

the Howard League for Penal Reform

Early Career Academics Network Bulletin

May 2012 – Issue 14

Contents

	Page
1. <b>Introduction</b> Anita Dockley, Research Director	2
2. <b>News</b>	3
3. <b>Members' notice board</b>	6
4. <b>Features</b>	
<b>Outsiders on the Inside: Foreign nationals in custody</b> Dr Liz Hales, University of Cambridge	7
<b>Payment by results</b> Andrew Neilson, Howard League for Penal Reform	11
<b>Police brutality in Ukraine</b> D. Tupchiienko	14
<b>Offenders and the third sector</b> Dr Rosie Meek, University of Southampton	17
5. <b>Member profile:</b> Manne Gerell, Malmo University	19
6. <b>Event review</b>	
<b>What if...?: Community Magistrates delivering Community Justice</b>	20
7. <b>Update</b>	
<b>All Party Parliamentary Group on Women in the Penal System</b> Lorraine Atkinson, Howard League for Penal Reform	22

## Introduction



The Howard League is extending its commitment to new thinkers by adding to its range of prizes and bursaries.

The John Sunley Prize is aimed at Masters students, and will celebrate the best of the thousands of exceptional Masters dissertations that are researched and written every year in areas which concern the Howard League. Very few of them are even lodged in university libraries or shared with the wider penal affairs community. Any student who writes a dissertation that furthers the cause of penal reform and completes their degree by the end of this academic year is eligible. So please let all your fellow students and colleagues know about this: there are three £1,000 prizes plus the publication of the dissertation as the prize. More information about this prize can be found on [our website](#).

The second round of the Research Medal is soon to be announced. This will be in the next couple of weeks and will be accompanied by the publication of papers based on the last winners' research.

Lastly, the Howard League is launching two new, significant pieces of work in the coming months which will require academic support.

Look out for notification of these opportunities in your mailboxes in the coming weeks.

Anita Dockley  
**Research Director**

## News

### Howard League launches emergency judicial review proceedings

The Howard League legal team has issued emergency judicial review proceedings challenging the finding of guilt and additional days in prison imposed by the Independent Adjudicator for seven children at Ashfield private jail.

Between January 2010 and the end of April this year, Ashfield awarded 1,892 days in a total of 269 cases. This equates to more than five years' worth of additional prison time for misbehaviours such as disobeying an order given by a prison officer. Frances Crook, Chief Executive of the Howard League described this as "scandalous" and commented, "We are punishing boys in prison, by giving them more prison. Could there be a clearer sign that prison doesn't work? And as we know that Ashfield makes a huge profit from locking children up, is there not a conflict of interest here?"



For more information on the case, read [Frances Crook's blog](#).

### Problems at Oakwood Prison raise concerns about private sector management

The newly opened, privately run Oakwood Prison has been dogged with problems in recent weeks. Staff are leaving due to being unaware of how closely they would be working with prisoners and there are accusations of 'cherry picking' the most compliant prisoners (Oakwood was sent 40 men and turned 23 away to state prisons). This has led to unease that private prisons will pick and choose only the easiest to manage individuals in order to turn a profit, leaving the state to pick up the expensive people left behind.

This is just one of a myriad of concerns about allowing the private sector to run prisons. The Howard League suggests that if we want to see fewer victims and less crime, prisons should be small, well managed and staffed by qualified personnel. For the few people who require custody, prison should aspire to be a transformative experience...this does not fit with the money making model that private companies employ in order to rake in millions of pounds in profit a year.

### Police face criticism for taking DNA samples from children

The Howard League has criticised recent revelations that tens of thousands of children are having their DNA swabbed and stored by police forces across the country, even if they are not charged with any offence. Devon and Cornwall police admitted that of the 14,383 children arrested between 2007 and 2010, the vast majority had DNA taken from them.



The Howard League described the practice as “bonkers” and commented, “These children’s DNA will be on this gargantuan

database for the next 100 years, shared with Interpol when all the while they are innocent. Surely the point of this database is to hold the DNA of the most dangerous people. This is police snooping into the lives of our sons and daughters.”

### Prisoners’ wages

The recent high court challenge by prisoners to keep more of their wages has brought work in prisons into sharp focus. Under the Prisoners’ Earnings Act 1996, those engaged in ‘enhanced wages work’ outside prison have 40 per cent of pay over a threshold of £20 paid to victim support. The case challenges the legality of this and other deductions to prisoners’ pay.

For more than a decade the Howard League has campaigned for real work opportunities for people in prison, reducing the likelihood of their reoffending on release. Prisoners should be offered the chance to engage in real work, for a real employer, with a real wage and it is crucial that companies employ people directly, giving them a relationship with an employer and a real work experience along with wages that are competitive.

Frances Crook reiterated the importance of real work for prisoners, commenting, “Long sentenced working prisoners should earn the going rate for the job. Paying people a few pence an hour reinforces the attitude that legitimate work is dull and badly paid. Prisoners should earn money to save for their release and pay tax like the rest of us. Introducing real work in prison could be the most important thing to happen to the prison estate in 200 years; let’s make sure we get it right.”

**British Society of Criminology conference**

The Howard League is going to hold a panel session at the British Society of Criminology conference in Portsmouth this year. Our session will be at 11am on Thursday 5 July and will include one of our trustees Neil Chakraborti (University of Leicester) and one of our commissioned authors and ECAN member, Julie Trebilcock (University of Keele). The session will be a chance to hear how the charity is seeking to work with the academic community in the coming year and well as launching a major new project: The Symposium to Stem the Flow. We really hope that ECAN members will come along to this event.



## Members' notice board

### Griffins Research Fellowship Programme 2012–13

The Griffins Society researches and promotes effective practice in working with women who are in prison or subject to criminal justice interventions in the community. Their Visiting Research Fellowship Programme offers a unique opportunity for you to explore your own interests or concerns about the treatment of women in the criminal justice system. Candidates must have inquiring minds, but previous research experience is not necessary as the Programme supervisors provide comprehensive supervision and support.

They are now looking for research proposals for their 2012–13 Fellowship Programme and if you think you might be interested in applying, please visit the [society's website](#) where you will find full details about what's involved and an application form, or you can express an interest by e-mailing [research@thegriffinsociety.org](mailto:research@thegriffinsociety.org).

Please note that the deadline for applications is **12.00pm on Friday 8 June 2012**.

### Roger Hood annual public lecture

Professor Marie Gottschalk, University of Pennsylvania, will be giving the seventh Roger Hood annual public lecture entitled 'What's race got to do with it? Penal reform and the future of the carceral state in America' on **Thursday 24 May at 5.00pm**.

The lecture will be held at the University of Oxford Centre for Criminology in the Lecture Theatre, Manor Road Building.



The seminar will be followed by a drinks reception in the Manor Road Common Room (next door to the Lecture Theatre) from 6.30pm onwards.

A follow-up seminar will take place on Friday 25 May 10.00am – 12.00pm in the Centre for Criminology meeting room, Manor Road Building.

No booking is necessary.

## Feature

### **Outsiders on the inside: Foreign nationals in custody** **Dr Liz Hales**

Throughout my career in the field of offender management in the community, in three prisons and more recently as I have returned to research, my interest has focused on diversity issues and the management of foreign nationals within the criminal justice and immigration system. Over the span of 30 years, there have been many improvements in relation to staff training, resultant awareness, new and updated Prison Service Orders and Instructions, wider diversity strategies encompassing the needs of foreign nationals, and a greater focus by the HM Inspectorate of Prisons (HMIP, 2012).

However there has also been an escalation of anxieties expressed by the government and pressure groups such as Migrant Watch in relation to the impact of the growth of migrants on our economy, the perceived risk of opening the door to asylum seekers and the terrorist threat. Terms such as 'bogus asylum seeker' and 'foreign criminal' (for those who have finished their sentences and for whom we would use the term ex-offender if they were UK nationals) are frequently reported in the media.

The government response to this anxiety has been to close the door to those who will not contribute the economy through the points based system for people seeking work, raiding premises to identify those working who do not have valid documentation, the tightening up of border controls and the need for valid identification to access key resources within the UK. This has resulted in a noticeable increase of people in custody in relation to their illegal status and related charges of deception and fraud. Much closer working has also been established between the UK Borders Agency Criminal Casework Directive (UKBA CCD) and prisons, and all non EEA foreigners sentenced to twelve months or over are automatically deported through the UK Borders Act 2007. Critical decisions in relation to the arrestees' imprisonment, detention and rights of residence on release are made both by the courts (in terms of length of sentence) and UKBA CCD, and this has been described by practitioners and foreign nationals alike as 'a double punishment'.

Alongside the increased barriers faced by those seeking access to the UK for work or asylum, has been a growth in the scale of activity by both smugglers who facilitate movement across borders for those seeking asylum; and by those involved in the business of people trafficking, who recruit the vulnerable and those with a need to move for financial reasons. Both these types of criminal activity are profitable and control is ensured by intimidation and withholding any valid documentation from those they move.

There is a degree of overlap between these two activities, but with traffickers control goes further. Control is maintained once people arrive in the UK by working or selling their victims as commodities to others who will profit from their labour, and disposal for those who no longer are of value (Aronowitz et al, 2010). In both these areas of exploitation the most vulnerable victims are

often women and children, and for those who do escape the physical hold of those who have abused them, their status is one of illegal migrant.



Over the last 18 months I have been involved with Professor Loraine Gelsthorpe at the Institute of Criminology, University of Cambridge, on a research project on the criminalisation of migrant women, which aims to help fill the knowledge gap in relation to the presence and management of victims

of these two areas of activities in the female prison and immigration estate. One of the key elements of this work has been qualitative; identifying victims of trafficking, work under servitude or slavery and enforced labour and abuse by smugglers. This has been achieved through screening interviews with 103 women in five women's prisons and Yarl's Wood Immigration Removal Centre (IRC). From this sample we identified 43 victims of trafficking<sup>1</sup>, five additional victims of servitude or slavery and ten women whose entry had been facilitated by smugglers and were criminalised due to theft of their documents.

This target group of 58 women were then re-interviewed as they moved through the system; between prisons, the IRC and, for those not deported, back into the community. Wherever possible their court appearances were also observed, documentation gathered in relation to the management of their criminal charges and asylum applications, and with permission, information was gathered from their legal representatives and relevant others. Detailed case information was gathered in relation to their experiences prior to arrest in terms of their education, access to work, dependants, reasons for travel, method of recruitment, charges imposed, experiences of travel, work en route and within the UK and, for those who escaped their trafficker's physical hold, perceived options for survival.

From point of arrest, data was then gathered in relation to their management through the criminal justice system, covering the primary criminal charge, facilitation of and response to disclosures, bail applications, contact with legal representative, pleas entered and sentencing outcomes. In relation to immigration, similar data was gathered in relation to asylum applications, place of initial and full interviews, legal representation and outcomes. Data was also gathered in relation to stated physical and mental problems and issues impacting on the wellbeing of child dependants.

This article will not attempt to outline the full findings which will be available when the report is published (Hales and Gelsthorpe, publication pending).

<sup>1</sup> Conclusions as to victimisation of trafficking were drawn from accounts of recruitment, transportation, exploitation and evidence of physical and emotional abuse as outlined in the section on 'Identifying Victims' (SOCA, 2012).



However the research reveals a worrying picture, with failure to facilitate or respond appropriately to victim status and only eleven referrals through the National Referral Mechanism (NRM)<sup>2</sup>. Despite the fact that all the women in the target group were victims of psychological and physical abuse and half were victims of multiple rapes, there was only one resultant full police investigation into the abuse of human rights. In only five cases, the identification of these women as victims was made in time to potentially impact on the criminal justice proceedings. Even those formally identified as victims spent on average four months in custody. Of equal concern is the fact that the issue of victimisation was only responded to by the Crown Prosecution Service for those used in sex work or domestic servitude. For those involved in cannabis production, statements to the court made in mitigation were not responded to in terms of seeking a full assessment of victim status through the NRM.

Repeated themes in interview notes were total confusion and panic at what was happening and no one giving them the time to hear their whole story so that their actions were put in context. In the few cases where their legal representative supported a non guilty plea, the requirement to disclose in a public arena the horrific sexual abuse to which they had been subjected was often too traumatic. In a number of cases there was also evidence of the link between those who trafficked them and international drug trafficking.

Many of the factors which contributed to low victim identification rates have relevance to the management of all foreign nationals within the criminal justice and immigration systems, and there are common themes raised in relation to the management of those charged with criminal offences outside this target group and in other research in which I have been involved. Examples of this are: the high rate of imprisonment from the point of arrest, impacted on by the view that non UK nationals lack community ties and are more at risk of absconding; their lack of knowledge or understanding of how the criminal justice and immigration systems work within the UK; limited contact and establishment of trust with their legal representatives; and repeated failures to provide adequate support for those for whom English is not their first language. Failures in interpreting provision are one of the most common themes raised by foreign nationals in custody or detention and observed in court hearings. This is exacerbated by being held in the screened dock area in what some described as a 'glass box', impacting on their ability to hear all that is going on or ask their legal representative any questions because of his/her separate location in the court. The overall experience is one of ongoing disempowerment.

In relation to immigration matters, common themes include failure by the criminal justice representative to give advice prior to entering a plea, and the impact of this and the likely sentencing outcome on rights to remain within the UK. Full immigration interviews are carried out in custody with no legal representation and no advance warning on timing and how to prepare. All key documents sent by UKBA CCD are in English, even when interpreter need

---

<sup>2</sup> For outline of the National Referral Mechanism see Criminal Justice System (2009) 'Trafficking Toolkit. Tackling Trafficking'. CJS 20091015, pp. 30-39.

was accepted for the interview stage, and it is the exception for a defendant to receive a letter from their legal representative in the correct language. This results in dangerous reliance on other bi-lingual prisoners for the interpretation of key documents.

Other common factors are the huge shame of imprisonment and, for women, the stress of not being in contact or able to provide support for their children in the UK or overseas, where there is no social support system. However the disempowering impact of these factors has, on the whole, a potentially greater detrimental impact on those within the target group of the research, of whom many had suffered years of abuse and displayed the symptoms of post-traumatic stress disorder in the interviews.

Within this target group two of the victims of trafficking being held in the adult estate were formally identified as children during the period of the research. An additional three had been trafficked as children and gave accounts of being recruited, moved to and worked en route and within the UK.

Our goal is to move this work further on, to focus on non UK young offenders and young adults within the custodial environment, who are also potential victims. Assuming that funding is achieved, this work will focus on young people from countries such as Vietnam, Afghanistan and Eastern Europe, who have been charged with offences of cannabis production and work in other illegal activities under the control of others.

With this past and planned work, the aim is to gather knowledge from which informed policy and practice recommendations can be made to reduce the numbers in custody of those whose criminal activity and illegal residential status is resultant on actions of others and improve management. With the proposed work, an additional goal is to liaise with the police in terms of how better identification can contribute to relevant intelligence gathering and result in the prosecution of those who have abused these young people and who will continue to profit from the abuse of others.

*Dr Liz Hales is visiting scholar at the Institute of Criminology, University of Cambridge.*

## References

Aronowitz, A., Theuermann, G. and Tyurykavanova, E. (2010) 'Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime'. Available at <http://www.osce.org/cthb/69028>

Hales, L. and Gelthorpe, L. (publication pending) 'The Criminalisation of Migrant Women'. Cambridge: Institute of Criminology

HMIP (2012) 'Her Majesty's Inspectorate of Prisons – Expectations'. Available at <http://www.justice.gov.uk/downloads/about/hmipris/expectations.pdf>

## Feature

### Concerns over 'payment by results' schemes Andrew Neilson



The Howard League for Penal Reform has expressed reservations (Neilson, 2012) over whether the Ministry of Justice's 'payment by results' (PbR) pilots are the best solution to the crisis in the overcrowded prisons and probation service. Government rhetoric promises a new approach to prisons and probation (and indeed public services across government) but implementing PbR presents a number of challenges; with concerns ranging from the problematic measuring of results to fears that it may encourage cherry-picking by providers. Nevertheless, The Ministry of Justice is piloting

various schemes with the aim of significantly reducing reoffending, with varying levels of success.

Recently, one of these schemes has attracted widespread controversy. Project Daedalus, based at Feltham Young Offenders' Institution, focused on preparing young people for release after prison, with the expectation that this would substantially reduce reoffending rates. Central to the project were resettlement brokers (charity workers who helped with adjustment to life on the outside). Many prisoners said they made a "positive contribution" but were spread too thinly across London. The payment-by-results model used by the project meant not enough money was paid upfront to improve the situation. A draft report identified this as a key weakness, but this and other criticisms were removed from the final evaluation report (Ipsos MORI, 2012) leading some to suggest that negative aspects associated with PbR have been downplayed. It was recently announced that the project was coming to an end.

It would be unfair to conclude from this one example that the drive towards PbR is doomed. The pilots now being run by the Ministry of Justice differ substantially from the model used at Feltham and have been approached in a variety of ways. Pilots in the adult system can be broadly divided into two approaches: an institutional model of PbR and a place-based model. The institutional model of PbR is based on individual prisons and focuses on holding the prisons to account for the reoffending rates of those prisoners leaving the institutions. Two pilots are already underway with private sector prisons: Peterborough and Doncaster, with Leeds and High Down following in the public sector.

The place-based model is based on the principles of justice reinvestment, a movement originating in the US that the Howard League has championed (Howard League, 2009). Justice reinvestment recognises that the solutions to crime often lie outside the criminal justice system. It seeks to engage all

agencies working in particular areas in efforts to pool resources and divert money into investing in measures that prevent crime, rather than simply manage its consequences. Two justice reinvestment pilots are taking place in Manchester and in London. There are hopes that these may align with further pilots taking place across government that will test the 'Whole Place Community Budget' concept (HM Government, 2012).

Sitting somewhat between the two models are PbR pilots in probation. Two probation trusts, Wales and Staffordshire and West Midlands, are working on developing PbR approaches for their work in the community. As with the public sector prisons engaging in PbR, the probation trusts are likely to seek partnerships with external providers who can assume financial risks that the public sector cannot.

The many different realities being piloted by the Ministry of Justice are on top of cross-governmental work being done on introducing PbR into drug and alcohol recovery and mental health, both particularly pertinent to the world of prisons and probation.

Not all approaches are likely to succeed, and there are issues as to how some of what is going on could ever go to scale. In the institutional model, for example, it may be relatively easy to sufficiently ring fence the populations of individual pilot prisons in order to keep track of interventions and results. However, across the prison estate as a whole, overcrowding means a constant churn of prisoners and widespread movement of individuals in order to make space where it is required. Quite how a particular prison can then be held to account for a particular prisoner's reoffending remains an unanswered challenge.

A key problem which all the pilots raised was the Ministry of Justice's insistence on using a binary 'yes/no' measure of reoffending rather than a more sophisticated measure that captures the severity and frequency of reoffending. The binary measure may make sense when trying to quantify what savings the department might be achieving in order to reward providers but it fails to recognise the complex pathways to desistance that individuals in the real world face.

PbR is certainly an encouraging innovation and if it proves to be a vehicle for delivering an important agenda like justice reinvestment then it will certainly be worthwhile. It is questionable however, whether PbR in itself is necessary or whether it is simply the political 'flavour of the month' which others are using in order to advance their own agendas.

*Andrew Neilson leads the Campaigns team at the Howard League for Penal Reform. He was previously Press and Communications Manager at the Howard League and worked as a government press officer for seven years.*

## References

HM Government (2012) 'Community Budgets Prospectus'. Available at: <http://www.communities.gov.uk/documents/localgovernment/pdf/2009783.pdf> [accessed May 2012].

Ipsos MORI (2012) 'Evaluation of the London Youth Reducing Re-offending Programme(Daedalus)'. Available at <http://www.london.gov.uk/sites/default/files/Daedalus%20%20Interim%20Evaluation%20Report.pdf> [accessed May 2012].

Neilson, Andrew (2012) 'Justice won't be done with payment by results'. Available at <http://opinion.publicfinance.co.uk/2011/03/justice-wont-be-done-with-payment-by-results-by-andrew-neilson/> [accessed May 2012].

The Howard League for Penal Reform (2009) 'Do Better Do Less: The report of the Commission on English Prisons Today. London: The Howard League for Penal Reform.

## Feature

### Police brutality in Ukraine

#### D. Tupchiienko

In recent weeks the brutal beatings inflicted upon Ukrainian opposition leader Yulia Tymoshenko at the hands of the police have focused international attention on policing practices in Ukraine (Guardian, 2012). For Ukrainians and a number of human rights organisations, it has long been known that the work of the law enforcement authorities in Ukraine leaves much to be desired.

A number of high profile cases have demonstrated that Ukrainian police officers often use physical force and violence against those they have arrested – and more often than not, are not prosecuted for doing so. Those who have experienced violence at the hands of the police refrain from reporting the abuse because they are too traumatised by what has happened to them and too frightened of retribution. In the most severe cases those arrested have been known to die from beatings inflicted by the police, yet it is still extremely difficult to prove violence on the part of police officers.

A key example of this difficulty is the case of 19 year-old student Ihor Indilo, who died from a fractured skull and internal bleeding in May 2010 after being arrested and interrogated by the two police officers in Kiev. The representatives of the law enforcement authorities insisted that his death was caused by falling off the bench in his cell however many believe that his death was the result of police brutality, after a medical examination discovered bruises on Indilo's elbows as well as internal bleeding which suggested he had been hit repeatedly in the abdominal area.

Indilo was arrested in May 2010 by off-duty officer Sergei Prihodko after a disagreement with a security guard at the dormitory where he lived about a missing ID card. He was driven to Shevchenkivsky police station, where he was interrogated by Prihodko and another officer, Sergei Kovalenko. Police said he was drunk and aggressive when detained, although a security guard has since testified that he was neither, a fact corroborated by CCTV footage obtained by internet magazine 'Svidomo'. An ambulance was called to the interview room shortly after his interrogation because Ihor Indilo was unconscious, although he was not thoroughly examined by the crew. CCTV footage shows Sergei Prihodko dragging Ihor Indilo into a cell at 9.49pm and leaving him on the floor. The footage shows the student's condition deteriorating through the night until he stops moving at around 3am. Police left him unattended in the cell until they discovered his body at 4.51am. Officers claim they checked his pulse and breathing and that he was still alive, but the CCTV footage shows an officer discovering his body, dragging him and then rolling him over and pouring water in his face. He was pronounced dead at 5.14 am.

Kiev's Court of Appeal took 15 minutes to decide that no further investigation was required into Indilo's death so both police officers were only tried on minor negligence charges. Prihodko was charged with 'abuse of power that results in pain or denigrates a person's dignity'<sup>3</sup> in relation to having dragged Indilo across the floor and was given a five year suspended sentence, while Kovalenko was charged with 'neglect of official duty without grave consequences' in relation to allowing Prihodko to carry out these actions and was granted amnesty by the court. Both walked free on 5 January 2012.



The Indilo case 'has become a litmus test for the Ukrainian justice system's ability to seriously deal with allegations of police abuse. Its failure to do so highlights the need for systemic reform' according to John Dalhuisen from Amnesty International (Amnesty International, 2012a). Ukrainian lawyer Oleg Verimenko also sees the need for change, 'We need a new code. It was submitted to the Ministry of Justice two years ago'. He blames the Ukrainian Criminal Procedural Code which currently allows cases to be presided over by a single judge:

*It is easier to put pressure on a single judge. Judges are currently threatened with their children's deaths. People are afraid. Judges are caught while taking bribes.*

There is growing recognition that there must be serious reform of the police force in Ukraine. A visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment in 2011 found that in "...In a range of [police complaint] cases misconduct was so severe that it could be qualified as torture (use of electric current, suffocating with plastic bags or a gas mask, keeping in an uncomfortable position, death threat by putting the gun to the head, etc.)..."

Vitaliy Zaharchenko, Minister of Internal Affairs has stated that during the time of his work as minister most of the complaints he has received concerned tortures and deaths which occurred in regional police stations. With the news that some European leaders are planning to boycott the Euro 2012 football tournament due to the treatment suffered by Yulia Tymoshenko, perhaps now is the time that this reform will come: 'The Ukrainian government must send a clear message to police that such abuses will no longer be tolerated in the country, by publicly committing to the establishment of an independent body for investigating complaints against the police' (Amnesty International, 2012b).

<sup>3</sup> Article 365 of the Ukrainian Criminal Code

## References

Guardian (2012) 'Yulia Tymoshenko's plight becomes PR disaster for Ukraine'. Available at <http://www.guardian.co.uk/world/2012/may/03/yulia-tymoshenko-ukraine-euro-2012> [accessed 8 May 2012]

Amnesty International (2012a) 'Ukraine: Amnesty calls for fresh investigation into student death in custody after officers walk free'. Available at [http://www.amnesty.org.uk/news\\_details.asp?NewsID=19881](http://www.amnesty.org.uk/news_details.asp?NewsID=19881) [accessed 8 May 2012]

Amnesty International (2012b) 'Amnesty International Media Briefing EUR50/005/2012'. Available at <http://www.amnesty.org/en/library/asset/EUR50/005/2012/en/4ff710fd-09d8-49c4-add7-c8a1c40b1c87/eur500052012en.pdf> [accessed 8 May 2012]



## Feature

### Offenders and the third sector

Dr Rosie Meek



Together with colleagues Alice Mills and Dina Gojkovic, I have spent the past two and a half years working on a national study, examining the role and involvement of the third sector in the criminal justice system. The study set out to explore the strategic position of voluntary and community organisations within the system, the roles they play, and the barriers and opportunities they face in this rapidly changing context.

A particular interest in offender resettlement has led us to look specifically at the role that the third sector plays in the resettlement of offenders, and the impact of volunteering on empowering offenders and ex-offenders to desist from crime and become socially valued members of the community. We are also interested in the practical and political issues associated with the barriers that the third and statutory sector face in trying to accommodate each others' agendas, and the effects of new commissioning strategies on the survival and ethos of the third sector, and its future within the criminal justice system.

The first stage of our work consisted of interviews with stakeholders in the third sector and criminal justice arena (Meek, 2010) with the subsequent stage devoted to carrying out 293 interviews with prison and probation staff, third sector agency representatives and offenders in contact with third sector organisations. These interviews enabled us to examine the value and impact of third sector involvement in the resettlement of offenders from the perspectives of those who manage and deliver resettlement provision, as well as those who receive it (Mills et al, 2011).

We also conducted secondary analysis of existing datasets and carried out a national survey of 680 offenders, which has enabled us to explore the prevalence and scope of the third sector in criminal justice (Gojkovic et al., 2011a), as well as the levels of awareness that offenders have of third sector organisations and the varied provision across the prison estate (Gojkovic et al, 2011b). More recently we have examined the involvement of third sector organisations in ex-offender housing (Gojkovic et al, 2012), and the challenges, opportunities and implications of offender volunteering.

On May 16 we attended a knowledge exchange event in where we shared some of our findings to date and invited panels of representatives from prisons and third sector organisations to reflect upon our findings in the context of their own work practices and experiences.

Further information can be found at [www.tsrc.ac.uk](http://www.tsrc.ac.uk) and [www.southampton.ac.uk/sociology/about/staff/rm1w07.page](http://www.southampton.ac.uk/sociology/about/staff/rm1w07.page)

*Dr Rosie Meek is a lecturer in social and forensic psychology at the University of Southampton. She was previously a research consultant (Howard League for Penal Reform, Parenting UK, the Trust for the Study of Adolescence), associate lecturer at the Open University, British Psychological Society fellow at the Parliamentary Office of Science and Technology and visiting lecturer at Canterbury Christ Church University. She is a Fulbright Distinguished Scholar (University of California, San Diego).*

## References

Gojkovic, D., Mills, A. and Meek, R. (2011a). 'Scoping the Involvement of Third Sector Organisations in the Seven Resettlement Pathways for Offenders'. Third Sector Research Centre Briefing and Working Paper Series No.57.

Gojkovic, D., Meek, R. and Mills, A. (2011b). 'Offender engagement with third sector organisations: A national prison-based survey'. Third Sector Research Centre Briefing and Working Paper Series No.61.

Gojkovic, D., Mills, A. and Meek, R. (2012). 'Accommodation for ex-offenders: Third sector housing advice and provision'. Third Sector Research Centre Briefing and Working Paper Series No.77.

Meek, R., Gojkovic, D. and Mills, A. (2010). 'The Role of the Third Sector in Work with Offenders: The Perceptions of Criminal Justice and Third Sector Stakeholders'. Third Sector Research Centre Briefing and Working Paper Series No.34.

Mills, A., Meek, R. and Gojkovic, D. (2011). 'Exploring the relationship between the voluntary sector and the State in Criminal Justice'. *Voluntary Sector Review*, 2, 2, 195-213

## Member Profile

### Manne Gerell, Malmö University



I received my bachelor's degree in Peace and Conflict Studies from Malmö University and went on to gain a master's degree in political science from Lund University. During my studies I also took some time to get involved in the Students' Union, and spent a year working full time as vice president.

My master's thesis examined the possibility of using theories on collective social action (collective efficacy theory) to explain outbreaks of riot-like situations in the most impoverished and stigmatised neighbourhood in the city of Malmö. Whilst working on my thesis I got in touch with a professor in the Urban Studies department at Malmö University, and together we drafted a research grant proposal to further examine the connection between social capital (especially collective efficacy) and disorder or crime. The proposal was accepted and I started working as a research assistant at the department of Urban Studies after finishing my master's degree. A collaboration between the department of Urban Studies and the department of Criminology led to a position as PhD student in the latter department.

My research focuses on why there is more crime and disorder in some places and neighbourhoods than in others, how such differences can be studied and what can be done about it. In order to understand differences between different geographical units and the social mechanisms that explain such differences I employ a wide variety of methods including both quantitative and qualitative methods as well as geographical information systems. I am very interested in the interaction of neighbourhood level social processes and micro-places. With my focus mainly on places rather than individuals I take a different approach to criminology to most researchers, but the field is growing and I feel right at home.

As a research assistant I was working full time on my research under supervision of a professor. Now that I am a PhD Student I am expected to study and teach as well. Due to my non-criminological background I will mainly be teaching in my area of expertise, the relation between crime and social environments.

I joined the Howard League ECAN because I want to learn more about criminological thinking and have a chance to get to know others working in the field. Although I have a somewhat different focus in my research, I believe I have much to learn from other perspectives on criminology and related sciences. In Sweden there are no electronic networks for criminologists (that I am aware of anyway), and when I stumbled on the ECAN through twitter it felt natural to join. I believe that in order to develop as an early career academic it is essential to interact and exchange ideas with others, and ECAN might help provide such opportunities.

## Event review

### What if...?

### Community Magistrates delivering Community Justice

The latest 'What If ...?' seminar, a research partnership between LSE's Mannheim Centre for Criminology and the Howard League for Penal Reform, was presented on 26 March 2012 and chaired by Professor Frances Heidensohn. Proposals to develop the role of the magistracy were developed by Howard League Chief Executive Frances Crook with the discussion of her ideas being led by Professors Julian Roberts (Oxford) and Barry Godfrey (Liverpool) and John Fassenfelt JP, Chair of the Magistrates' Association.



Frances Crook talked broadly on the theme of 'Community Magistrates delivering community justice' and offered ten varied and ambitious possibilities for the evolution of the magistracy:

1. Diversion for many offenders to resolution services
2. Holistic treatment of offender's place within family and community
3. Continuity of Magistrate panels for review sessions
4. Accountability: sentence decisions could be monitored, like any other body making public decisions and spending public money
5. Removing powers to sentence imprisonment
6. Restricting power to remand
7. Following local court closures, bringing courts to the people through hearings in schools, libraries, pubs and leisure centres
8. Fairer recompensing for Magistrates
9. Abolishing the post of District Judge
10. Urgently addressing the use of custody for children

The panel was broadly supportive of these ideas. John Fassenfelt agreed with the idea that sentencing alone cannot stop reoffending. He and Professor Barry Godfrey who is also a magistrate, disputed proposed restrictions of custody, on grounds of desert, proportionality, crime prevention, victim and public protection, and the lack of credible alternatives for persistent offenders. Professor Godfrey also called for better information for magistrates about what community sentences entail, particularly probation, and acknowledged that they were hard for both officers and offenders. Professor Julian Roberts talked about the role District Judges can play in hearing, deciding and

sentencing a case as a sole authority, potentially offering the holistic understandings called for. The panel discussion was well-received with general agreement that these issues must be scrutinised for the future.

*Helen Brown Coverdale*

*Law department, London School of Economics and Political Science*

**A pamphlet derived from the arguments proposed by Frances Crook is due for publication in the early summer.**

**The next What if? seminar will be delivered by Professor Andrew Ashworth on 4 October 2012 at the LSE. He will be asking: 'What if imprisonment were abolished for non-violent property offences?' Booking details will appear in the coming months.**

## Update

### All Party Parliamentary Group on Women in the Penal System Lorraine Atkinson

The [All Party Parliamentary Group on Women in the Penal System \(APPG\)](#), chaired by Baroness Corston has been conducting an inquiry on girls. In March 2012, members of the APPG visited Milan to look at the Italian juvenile justice system and its approach to girls.



Frances Crook, Chief Executive of the Howard League for Penal Reform with members of the APPG and judges outside the Milan juvenile and family court.

The Italian system is very different from the adversarial system in England and Wales.

The juvenile and family courts deal with both civil and criminal cases and children can be referred to the court for criminal, welfare or child protection reasons. The age of criminal responsibility in Italy is 14 and children below this age can only be referred to the court for welfare reasons. In contrast, the youth courts in England and Wales only deal with children aged ten and over who have been charged with a criminal offence. Youth court magistrates do not have the powers to refer cases back to the family courts if they have concerns about a child's welfare.

In Italy, all those involved in the juvenile justice system were qualified to deal with adolescents. Professional judges had the authority and experience to deal with both civil and criminal cases. Lay judges were specialists who were chosen for their expertise in understanding children and families and were expected to have a qualification in a relevant subject such as social sciences or psychology. Defence lawyers had to be qualified to defend children and listed on the special register for children's lawyers.

Children who were charged with committing an offence came before a judge and could then be placed on probation, during which time criminal proceedings were suspended. The application of probation was unconnected to the nature of the offence and could be applied in trials for murder or sexual crimes. The period of probation was to allow time for the child's rehabilitation and for their reintegration into society. Whilst on probation the child was placed in the care of social services and expected to comply with a programme of intervention, treatment and support.

There were opportunities throughout the Italian juvenile justice system for children who had committed an offence to be pardoned or to have the slate wiped clean. For example, if at the end of the period of probation, the judge was satisfied that the young person had made progress and would not commit the crime again, the crime could be declared extinct and was wiped from the record. Alternatively, if a child did not reoffend within five years then their record would be wiped clean. Information about a child's involvement in the penal system was kept by the courts and was not routinely shared with other agencies.

Professionals working in the Italian juvenile justice system, included judges, social workers and psychologists, recognised that teenagers could be difficult but their behaviour was regarded as part of the normal process of adolescence. There was also recognition that girls and boys often committed misdemeanours as a cry for help. The aim of the juvenile justice system was to reintegrate and re-educate children, not to punish them.

The judge worked in collaboration with social services to support the young person out of the penal system. He or she could require social services to conduct an investigation of the child's background and the circumstances that had led to the offence. Following this, a package of support was put in place by social services for the child and for the parents if necessary. This approach was expensive but it was recognised that tackling the social and welfare problems would lead to cost savings in the long term as the child would not end up in the adult penal system. Rates of recidivism in Lombardy were just four per cent.

The backgrounds of girls who ended up in the penal system in Italy were similar to those in England and Wales and many had led chaotic lives. Social Services reported that the suffering of girls who entered the penal system was often greater than that of boys and could include trauma, grief, abuse, maltreatment or neglect. Psycho-social disturbances were greater among girls.

The most common crimes reported concerning girls included robbery, criminal damage and fighting. Girls in Italy would not be arrested for being drunk or for prostitution as these would be regarded as welfare, not criminal justice matters.

There was an over-representation of girls from minority groups in the Italian penal system. In 2011, 72 per cent of the girls admitted to the first reception centre in Milan, which takes girls arrested by the police, were classified as 'straniere' (foreign), the majority being from Eastern European countries including Bosnia, Romania, Croatia and Serbia.

Whilst on probation, the judge could order that girls and boys were placed in a residential community as part of the rehabilitation process. Members of the APPG visited a community run by the Lule Association, a third sector organisation set up to help female victims of trafficking. The Diana Community, a shelter for teenage girls, had spaces for up to ten girls aged

from 12 to 18 years and emergency accommodation for five to six girls aged from 15 to 25 years.

The average age of girls in the community was 16 years old. Most of the girls were there for theft or drug dealing. Girls were placed there on welfare grounds for being involved in prostitution. A high percentage of girls in the community were from overseas, including South America, Ukraine, Africa, India and Turkey. The majority of girls placed there as a result of penal proceedings also had welfare needs and had suffered abuse. There was no distinction between girls that were there on welfare or on penal grounds, apart from the fact that the Italian Ministry of Justice part-funded the placements for penal cases. The average length stay for girls at the community was two or three years and demand for places far outstripped supply.

The Italian juvenile justice system is based on an attitude of benevolence and this does raise some concerns. The system did not appear to always give consideration to the views of children in the courtroom and they could be excluded from the court process at the request of the judge. Information could be withheld from children or their families if it was considered to be sensitive, but was discussed by professionals 'off the record'. It was an inquisitorial as opposed to an adversarial system and questions were raised by members of the APPG regarding due process, for example in relation to children who declared they were innocent. The probationary period could be as long as two years, after which time a child might still be facing the prospect of criminal proceedings. The over-representation of 'straniere' in penal custody was also a cause for concern.

However, the reoffending rates for children in Italy were extremely low compared to England and Wales, perhaps due in part to the fact that children's criminal records could be eradicated. Far fewer children ended up in the Italian penal system in the first place and those that did had the opportunity to go forward into adulthood with no criminal record. Far fewer children ended up in penal custody with all its damaging consequences.

The APPG is keen to receive evidence or research from academics who are considering the merits of different juvenile justice systems or who have studied outcomes for girls in different jurisdictions.

More information about the APPG inquiry on girls can be found at [www.howardleague.org](http://www.howardleague.org).



## **Guidelines for submissions**

### **Style**

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

### **Illustrations**

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

### **Authorship**

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

### **Publication**

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

### **Format**

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

### **Please note**

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