exploitation, roads policing and mental health, to name but a few. Clearly, any expansion of volunteer roles into these (mostly) new areas for police volunteering will require careful planning and management, with a focus on effective supervision, training and maintaining professional standards. Ultimately it will be for forces to decide how they wish to proceed.

The wider context

This is now a point of real potential transformation through police volunteering and wider citizen involvement.

It is important to understand the wider context to citizen involvement in policing. Volunteers and wider forms of involvement have key roles to play across many public services and public sector organisations – not just policing. Real transformation rarely occurs in one isolated organisational silo at a time. There is a need to embrace this whole agenda of citizen involvement across the criminal justice sector

(CJS), across public safety, across public services. Too much of what we do around volunteering, both in policing and across the wider CJS and public safety terrain, remains single agency. There are huge potential benefits from being brave enough to think and act across those traditional boundaries.

In 2009 the Government's volunteering champion, Baroness Neuberger, undertook a review of volunteering within criminal justice,[38] highlighting the contribution and dedication of volunteers. She further noted the importance of putting people at the heart of the CJS, and that this could be achieved by the effective use of volunteers.

It is clear volunteers can and should play a key role across the CJS. But the Neuberger review also raised some challenging messages as well which need to be acknowledged. The importance of recognising the uniqueness of what volunteers bring, not just their additional capacity, but how what they do is special, distinct, and specifically value-adding. That volunteering is not about seeking to deliver criminal justice on the cheap - to work well it needs serious resource investment. And the review found some deep-seated cultural and attitudinal barriers to be overcome. On a worldwide scale, and regardless of aspirations for significant growth, volunteering in policing is already an enormous phenomenon. In the USA some estimates place the numbers of police volunteers in the region of 250,000. These volunteers represent a massively under-researched group, largely missing

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[38] Neuberger, (2009) *Volunteering across the criminal justice system*

from policy discourse, and often invisible in debates around police reform, internationally as well as in the UK.

Internationally there are a number of interesting different models. As with many aspects of criminal justice and public safety, there is much that compares favourably in respect of police volunteering in the UK when viewed comparatively across different jurisdictions. But there are also aspects to be considered and learning to be taken from elsewhere to improve current approach and practice. For example, there is some evidence that police forces in the USA are better at attracting ex-regular officers into volunteering roles than is the experience in the UK.[39] In a profession where retirement ages can be relatively low, identifying how to maintain experience and skill levels when people leave their paid careers in policing is a key strategic question – volunteering could be part of the answer.

Future possibilities

This is an important moment for citizen involvement in policing with several factors coming together. There are new challenges such as significant ongoing structural changes to policing, new criminality threats, societal changes, increased budget pressures and raised public expectations. A greater recognition of the potential for citizens in policing. Broader themes of greater community engagement in public

services and the wider rise in interest in voluntary activity.

Volunteers already contribute a considerable amount of time and effort in support of policing, more than most people realise. The wider range of community-based activity beyond the police, mostly charitable and volunteer in nature, also impacts on policing outcomes. But there is potential to do more with aspects such as expanding numbers, broadening roles, upskilling and further professionalisation, improving integration and embedding volunteers into organisational culture, all meriting consideration. Above all, to enhance the positive impact derived from volunteers, and place them central to how policing operates and delivers.

This growth in police volunteering and wider citizen involvement has implications for policing and for police strategic culture. A continuation of this growth will see police forces becoming one of the largest volunteer organisations in their areas. It could see forces where there are more volunteers than regular officers and staff. It requires policing to fundamentally rethink its relationship with volunteers at all levels.

More widely, citizen involvement is at the core of a fundamental rethink of the established relationships between policing and local communities. This can have profound implications, resetting relationships, rethinking issues of responsibility and redefining policing as being much more about working together, co-producing, doing things 'with' communities rather than just 'for' or 'to' them.

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[39] Pepper, I and Wolf, R. (2015), 'Volunteering to Serve: An international comparison of volunteer police officers in a UK North East Police Force and a US Florida Sheriff's Office', *The Police Journal,* 88(3), 209-219.

Police voluntarism and wider citizen involvement needs to become seen as central to the wider police reform agenda. This growth in citizen involvement heralds a much more open and engaging era in policing. Potentially this could lead to some radical new decisions and directions of travel in policing, but it is also a return to where modern policing started as such developments are firmly rooted in history, and the principle of policing by consent. Citizen involvement in policing – and the huge impact those who volunteer in policing can have – has potential to transform how the UK is policed in the future, and to play a major part in achieving safer communities.

About the authors

Dr Iain Britton
Iain is Head of the Centre for Citizens in Policing, at the Institute for Public Safety, Crime and Justice, University of Northampton. His career has included number of senior posts including in policing, drug treatment, youth justice and probation, and most recently he was Chief Executive of the Office of the Police and Crime Commissioner in Northamptonshire. He is passionate about citizen involvement and police volunteering, and keen to develop the new Centre's work across this agenda.

Ed Barnard
Ed is the Citizens in Policing National Policy Manager, working within the College of Policing. He has been involved in the ongoing development of programmes of work centring upon volunteering within the police service since 2009. Previously he held policing policy roles in areas such as Race and Diversity Training, Pensions and International Deployments.

Piercing the religious veil: Human rights of Devadasis in India

Prashasti Singh

Introduction

It is often perceived in Hindu mainstream thought that religion and sexual activities, especially those of an unmarried woman, do not go hand in hand. However, in-depth exploration of the Hindu religion reveals that even religions can promote sexuality; in the form of prostitution to be precise. The *Devadasi* is a compound word, made up of Devi, a goddess, and Dasi meaning a female servant or slave. Devadasis is a group in Indian society who, at a very young age, were dedicated and "married off" to a deity, goddess Yelamma, and thus Yelamma becomes their husband. Their virginity is then auctioned to the highest bidder. Once dedicated, they are unable to marry, forced to become prostitutes for upper-caste community members, and eventually auctioned into an urban brothel.

The ritual of dedication which, before being declared illegal in 1947 by the Madras Devadasi (Prevention of Devadasi) Act, promoted revered classical art forms such as Bharatnatyam,[40] has today turned into a social evil that even the law cannot get rid of. The practice is prevalent mostly in the South India, where the Devadasis are now

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nothing more than prostitutes living in inhuman conditions in shanties, suffering from a number of sexually transmitted infections (STIs), living on the money they may make from men paying them for sex.

This paper aims to shed light on the plight of Davadasis women's plight and also tries to determine the causes of the failure of the laws to abolish this practice completely.

Devadasis

Religion in India is a mass industry. It is bound up in financial as well as political gains. However, one industry in India which is carried on in the name of religion is rarely acknowledged, much less talked about. The Devadasis in India have their existence dangling between the fettered hands of an incompetent legislation and a crippled judiciary.

Devadasis, simply put, are wives of the goddess Yellamma. Devadasis

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[40] A classical dance form originating in South India dating back to 3rd century BC.

in the ancient times were respected highly and were known as patrons of a refined culture of music and dance. In the sixth century it was a socially honorable position. The respect they gained was mostly because they had a status in the society which the women did not have at that time. While women were supposed to remain inside their respective homes and observe certain social practices which restrained them from carrying out normal activities or even engage in occupations, the Devadasis had a prestigious status as dancers and musicians in temples, and had a sense of independence that the other women did not.

The Devadasi system is said to have primarily originated as a part of tantric beliefs and methods of worship in some Indian temples to provide regular female attendants to the deities. It might not be conclusive to say that Hinduism favours or supports the Devadasi system, but it exists nonetheless.

Hinduism is a religion of individuals and has many layers to it. Prostitution has been a part of India's social milieu since ancient times. Kings, warriors, feudal lords and rich merchants, all indulged in it. Women from poor social backgrounds resorted to it to please their masters or gain freedom from the bondage to which they were subjected. On the other hand, there were some women who willingly participated in the profession. This group included girls sold by their families into slavery on account of their inability to marry them or women who were captured during battles or wars and sold for a profit by their captors. Some served in the courts of kings as spies, guards, courtesans and dancer girls. They

often accompanied the kings to war either to entertain or protect them. Such women at that time were both despised and admired: despised because they seduced men and emptied their wealth, admired because their professional skills, beauty and artistry kept men engaged

History of prostitution in India

Prostitution as a profession can be traced back to the Brahaminical period of 1500 BC when prostitution was an integral part of Indian society. In the early 1850s, thinking regarding the morality of prostitution transformed, leading to an augmented proscription of the practice.

When the British arrived in India[41], they were shocked by India's tolerance toward prostitution and the way in which the practice was treated like any other occupation Gangoli 2007). At the same time, the British perceived prostitution as an *evil* required to assuage the "natural sexual desire" of their troops but wanted to regulate the practice (Bhandari, 2010). They ordered that Indian women be accessible in the cantonments for fighters, consequently giving birth to the brothel system and red-light districts that exist in urban India today.

In order to safeguard soldiers, the British administration monitored the health of prostitutes with medical inspections backed up by arrest and confinement for those who were found to be infested with ailments. Latterly, under the Cantonment Act 1864, prostitutes were required to

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[41] The East India Company was established in 1757 and India came under the direct control of the British in 1858.

register with the Superintendent of Police, obliged to undertake weekly health checkups and carry identity cards. It also ensured that 12-15 prostitutes were accessible to each regiment of British soldiers. These measures, approved under the pretext of public health necessities, were motivated not by a concern for maintaining the health and welfare of prostitutes, but rather were intended to protect clients (Gangoli 2007: 208). Such pronouncements laid the groundwork for the prostitution system that continues in India today and sheds light on the incongruities that lie beneath current legislation.

Religious Prostitution in India

Religious prostitutes in India can be divided in two categories: the Devadasis and the Tawaifs. The Tawaifs were ancient women who were in the profession of prostitution as well as entertainment, although not mutually exclusive. The Tawaifs were, at this time, graded into three levels of prostitutes: Kumbhadasi, Rupajiva, and Ganika. The Kumbhadasi were the lowest class, customarily a servant who gave sexual amenities to the head of household. The Rupajivas were usually very aesthetically attractive and trained in dance and the arts. While some Rupajivas were born into prostitution, many took it up willingly to pursue riches or escape calamitous marital life. The most extremely respected were the Ganikas for whom prostitution was a profession and whose practice was controlled by state law. Ganikas were very gifted and skilled, and were thought to be a source of good luck, at times providing sanctifications over brides at weddings. Their rates were fixed by the government and received

government incomes. They reserved the right to consolidate and voice concerns and were taken care of when sick. Prostitutes in this group eventually formed associations, held meetings, and claimed civic and domestic rights.

Devadasis: Today

Once a socially honorable position in the sixth century, this system today has devolved to pure prostitution due to crooked temple administration and more androcentric customs of worship that laid down male dominance and supremacy over these women (Srinivasan 1985).

Colonial imposition of Christian ethics fundamentally influenced notions of sexuality and principles within civic and political discourse in India. Representations of women through matrimonial family units as wife and mother gave rise to explorations of sexuality being restricted to the familial and reproductive territory. Any sexual activity not focused on reproductive

purposes was perceived as divergent and was consequently socially stigmatised. This was echoed in the abolitionist campaigns which originated in the 1930s to eradicate the Devadasi system; 1947 a law outlawing dedication of women to temples was approved. Both sides of the discourse seeking an end to the Devadasi system based their reasoning on the system but did not openly address the Devadasis themselves. Hence, women served simply as a mode of dialogue without participating in debates and were therefore denied their own awareness. This shares common ground with a huge number of human rights and feminist publicity that either tolerates or censures prostitution whilst disregarding the benefits of those directly affected by such movements and crusades.[42] Such treatise not only buttresses social structures and gender hierarchies that ostracise those convoluted in the profession, but moreover form definitions that are caught up in laws promoting the individuality of a prostitute or a sex worker as a prey to societal tyranny. It undertakes that a woman's sexuality is browbeaten when brought out in the public sphere and so targets to eliminate the tradition. Yet again, these claims are grounded on prevalent moral assumptions that bind female sexual manifestation to the private sphere of a wife for the purpose of becoming a mother. A number of laws were enacted to prohibit the

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[42] Such campaigns were carried out first in 1882, and then again in the 1930s and 1940s. They were spearheaded by social activists and philosophers like Raja Ram Mohan Roy, Muthulakshmi Reddy, S. Muthiah Mudaliar, Sir C. P. Ramaswami Iyer, M. Krishnan Nair, C. N. Annadurai and Ishwar Chandra Vidyasagar.

system. All legislations had different perceptions of the system and prohibited different aspects.

Girls, at a very young age, often between 10-12 years, are dedicated to the goddess Yellamma, by a ritualistic process which is very similar to the rituals performed in a typical Hindu marriage ceremony: *A string of red and white beads are tied around their neck and they irrevocably become Devadasi: maidservants of the deity* (Rowland, 2013:1). It is predominantly practiced in the states of Karnataka and Andhra Pradesh. A Devadasi dedicates her entire life in service to her husband, the goddess Yellamma, who is said to be a protector of the fertility of lands. The girls are mostly from a low-income family and are archetypally Dalits, a lower caste in India. These women are, as a result, ostracised not only because of their gender but also because of their caste and class connotations thus instituting the lowest rung of the societal hierarchy.

Today, Devadasis are often traded into urban brothels. This practice was banned in India in 1947 by the Madras Devadasi (Prevention of Devadasi) Act, but due to the financial incentive involved, cases still transpire of young girls being forcibly married away to serve as

Devadasi.[43] This system is no longer restricted to the religious tradition even if it still finds its origin in custom. The practice in the present day is simply downgraded to sex work where young girls, upon reaching puberty, ceremonially get their first buyer and continue the practice as sex workers. The Devadasi system is heritable in that women either adopt young girls or bestow their own daughters. A historical reason for this ritual is that Devadasis were obliged to perpetuate the system with the intention of maintaining the material and economic privileges they received from the temples (Anandhi 1991: 740).Humanitarian organisations estimate that up to 5000 girls become Devadasi every year with ritual "weddings" taking place in private homes in the middle of the night to fend off detection (Dean 2006).

The table below gives an idea of the Devadasis and their mode of entry into prostitution (Sahani and Shankar 2013).

Constitutional Protection to Devadasis
The Indian Constitution adopted in 1950 focused on achieving a qualified equality for all people by way of the elimination of systematic pyramids, including gender-based hierarchies:

- Article 14 states that it is a fundamental right for all women have to equality. In practice, this right is challenging to enforce and merely arranges for a foundation on which prospective legislation may depend (Seervai, 1983: 282).

- Article 15(1) prohibition in contradiction of discrimination based on sex.

Table 3.5 Comparisons of mode of entry into sex work

	Mode of entry into sex work						Total
	Myself	Forced	Sold	Cheated	Devadasi	No reply	
Women entering directly into sex work (n=1158)	805	83	104	68	31	67	1158
% of total	69.5	7.2	9.0	5.9	2.7		
Women with experience of labour markets before or alongside sex work (n=1488)	1086	132	64	172	45	29	1488
% of total	73.0	8.9	4.3	11.6	3.0		
Women with work identities but sequence of entry unknown (n=326)	259	23	9	30	2	3	326
% of total	79.4%	7.1%	2.8%	9.2%	0.6%		

[43]See for example *Minor Forced to Become Devadasi*, Times of India, (Dec. 18, 2006) http://timesofindia.indiatimes.com/NEWS/Cities/Bangalore/Minor_forced_to_become_Devadasi/articleshow/843185.cms. (Accessed 31 December, 2015)

- Article 16 requires equality of opportunity for all where people are in public employment and prohibits discrimination based on sex.

- Article 23 is particularly pertinent to the sex trade and prohibits traffic in human beings and all type of forced labour.

- Article 39 is particularly relevant as it obliges the State to secure a suitable means of livelihood for both men and women, guarantee equal pay for equal work, encourage health for workers, and limit citizens from being forced, through economic compulsion, to take on vocations unsuitable to age and strength.

- Article 42 requires the State to protect just and humane working situations and to provide maternity aids

These fundamental rights are bolstered by Article 15(3), which posits that the State is authorised to take positive action to make "special provision[s] for women."

Beyond its basic articulation of rights, the Constitution encompasses Directive Principles of State Policy that levy obligations on the State to protect equality and eliminate discrimination (Articles 36-51). These Principles are not enforceable in court but offer direction for state policy. Lastly, the Constitution states that every citizen of India has a fundamental obligation to renounce practices deprecating to the dignity of women (Article 51A). These provisions promote an emphasis on human rights and gender equality, and should lead future national laws.

Apart from Constitutional provisions, the practice of Devadasis in any form is in complete infringement of the provisions of Section 370 and

370A, as amended through Criminal Law (Amendment) Act, 2013 as well as Section 372 of Indian Penal Code. It is also against the provisions of the Immoral Traffic (Prevention) Act, 1986.

Devadasis: A Human Rights Perspective

Current human rights treatises on the matter encompass various feminist viewpoints on prostitution. Nonetheless, the practice today presents itself as an undeviating abuse and mistreatment of women's rights and freedoms irrespective of the inherent social pyramids and gender disparities. We cannot minimise the gender, class and caste obstacles in identifying the radical feminist perspective that wishes to prohibit prostitution by virtue of its misogynistic worth.

It is, nevertheless, vital to recognise and acknowledge the abuse experienced by the Devadasis in order to identify the practice as a violation of human rights before critiquing its gradations to formulate feminist debates about the issue.

Even though a law passed in Colonial India (Bombay Prevention of the Dedication of Devadasis Bill, 1934) barred the practice of bestowing young girls to temples, the tradition still carries on because of its ancient and religious implications as well as the consequential lack of choice for girls belonging to Devadasi families. Often young girls are involuntarily given into sex work by their families because of financial need and also because there is no way for their daughters to get married and be assimilated back into society. This profession today can be said to be

born out of extreme poverty and blossoms on deception, force, and simple cruelty to women.

Another major issue related with the Devadasi tradition that is caught up in current human rights discourse is the trafficking of women. A 'trafficking belt' has developed near to the districts adjoining Maharashtra and Karnataka from where Devadasis are 'obtained' for the red-light districts of Mumbai, Delhi or other large Indian cities (Tarachand 1992). Devadasis, because of their pecuniary and social status and lots of children, often turn to pimps who assist as "guardians" making them susceptible to trafficking (Torri 2009). Although trafficking tracks are not developed exclusively on the foundation of the Devadasi practice, the tradition plays a large role in their continuation and dissemination into conventional society.

Another issue entangled with trafficking is the health threat that sex work and trafficking pose. With restricted contact to healthcare resources and dearth of awareness, AIDs and other STIs among Devadasi sex workers. This threat is exacerbated when women are in larger cities, due to lack resources and issues of disclosure in possibly unfamiliar areas. Even amidst the Devadasi communities, frequent pregnancies and abortions from an early age serve as health dangers (see Nair 2004). Therefore, the lack of available resources and schooling also mark the decent of the Devadasi practice as a human rights matter.

However, I think, the gravest violation of human rights against the Devadasis occurs in the name of

rehabilitation of the Devadasis as sex workers under the Immoral Traffic (Prevention) Act 1986. Many women have reported cases of sexual and physical harassment in the rehabilitation centres.[44] Here the women are kept in confinement and are continuously harassed. They are not even given a choice to stay or walk away. This harassment renders them psychologically damaged for a long period of time, not to mention being physically hurt and wounded (Ibid: 363).

Failure of Legislation

India has tried to use legislation to put an end to the Devadasi system, but have failed to end this practice. The problem with these laws can be found in their application as well as the drafting. First of all, prostitution in India has not been banned completely and explicitly. This loophole leaves a hole big enough for corruption by the politicians and the police (see for example Ansari 2016). Also, the institution of Devadasis and prostitution have been confused with each other so constantly that Devadasis have now become a synonym for prostitutes. This idea of Devadasis as prostitutes has been stated by none other than the government itself (see Rajgopal 2016). Indeed, the failure to recognise the Devadasis as the promoting arts but as prostitutes has rendered the whole institution worthless.

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[44] Women who are rescued from their respective prostitution houses by the Police are usually kept in rehabilitation centres. The purpose of such centres is to keep the rescued women from going back to their previous profession. They are given vocational trainings in many of these centres to provide them with alternate source of income.

Money supports the continuation, even after it has been banned. Devadasis as virgins are sold for quite a lot of money, but when they reach their 30s or 40s, they do not earn enough to sustain themselves and are often forced to sell their own daughters to urban brothels. Others earn money by trafficking young girls from villages to the urban brothels (See Gowda 2016). This constitutes a vicious cycle of poverty and a life of indignity for such women.

Even though the Devadasis think of themselves as higher as and holier than the non-religious prostitutes, their clients see no difference in the two and treat them just the same (Gangoli, 2001:115). They face violence by the hands of their clients and are susceptible to unwanted pregnancies and STIs.

There is no scope for a proper rehabilitation utilising the rehabilitation centres as they are problematic (as discussed previously) and even NGOs cannot work effectively without the support of the executive or the police. Harassment within the rehabilitation centres is ironic proof of the laws being an inappropriate response to the issues in hand. Indeed, the police themselves treat the Devadasis as simply sex workers and harass them sexually and physically. The following table gives an account of all the sex workers, including Devadasis, who have faced violence by hands of the police (Sahani and Shankar 2011):

EXPERIENCE OF POLICE VIOLENCE Pan India Survey of 3000 sex workers		
Abusive Language	1431	50%
Beaten, Hair pulled, Beaten with belts	1011	35%
Threatened	1052	37%
Forced to bribe	569	20%

Can Devadasis see the light of the day?

Even after hundreds of years of their existence and the numerous contributions by Devadasis to the culture of India, their existence continues to be denied. Many people in India may not even have knowledge of such a custom existing in India. As a result, many Devadasis have converted to other religions to liberate themselves from the system and 'their curse'.

Perceptions of Devadasis are extremely vigorous and entrenched in their religious status in society. Although they are marginalised and socially condemned for their work based on popular morals, their social status is not commensurate with their religious status. Even today, Devadasis are thought to bring good luck at marriage ceremonies within upper caste Hindus and so their presence is vital on certain occasions. Not only that, Devadasis, as followers of Yellamma, revel in a semi-holy status for the duration of five days of a festival in festivity of the goddess (Ibid.). They are worshipped and held in esteem thus construing very different view of the Devadasi system.

The Indian government has been trying to eliminate this system completely and do justice to the women who have suffered such grave human rights violation. The Andhra Pradesh government has

finally begun to frame rules for the Devadasi Prohibition Act that was implemented 28 years ago.[45] The Central Government, in December 2015, had requested States to invoke rigorous penal provisions and bear special drives to prevent such practices under any semblance, labeling the system as one of the most monstrous practices against women.[46]

The 800-year old tradition came to an end formally, with the country's last practicing Devadasi, in the Jagannath Temple, Orissa, dying at the age of 92.[47] However, the practice still continues by way of sex work. The tradition may eventually come to an end if the legislation is made sturdier and rigorous provisions are given for violating the provisions. Central government also needs to facilitate justice for the Devadasis by breaking the vicious cycle of poverty and trafficking and provide the Devadasis with adequate means to live and an easier entry in the labour market. Only after such sturdy steps can the Devadasis be finally liberated from

the curse of being exploited in the hands of the public or the police.

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About the author
Prashasti Singh is currently a fourth
year law student at Hidayatullah
National Law University in Raipur,
India, with her honours in Criminal
Law and Trade and Investment Law.
She has written and presented
many papers on human rights. She
has also presented her paper on the
human rights of stateless persons in
India, Vasudhaiva Kutumbakam:
Citizens of the World, at the
University of Oslo, Norway. She
aspires to become a human rights
lawyer.

The youth centre as a 'sanctuary' in aiding safer communities for young people

Dr Sarah Tickle
Liverpool John Moores University

Introduction

Young people's visibility in public space has been a prominent feature of concern throughout history, especially in times of social and economic uncertainty. There have also been specific moments in time when young people have been considered particularly 'problematic'. This is because historically, particular groups of young people have been considered a threat to the social order, requiring regulation and control (Cohen, 2002; Pearson, 1983; Humphries, 1981) and have attracted 'more theorising and moralising in the past century than almost any other social group' (Humphries, 1981: 1). Since 1815 various institutions have imposed social control on a specific, identifiable group of young people - the poor and the working class. But as Pearson (1983) reminded us, we have been plagued by the same concerns and fears, which characterise the young people of the day as 'problematic', from one generation to the next. The governance of youth therefore has evolved and developed through various institutions and agencies regulating the everyday lives of young people, particularly working class young people, through education, employment and leisure (Muncie, 1984; Humphries, 1981).

Recurring anxieties about youth: Place, order and regulation.

During the Industrial Revolution, a period of rapid urbanisation and socio-economic change, child vagrancy was a prominent feature. Due to diminishing employment opportunities, the visibility of children and young people in public space underpinned the founding of the 'child rescue movement' (Goldson, 1997; Platt, 1969). 'Children of the poor' were perceived to be *at risk* from the corruption of city life and also *a risk* to middle class children by means of contamination (Savage, 2007) and there were raised anxieties about young people 'running wild on the streets' (Cunningham, 1996). Therefore, we witnessed the start of 'rescuing' or 'removing' children and young people from public spaces.

Their presence in public space prompted official anxiety in 1816 when the *Report of the Committee for Investigating the Causes of the Alarming Increase in Juvenile Delinquency in the Metropolis,* found that the principal causes of juvenile delinquency were:

> *The improper conduct of parents, the want of education, the want of suitable employment, the violation of the Sabbath, and habits of gambling in the public streets' (Report of the Committee for Investigating the Causes of the Alarming Increase in Juvenile Delinquency in the Metropolis, 1816: 10-11).*

The 1816 report, therefore, marked the beginning of a distinct social category of children and young people, and paved the way for a separate system for dealing with them. Institutions such as Industrial Schools and Reformatories were introduced to detain specific groups of children and young people based on the 'rhetoric of moral rehabilitation proposed by social reformers and child savers' (Humphries, 1981: 212). Mary Carpenter, an influential reformer, argued for intervention based on a two tier model of 'perishing' and 'dangerous' juveniles, which echoed the provision for the deserving and undeserving poor institutionalised in the New Poor Law 1834 (Shore, 1999: 7). Carpenter distinguished between the 'deprived' and the 'perishing classes' on the one hand and the 'depraved' and 'dangerous classes' on the other, and advocated Industrial Schools for the former and Reformatories for the latter. The institutions that she promoted gained legal status in the 1854 Youthful Offenders Act and the

1857 Industrial Schools Act. Moral discourses were also expressed by evangelical reformers who placed blame on parents' 'lack of sufficient moral training' (Pearson, 1983; Hendrick, 2005) and an agenda of moral and Christian education was imposed on the young (Emsley, 2005). The introduction of Reformatory and Industrial Schools governing the 'deserving' and 'undeserving' young effectively served to remove a specific constituency of young people from public space.

Legislation, such as the Vagrancy Act (1824) and the Malicious Trespass Act (1827), exemplified a further condemnation of 'young' working class behaviour. These Acts considerably broadened legal conceptions of 'criminality', to include behaviour that was not previously deemed a criminal offence. The Vagrancy Act of 1824 stated that 'every person playing or betting in any street... or other open and public space' (Magarey 1978: 117) would be deemed to have committed an offence, (a precursor of the anti-social behaviour orders introduced at the end of the twentieth century). The criminalisation of traditional street activities, particularly those of working class young people, intensified when the Metropolitan Police was established in 1829, which 'focused attention on the streets and, therefore, on the labouring people who lived, worked and played there' (Rawlings, 1999: 77). The 1850s beheld the same concerns and fears regarding young people whose behaviour was similarly deemed to be 'problematic' or 'deviant'. Children and young people could, during this period, be imprisoned as a result of pursuing a

range of activities in the streets including playing football, flying kites, or any game considered to be an annoyance to the public (Muncie, 2004: 58).

The 1870 Education Act introduced compulsory schooling for all young people. Springhall (1986: 70) claims that this can be framed in 'crude economic terms as conveniently removing large numbers of unskilled child workers from a flooded labour market'. This move occurred at a time of economic and social uncertainty where the problem of 'youth' once again became an increasing source of concern. Children and young people were taken from the dangerous 'illegitimate' space of the streets and the work place and placed into the highly regulated 'legitimate' space of schools. It follows that compulsory schooling was 'the single most important means of taming the young and clearing the streets' (Holt, 1992: 142).

Youth provision and informal governance

The youth movement, at the start of the twentieth century, emerged at a time of social and economic uncertainty in Britain (Springhall, 1977). The concern for national efficiency coupled with the increasing public and press anxieties about the growth of 'hooliganism' and 'street gangs' among the working class youth (Humphries 1981) drove efforts to instill social conformity, to discipline and regulate young people's behaviour (Springhall, 1977: 16). The Boys Brigade (Est.1883), Boy Scouts (Est.1909) and the Girl Guides (Est.1910) were examples of some of the uniformed youth

organisations that originated in connection with religious and charitable activity (Springhall, 1977; Gillis 1975). The emergence of these uniformed youth organisations, chart the recognition of informal regulation and governance of working class young people. Towards the end of the nineteenth century, the work of the youth movement came to be formally recognised and led incrementally to the development of more ambiguous relationships between youth organisations and the government (Hendrick 1990).

Charles Russell, Chair of a Home Office Committee in 1908, recommended that 'juvenile organisation committees should be set up locally to coordinate and stimulate youth provision' (cited in Davies, 1999: 15). These were enforced in law by the 1918 and 1921 Education Acts which established, for the first time, a relationship between voluntary youth organisations and the state. Nonetheless, the impact of state involvement in the provision of youth work was limited owing to financial constraints, which continue to have ramifications for youth work to the present day (Davies, 1999: 15). The government's concern over national efficiency and the health of the nation played out consistently in the inter-war years and in particular at periods when young people seemed to pose a threat to social stability (Davies, 1986). The concern that periods of social upheaval - produced by war conditions - might lead to an increase in juvenile delinquency motivated the government to adopt a more interventionist role in youth provision.

On the 27th November 1939 the Board of Education issued a *Circular 1486*, to Local Education Authorities (Board of Education 1939), which marked the beginning of the youth service in England and Wales and 'brought a service of youth into existence' (Davies, 1999: 7). The Circular 1486 gave 14 voluntary youth organisations official status including the power to nominate new local youth committees and formally recognised the emerging concept of youth work. The Circular stated that:

The social and physical development of boys and girls between the ages of 14 and 20, who have ceased full-time education, has for long been neglected in this country. In spite of the efforts of local education authorities and voluntary organisations, provision has always fallen short of the need and today considerably less than half of these boys and girls belong to any organisation. In some parts of the country, clubs and other facilities for social and physical recreation are almost non-existent. War emphasises this defect in our social services; today the black-out, the strain of war and the disorganisation of family life have created conditions which constitute a serious menace to youth. The Government are determined to prevent the recurrence during this war of the social problem which arose during the last (Board of Education 1939).

The Board of Education in 1939 became 'directly responsible for youth welfare' and youth organisations were regarded as an educational resource (Davies, 1999: 19). Funding was made available 'to help clubs hire premises, buy equipment and provide competent leaders' and by September 1940 this had resulted in the establishment of 1,700 new units, or clubs (Davies, 1999: 19). It was thought that 'universal social education' could only be achieved through experimental, extra institutional education projects that would reach 'unattached' young people who were perceived to be 'at risk' in a variety of ways (Fyvel 1961; Morse 1965). In this way, 'state resources had been made available mainly as a result of wartime pressures or the threat of war which had again converted the historic fear of youth into a moral panic' (Davies, 1999: 27). Some twenty years later, the Albemarle Report (1960), regarded as a watershed in the establishment of youth work (Davies, 1999; Davies, 1986; Smith, 1988), reported that the recent crime problem was 'very much a youth problem' (Ministry of Education, 1960: 17) and it was also viewed at the time as being a 'working class phenomenon' (Smith and Doyle, 2002). The recommendations of the report encouraged an increase in state spending due to a 'real decline in the range and extent of state resources for youth work during the 1950s' (Davies, 1999: 30). Since this time a universal state sponsored youth service, in particular youth clubs, have provided invaluable help and support to young people in England and Wales, 'in terms of the quality of peer relationships they can foster; the opportunity for informal, respectful relationships with adults; and the chance for participation and association' (Robertson 2000:74).

'Those who do not learn history are doomed to repeat it'

In 2013, youth unemployment reached an all-time high in England and Wales (approximately 60 per cent of young people were unemployed in some European states (Burgen, 2013)). In addition, approximately £259 million was cut from youth service spending by councils and at least 35,000 hours of outreach work by youth workers have been removed (UNISON 2014). Since 2012 councils have shut at least 350 youth centres and 41,000 youth service places for young people have been cut. Not only have these drastic cuts to youth service provision impacted upon young people lives, young people also bear the burden of other government reforms; abolition of means-tested student loans and the Education Maintenance Allowance (EMA) grants, and not being eligible for the National Living Wage until the age of 25 (Summers 2016). In a climate where young people (16-24) are nearly three times more likely to be unemployed than the rest of the population, the largest gap in more than 20 years (Boffey 2015) this is concerning to say the very least.

The impact of austerity measures is hitting young people hard, in particular in terms of their well-being and mental health. *The Lightning Review: Access to Child and Adolescent Mental Health Services (May 2016)* by the Children's Commissioner for England, Anne Longfield, reported that over a quarter of children and young people referred for mental health support are being turned away (Children's Commissioner 2016). Therefore, not only are young people experiencing the closure,

reduction or threat of closure to youth centres and youth service provision in their locality, they are also without adequate available support to deal with their own well-being.

The governance of young people

In March 2016 *The Telegraph* reported that McDonald's, a fast food outlet in in Stoke-On-Trent, had banned under 18 years olds from their premises unless they were accompanied by an adult 'in a bid to crackdown on antisocial behaviour' (Graham 2016). In the same week KFC followed suit with such places being labelled the 'youth clubs of 2016' (BBC 2016). This illustrates the reality of a large proportion of young people with no legitimate place to call their own.

Alongside this, Sections 34-42 of the Anti-Social Behaviour, Crime and Policing Act 2014 introduced new dispersal order powers to the police and designated Police Community Support Officers (PCSO) to deal with individuals engaging in anti-social behaviour, crime and disorder, not only when they have occurred or are occurring but when they are *likely* to occur and in any locality (CPS 2016). Amongst the additional powers there is no longer a requirement for the pre-designation of a 'dispersal zone' (CPS 2016). Dispersal orders combined with Criminal Behaviour Orders (CBOs), which replaced Anti-Social Behaviour Orders (ASBOs) in 2014, are two examples of intrusive attempts by the state to regulate behaviour in public space that are highly contested.

In addition, since 2014 Public Spaces Protection Orders (PSPOs)

have provided local authorities with wide-ranging powers to regulate and criminalise activities in public spaces. Public Spaces Protection Orders (PSPOs), contained in the Anti-Social Behaviour, Crime and Policing Act 2014, allow local authorities to ban or restrict any activity which they judge has a 'detrimental effect on the quality of life of those in the locality' and are increasingly being used to target youth activities such as skateboarding, swimming, or even gathering in groups (Appleton 2015:4). To date 130 PSPOs have been issued, including against young people congregating in groups, (see Appleton 2015). Whilst these figures are not in their thousands, measures such as these reinforce negative perceptions of youthful behaviour in public spaces which can have criminalising consequences (Crawford and Lister 2007). They reiterate and encourage messages of intolerance. In the current context, when the overall number of young people in the youth justice system is still continuing to reduce (Ministry of Justice 2016), one must ask why we still enforce and implement such measures – why do they still exist? As no other identifiable group in society would be subjected to this kind of discriminatory legislation (Stephen, 2009).

What it means to feel safe: young people's narratives

I was fortunate and privileged to be able to conduct fieldwork with young people in two coastal resorts for one year. Two coastal resorts were deliberately selected and are referred to using the pseudonyms Sandton (a relatively prosperous coastal resort) and Rockford (a

coastal resort beset by multiple forms of disadvantage). The research was concerned with how young people were governed and policed in their own locale. In particular, why young people's presence in public space becomes viewed as 'problematic' and the impact that this has on their lives. Importantly, I wanted to examine the wider 'harms' experienced and confronted by young people, which frequently lie outside current crime prevention paradigms, to understand from a young person's point of view, in a climate of perennial concern about young people and anti-social behaviour, how they conceptualised and experienced policing, crime, safety and security at the local level.

The research findings demonstrated that it was imperative to provide a safe place for young people. Young people needed safe places outside of their homes to 'hang out' 'socialise' and 'feel safe' with their peers. Throughout the fieldwork youth centres were a 'sanctuary' for young people. Not only did they offer informal education, a dominant feature of youth work (Smith 1988), and extra-curricular activities, they also provided three basic needs, food, safety and shelter. The young people also regularly commented that they attended the youth centre as an alternative to 'hanging around' on the streets:

I always come here every day ...didn't want to start drinking and smoking. Wanted to avoid falling into that way of life' (Male 14 Rockford Interview).

People are friendly and there's stuff to do to stop me from getting

*in trouble and stuff on the streets'
(Female 15 Sandton Interview).*

When discussing safety and security the youth organisations were identified as safe places for young people in both localities. The youth organisation was perceived as a place offering protection by the staff that worked there:

Young person (YP): 'It's a safe place it's the youth organisation'

Researcher (R): 'Why?'

YP: 'Because you're here'

R: 'Because there are other people here then?'

YP: 'Yeah the staff they look after you. Because they won't let you out of their sight unless you ask them...They won't, you have to ask them' (Female 13 and Male 14 photograph method narrative in Rockford).

Figures 1 and 2 represent part of the visual methods employed with young people during the fieldwork. The young people who participated in the photographic activity were asked to take photographs of certain words that I had given to them, for example a safe place. Figures 1 and 2 are photographs taken by the young people demonstrating what a safe place and a safe place with friends meant to them.

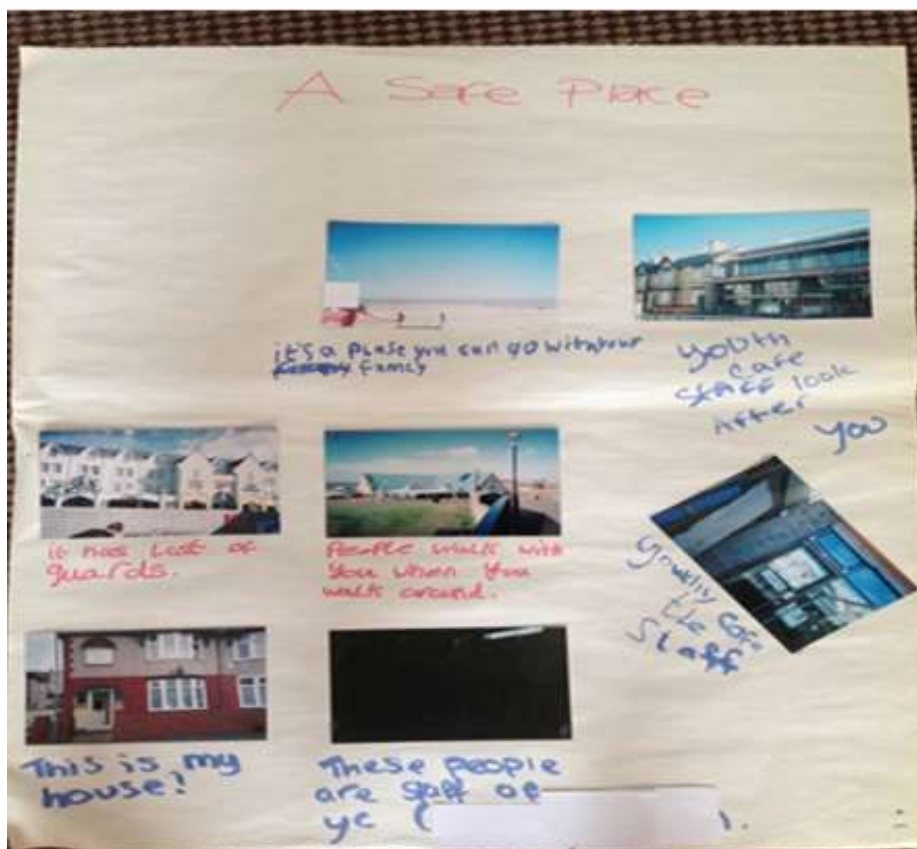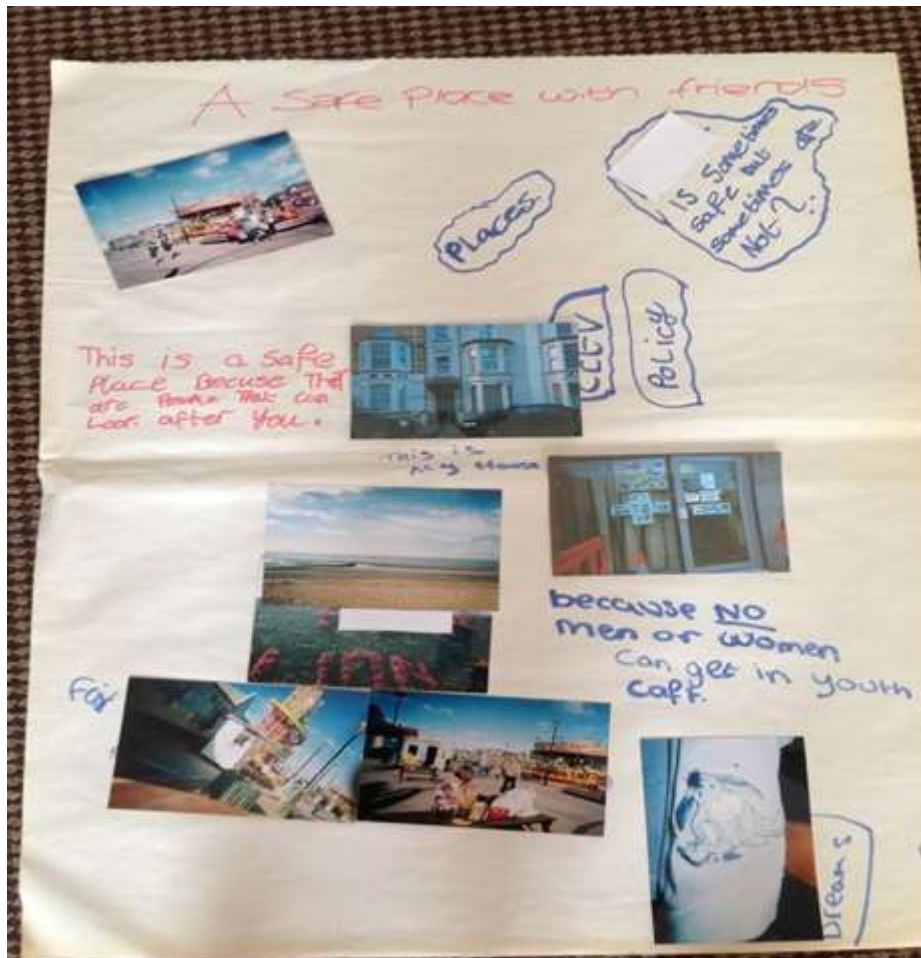**Figure 1: Photographic method – A safe place in Rockford**

Figure 2; Photographic method – A safe place with friends in Rockford

Researcher (R): 'So why is it safe?'

YP: 'Because of the staff. Because no men or women can get in youth cafe, because no one can get inside like an adult or whatever' (Female 12 photographic activity narrative) (See figure 2).

The above narratives and photographic methods illustrated how important it was for the young people to have somewhere to go; to be safe, warm, fed and protected by adults. Research has also shown that young people from deprived areas have far higher rates of ill health, death and injury from accidents, both inside and outside

the home (Hillman, et al 1990; Roberts, et al 1995; UNICEF 2001). Therefore, in areas such as Rockford, the youth organisation was of paramount importance to young people's well-being. However, since the completion of fieldwork in Rockford the youth organisation has now been closed, leaving no youth provision in the vicinity for the young people to attend. During fieldwork an older young person who attended the youth organisation illustrated how important this was:

I don't know where half the kids would go. Like I've seen like both ...I wasn't one of the kids that came in because I was starving

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all the time. I was quite lucky in that sense but the majority are starving. Rockford is full of people living in poverty like, not that they are like completely homeless got no money but what money they do get is not very much to live off really' (Female 17 Rockford Interview).

In an already deprived and under resourced area this has left the young people feeling more marginalised and subsequently more vulnerable, particularly because the organisation was not only a place of safety, but it also provided a hot meal for the young people each night.

The youth centre as a 'sanctuary'

The findings above provoked further critical thinking about the impact that provisions and youth services, in particular youth centres, have on young people's safety and well-being. The value in young people having 'somewhere to go, something to do and someone to talk to' is beyond doubt. As youth workers have feared if this is taken away then many 'young people [will be] left hanging about on street corners, rather than having youth centres where they can learn new skills and channel their energies into projects. The cuts disproportionately hurt those from poorer backgrounds' (Leftley, 2014:1). Through investing in young people, youth centres can aid safer communities for young people, and subsequently this can lead to safer communities for all members in that locality. By including young people within the community, of which they are often excluded, would encourage tolerance, belonging and collectiveness. To borrow the words

from Robertson (2000:74) 'youth clubs have a unique role and one that should be valued and supported as they can make a big difference in the lives of many young people and their communities. Club based work can provide the warm, safe, friendly space for young people…' and years later this still remained true for these young people.

In the current uncertain economic climate young people's visibility in public space could inevitably become deemed 'problematic' once again. This could lead to further regulation and criminalisation of youthful behaviour in public space. In addition, austerity measures are having serious negative impacts upon young people's health, well-being and social development (see Children's Commissioner 2016; Ayre 2016; McKee et al 2010). As Natasha Devon, the first Department for Education Mental Health Champion, declared before her role was terminated in May 2016 'this government and the coalition before them have engineered a social climate where it's really difficult for any young person to enjoy optimal mental health' (Ryan 2016). Providing a service for our young people combining educational and recreational elements, highlights the important role of youth work in young people's personal and social development (Mckee et al 2010). This would help towards investing in young people's own well-being and providing them with a place of safety. As the Berkshire youth survey reported 'youth clubs are key to children's well-being' and children and young people who attend youth clubs will be happier and healthier than those who do not' (McCardle 2014).

Have we gone full circle?

It can be argued therefore that the 'problem of youth' and 'juvenile delinquency' were constructed by means of social inquiry, employment legislation, the efforts of reformers and philanthropic organisations, and a liberal narrative of education, discipline and order (Humphries, 1981). The Industrial Revolution defined the spaces which young people could and could not legitimately occupy. The rescue and reformatory movements advancement throughout the early-mid nineteenth century, inevitably led to the gradual progression of state intervention into the lives of young people. The development of a universal youth service and the emergence of uniformed youth organisations, in the form of the Boy Scouts and the Girl Guides for example, reflected the informal regulation and governance of working class young people. The escalation of various police powers and legislation targeting young people from the mid nineteenth century also demonstrated the beginnings of the 'criminalisation' of young people that are very much in accord with the contemporary moment. As such, it becomes possible to see that 'youth and young people are much debated and highly contested elements of the social world' (Smith, 2011: 10), where young people's behaviour over the last two centuries has continually been 'singled out as symbolic of national moral decline' (Muncie, 2004: 52).

Consolidating austerity therefore, has raised a whole new set of research questions - the impact of the funding cuts upon the lives of young people are already having serious and damaging consequences on young people in the UK. Amidst a climate of cuts and high unemployment rates we have a deepening problem of a population of young people with no legitimate space, which is precisely the same situation that existed at the beginning of the nineteenth century. The reliance on policing and governing young people 'on the streets' continues to exist when many youth organisations have been closed and do not exist to provide alternative 'spaces of security' for young people. As discussed earlier, state intervention into the development of youth work would often appear persuasive in times of concern about the health, efficiency and morality of young people. Regardless of financial constraints, laws were enforced to provide state sponsored youth work. Local authority youth centres were established to provide 'universal social education'. However, over the decades when resources decreased from youth provision, this was said to result in a 'youth' crime problem. Given the current climate and decline in financial resources it is possible to predict where we are heading, by not providing a 'universal social education' to young people today.

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About the author

Dr Sarah Tickle is a lecturer in the Department of Criminology at Liverpool John Moores University. In 2015 she was awarded a PhD for a thesis on the ways in which young people conceptualised and experienced policy, safety, security and harm in two coastal resorts. Sarah completed her PhD at the University of Liverpool with funding from the ESRC and was also awarded the prestigious Duncan Norman Research Scholarship. She is a member of the Centre for the Study of Crime, Criminalisation and Social Exclusion (CCSE) at LJMU. Sarah is currently publishing outputs from her PhD research and has forthcoming publications in 2016.

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