

Early Career Academics Network Bulletin

April 2010 – Issue 3

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Guidelines for submission

Introduction

The general election has now been called. I think it is questionable whether there will be much intelligent debate about the future direction of criminal justice. Nonetheless, the Howard League is going to try and make sure that prospective parliamentary candidates begin to think, and then once elected, act on the issues that the Howard League is focussing on in our Take Action 2010 campaign. Our manifesto is now available [here](#).

Have you signed up to Take Action 2010 yet? A first step, as I said last time, is to get yourself photographed with our campaign statement: less crime, safer communities, fewer people in prison. I look forward to seeing you in our photo gallery alongside Emma Freud, Chris Eubank, Danniella Westbrook, as well as many criminal justice practitioners, academics and the Howard League's supporters.



Also have a look at our news section where there are two post graduate opportunities that you might wish to draw point out to your colleagues or students: we have a Post- doctoral Fellowship at the Centre for Criminology at Oxford and a bursary available at Birmingham City University for a Masters Student.

Finally, I would like to congratulate an ECAN member, Julie Trebilcock from Imperial College, as she has been selected to undertake the Howard League's research in association with the Prison Governors' Association on short sentenced prisoners. The research will be carried out over the course of the summer and published near the end of the year. ECAN members will always receive email notice of any research opportunities at the Howard League.

Anita Dockley
Research Director

News

Post-doctoral research fellowship at Oxford

The Howard League for Penal Reform and the Centre for Criminology at Oxford University is advertising a post-doctoral research fellowship. The fellowship is being awarded in memory of Lord Parmoor who was a strong supporter of the Howard League. It is a fixed term one year fellowship, part time. The Fellow will be expected to carry out a programme of work which is likely to consist of producing for publication articles and/or a monograph based on their doctoral thesis, and at least one policy output in collaboration with the Howard League. The Fellowship will also enable the person appointed to initiate new research projects for which external research funding may be sought. The Fellow will be allocated a mentor, whose research interests bear close relation to their own, who they will work closely with during the period of the Fellowship. The Fellow will also be closely supported by the Director of Research at the Howard League. More information about the fellowship can be found on the Howard League website, and informal enquiries can be made with either Professor Ian Loader (ian.loader@crim.ox.ac.uk or 01865 274440) or Anita Dockley (anita.dockley@howardleague.org)



Howard League for Penal Reform MA Bursary

The Howard League for Penal Reform is funding a place on Birmingham City University's MA in Criminology starting in October 2010. We are looking for an enthusiastic student committed to penal reform to take up this opportunity. If you are interested go to: <http://www.howardleague.org/post-graduate-opportunities/> to find out how to apply and more from last year's recipient of the bursary.

Illegal drug use

Amidst all the debate around the classification of drugs (use this link for the recent report sparked by the moves to ban mephedrone <http://drugs.homeoffice.gov.uk/publication-search/acmd/ACMD-cathinones-report.html>) and resignations from the Advisory Council on the Misuse of Drugs was an interesting parliamentary question. On 22nd



March 2010, Hansard reported that Sir Nicholas Winterton (Conservative: Macclesfield asked: What recent estimate [the minister] has made of levels of drug misuse among young people [322951]. The response from Meg Hillier was that fifteen per cent of young people aged 11 to 15 used drugs in 2008, compared with 20 per cent in 2001.

Re-offending statistics

The Youth Justice Board (18th March 2010) reported that there was a 8.9% fall in the number of (re)offences committed by children and young people from 2005 to 2008. And, between 2000 and 2008, the frequency of reoffending fell by 24.8%. Full adult and juvenile reoffending statistics have been released for the 2008 cohort. While it shows an overall decline from 2000 and a fall in the last year for juveniles, adult reoffending has increased in the last year. There is a [press notice](#) which leads to the full reports.



Howard League Commission on English Prisons Today

The Howard League's President, Lord Carlile of Berriew, has been promoting the findings of the Commission in the House of Lords ([transcript of the debate here](#)). The final report of the two-year inquiry (*Do better Do Less- 2009*) takes a radical look at the purpose and limits of penal custody and is a road-map for long term and fundamental reform. It is free to download from the Howard League website.

Legal Aid

The Ministry of Justice has [announced new proposals](#) for the tendering of criminal legal aid services with the aim of delivering significant savings to taxpayers and a more sustainable future for the legal aid budget.

The proposed new tendering process would also lead to greater efficiencies for suppliers enabling them to be profitable and sustainable, whilst ensuring that legal aid is available to those most in need.

Changes to legal aid may have a profound impact on the work that our legal team can



undertake. Keep an eye on our website to see what we are saying about these proposals.

Self inflicted deaths in custody

Every time there is a self inflicted death in custody, the Prison and Probation Ombudsman undertakes an inquiry – fatal incident inquiries (FII). The Howard League closely monitors deaths in custody, and will be shortly publishing its own book on all deaths in custody, not just those that are self inflicted. However, the Prison and Probation Ombudsman has just released information about FIIs resulting from deaths during 2008: a review of FIIs ([here](#)) and a press notice ([here](#)). He also a new video on fatal incident inquiries on his [YouTube](#) channel.

The current Prison and Probation Ombudsman, Stephen Shaw, is leaving his post but recruiting a replacement has been delayed until after the election which will mean months without a stable head of a critically important government office.

Adults facing Chronic Exclusion (ACE)

The Cabinet Office announced its Adults facing Chronic Exclusion (ACE) programme in 2006. It is a 3 year pilot programme designed to test new approaches to tackling chronic social exclusion amongst the most marginalised people in society. 12 pilots are being led by voluntary and public sector organisations, working in partnership with other local agencies. An interim evaluation report of the programme has now been published. The final evaluation will be published in September 2010. ([More information here](#))

Features

Con-viviality? – living inside under heavy manners.

Rod Earle uses his research into ethnicity in male prisons to think about the role of ethnographic prison research in the UK.



Ever since the appalling murder of Zahid Mubarek by a racist cell-mate in Feltham in 2000 the question of racism in prison has been under close scrutiny. In 2003, the Commission for Racial Equality investigation made 17 findings of unlawful racial discrimination by HM Prison Service and found widespread acts of racist abuse. The Prison Service, like other public institutions, is now bound by the Race Relation Amendment Act (2000) which places a duty on public authorities to promote 'good relations between persons of different racial groups'. This is particularly significant given the

long-standing over-representation of black men in prison. However, despite an increased profile for diversity policies in prison there is little understanding of how men of different ethnicities get along with each other in the pressured and claustrophobic environment of a prison.

Primary research

I have recently been involved in a research project that has tried to fill that gap by conducting qualitative research in two men's prisons in south-east England, HMYOI Rochester and HMP Maidstone. For a period of eight months in each prison, with Dr Coretta Phillips from the Dept. of Social Policy at the LSE, I spent time chatting and mixing with prisoners, trying to get a sense of how questions of ethnicity and identity are experienced by the imprisoned men. We were interested in prisoner's views of other prisoners and about how they found life inside. One hundred and ten in-depth interviews were conducted with a representative sample of prisoners.

Findings

The results revealed a complex and contradictory picture of social relations among prisoners.

- Ethnic differences were frequently seen as quite an ordinary and unremarkable aspect of many prisoners' lives, both at home in the community and in prison.
- Black prisoners and minority ethnic men tended to have stronger senses of ethnic identity, sometimes taking the form of cultural expressions in styles of hair care and ways of wearing prison clothes. Some white prisoners also felt comfortable with these styles but for others they seemed challenging.

- Many white and ethnic minority prisoners preferred to ignore differences and focus on a sense of 'common humanity'; differences of skin colour and culture were dismissed as largely irrelevant. However many social groupings and forms of association tended to be of prisoners of the same ethnicity, but this did not appear to be rigid or actively exclusionary.

'Yeah, you see a little bit of a mix and then you see everyone isolated as well, you know, yeah. A lot of black people stick together. A lot of Turks stick together, but sometimes I don't think they mean to do it, it's just who you get on with really innit...' (Mixed Race, British National, Christian – M37)

- Expressions of explicit racism or racialised antagonism were strongly, and sometimes violently, condemned by prisoners. Open racism was not tolerated but the researchers found it had retreated behind closed doors. For some white prisoners feelings of hostility toward black and minority ethnic prisoners continued to be expressed in private, away from 'mixed company'. These expressions drew on conventional racist fantasies of white superiority and essential differences.
- Some white prisoners expressed frustration at the impact of race equality policies which they felt unfairly offered some prisoners a form of leverage against the prison regime that they could not operate. This 'race card resentment' had developed momentum and currency among white prisoners.
- Similar resentment was directed against Muslim prisoners whose collective presence in the prison was widely suspected to be opportunistic or based on coercion. At the same time, there was also an appreciation that practicing your faith was a fundamental right, and there was widespread respect for the various religious practices that many were unfamiliar with prior to coming into prison.
- Interviews with a representative sample of Muslim prisoners revealed widely differing levels of observance and cultural heritages that stood in marked contrast to the perceptions of non-Muslim prisoners of a singular, monolithic Muslim identity.
- For many of the younger men interviewed in the HMYOI Rochester whether you were black or white was of less significance than where you were from. Area-based identification or a sense of locality seemed at times to displace senses of identity based on conventional ideas of race or ethnicity. This sense of 'postcode pride' seemed less significant to the older men in the adult prison.



A wooden box made in HMYOI Rochester declaring the postcode local affiliations of its maker.

‘Con-viviality’

The resulting social relations we found among prisoners were characterised by what we have called ‘con-viviality’, drawing from Paul Gilroy’s recent work on this topic (2004). This involves, in the prison, a sense of having to live together, the familiar prison adaptation of ‘doing time’ and simply getting on with it. It seemed to be composed of slightly wary social relations in which racism was present but manifestly unstable, inconsistent and contradictory. Racism persisted ‘off-stage’, as if the lived experience of living up close with others could not sustain the imagined construction of racial difference (see Phillips 2008). For many white prisoners this generated a kind of everyday, ordinary difficulty negotiated with varying degrees of success:

“...it’s just the way they talk, like, ‘That little White ting, and that little White prick,’ you know and ‘White this and White that’...But if we’re sitting there going, ‘Yeah that little Paki cunt,’ or ‘Big black prick’, then all of a sudden, we’re, we’re labelled as a racist. (White, British National, Nil religion – R53)

Race card resentment

Race card resentment allowed some white prisoners another way to articulate visceral, irrational and traditional racist sentiments that were otherwise silenced, or appeared to have lost their wider legitimacy. It did this by evoking a plaintive sense of white victimisation and neglect. Some white prisoners were in danger of investing in passive resentment and victimhood at what they perceived to be their marginalisation from the empowering effect of diversity/equality policies (see Ware 2008, Hage 2000). However, others found common ground and vitality in the mix the prison presents them.

Constrained convict-conviviality

The prison environment is in many ways the opposite of what we might associate with conviviality – historically it is a place which makes enormous efforts to suppress spontaneity, condition individuality and deny collectivity. It

is a deliberately austere environment, where the struggle against monotony and boredom becomes unnaturally elevated. This tends to foster a kind of resistant, deliberate but limited conviviality, an assertion of basic common humanity in an institution famous for the opposite. It is possible that the acceptance of ethnic diversity we found in the prison operated within a low key but necessary solidarity among men in prison, which still, just about, functions in the way Gresham Sykes described in his 1958 classic 'The Society of Captives'. It is as a way of suggesting bonds between prisoners, a device to claim tolerance and develop a limited sense of cohesion (see Crewe 2005). In both prisons it appeared that the men fostered a kind of constrained convict-conviviality but with racialised tensions that were far from completely expunged from everyday life in the prison.

Prison ethnography: still strong in the UK

When Loic Wacquant spoke recently at the London School of Economics his otherwise persuasive account of the emergence of a new and pervasive penal state was undermined, according to many in the audience, by a failure to appreciate that the American penal nightmare has not so completely drifted across the north Atlantic. Loic has devoted considerable effort to examining the contours and consequences of the US experience, and specifically its racialised and class dimensions. One of his papers (Wacquant 2002) is a lament at the disappearance of qualitative studies of the conditions of mass incarceration in the US. What divided the audience at the LSE was the extent of US exceptionalism when it came to penal matters, and, just how far off the scale it is. Loic attempted, unsuccessfully, to pre-empt these criticisms by acknowledging the tendency of some criminologists toward dystopian excess. However, along with Pierre Bourdieu, he has also been at the forefront of the reflexive turn in sociology, a sociology sensitive to positionality, the significance of multiple and specific perspectives and against a dominant, dominative, positivistic sociology.

It is ironic, then that he seems to join the North Atlantic Drift that positions Europe, and specifically the UK as slipstreaming the US, prone to the same neo-liberal forces and tendencies. But prison ethnographies in the UK are far from eclipsed, and seem to have thrived as prison populations have grown. No one would write an obituary of prison ethnography here when there are so many fine-grained, detailed and rich accounts of British prisons provided by, to name just a few, Mary Bosworth, Yvonne Jewkes, Alison Liebling and Ben Crewe. These are qualitative studies drawing on ethnographic and other methods. Sometimes it seems like you can hardly enter a prison here without some prisoner asking 'which research group are you with then...'. What spurred Coretta Phillips to seek funding from the ESRC was the relative neglect, in this otherwise relatively 'healthy' research environment, of questions of ethnicity, race and racism in a prison population distinguished by its disproportionate inclusion of people from minority ethnic communities. Here in England, perhaps as a result of this omission, the myth-image of the US carceral archipelago looms large: an image of heavily racialised prisons full of hyper-masculine muscleheads, characterised by rape and other forms of violence. The imagined inmate seems to powerfully underpin the penal ethos Wacquant depicts, legitimises the prison by cancelling out the possibility

of empathy. Jonathon Simon (2000) also notes the decline of US prison sociology, suggesting that the public's infatuation with incarceration depends on a deep ignorance of its fundamental effects.

Critical friend or critical analysis?

So, how does this crude, two dimensional caricature settle with such apparent ease across the Atlantic, even in the hands of such an eminent critical sociologist as Loic Wacquant, when we have such a wealth of prison studies here? Well, other than the fact that no one but us reads our work, this empirical disparity between the US and here in terms of prison ethnography should pose questions for us and these are perhaps more about complicity than eclipse. Are we asking the wrong questions? What stories are researchers telling us about prison? How are they telling them and why? Why, in contrast to the 1970s, is prison research so widely embraced by penal institutions here? Are we, like school governors, operating as 'critical friends' to penal administrations, fostering the penal imaginaries that Carlen (2008) has exposed? Loic Wacquant would probably agree that these prison stories need telling, but both Coretta and I feel he might not be so supportive of the manner of their telling, their comparative lack of reflexivity (Phillips and Earle 2010). Loic's arguments about the spectacular survival of the prison, its role as a core institution in the reproduction and management of dispossession and marginality in neo-liberal states, are nothing if not compelling and are rarely aired with such energy and conviction. We might, on 'this side of the pond', have the benefit of multiple micro-studies of prison but sometimes it seems as if we are doing so at the expense of a critical analysis of the bigger picture, about what prison does on a wider stage.

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Rod Earle is lecturer in youth justice in the Faculty of Health and Social Care at the Open University.

Both Coretta and Rod gratefully acknowledge the men serving sentences who made us welcome and generously shared their experiences and thoughts with us. We also acknowledge the kind support and assistance of the Governors and staff of HMYOI Rochester and HMP Maidstone.

The influence of the United Nations Convention on the Rights of the Child on the English youth justice system

Dr Raymond Arthur is a senior lecturer at Teesside University. He has just published a book on youth justice, *Young Offenders and the Law*.

The focus of my research has been on examining the effectiveness of the youth justice system in preventing young people from becoming involved in crime. My latest work *Young Offenders and the Law* (Routledge, 2010) examines the way in which the law responds to youth offending and the contemporary forces that shape the law on youth offending. One such 'force' is the United Nations Convention on the Rights of the Child which was ratified by the UK in 1991 and under international law this places an obligation on the government to comply with its principles and standards. This article will consider how the UN Convention influences the way in which young people who offend are treated within the English youth justice system and the extent to which the English youth justice system is complying with its obligations under the UN Convention.

The United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child is a comprehensive legally binding statement of children's rights and provides guidance on how countries should respond to youth offending. The UN Convention emphasises the need for a child-centred youth justice system, as distinct from a punitive system, in which the child's interests are paramount and the inherent dignity of the child is preserved.

Article 3 of the United Nations Convention states that 'in all actions concerning children ... the best interests of the child shall be the paramount consideration.' Essentially Article 3 requires that the traditional objectives of criminal justice must give way to rehabilitation and restorative justice objectives in dealing with young offenders.

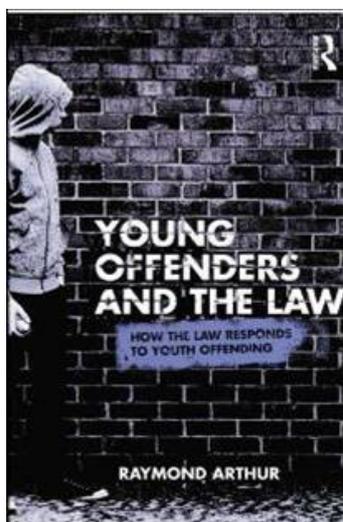
Article 40 of the Convention provides that young offenders must be treated in a manner consistent with the promotion of the 'child's sense of dignity and worth ... and which takes into account the child's age'. Furthermore Article 40(3) requires state parties to develop measures for dealing with young people who offend without resorting to judicial proceedings.

Article 37 of the Convention on the Rights of the Child requires that detention must be used only as a measure of last resort. A variety of dispositions such as care, guidance, supervision orders, counselling, probation, foster care, educational and vocational training programmes and other alternatives to institutional care should be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate to both their circumstances and the offence. Thus under international law the UK is required to have a system for diverting young people from imprisonment and the youth courts, to take into account the social and contextual factors that are frequently associated with youth offending and to promote the fulfilment of each young person's potential

Problems with the United Nations Convention on the Rights of the Child

Although the United Nations Convention on the Rights of the Child was ratified by the UK in 1991, it is not a part of UK national law therefore it is not possible to bring a challenge in the UK courts where there are grounds for believing that the state is violating Convention rights. Instead, the UK government must periodically report to the United Nations Committee on the Rights of the Child on its progress in fulfilling its obligations under the Convention.

The United Nations Committee on the Rights of the Child monitors how states are making progress in securing Convention rights for children within their jurisdiction, reports on this progress and makes recommendations for future improvements to how states implement the Convention. This weak means of enforcement has allowed youth justice law and policy in England and Wales to focus primarily on retaliatory responses to youth crime resulting in a youth justice system that concentrates upon punishment, retribution and the wholesale incarceration of children, contrary to the provisions and principles of the UN Convention. England and Wales has not only one of the lowest ages of criminal responsibility, but also locks up more young people than most other countries in Western Europe. The institutions of incarceration – primarily Young Offenders Institutions – are characterized by appalling conditions, over-crowding, brutality, suicide and self-harm. The English youth justice system has developed into a formal and rigid system which draws younger children into contact with the youth justice system and escalates them up the sentencing ladder and into custody, resulting in the charge that that England and Wales is “the site of the most punitive youth justice system in Europe” (Goldson and Muncie, 2006: ix).



This is not to say that the rights in the Convention are totally without protection. The Convention is still a legally binding treaty and state parties have a legal obligation to put these rights of the child into effect. The United Nations Committee on the Rights of the Child has repeatedly recommended that the UK establish a system of juvenile justice that fully integrates into its legislation, policies and practice the provisions and principles of the Convention (United Nations Committee on the Rights of the Child, 2002). The UN Committee has recommended that diversion from the criminal justice system should be a core objective of every youth justice system and this should be explicitly stated in legislation (United Nations Committee on the Rights

of the Child, 2007: 24). International law could potentially advance the rights of young people and create a just youth justice system that is more child-centred. Proper implementation of the UN Convention could have important consequences for the delivery of youth justice, creating a system that is inclusive and diversionary. Youth justice systems which are purely punitive in intent are neither in the best interests of the child or society and are incompatible with children’s human rights.

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Researching mental health in prisons

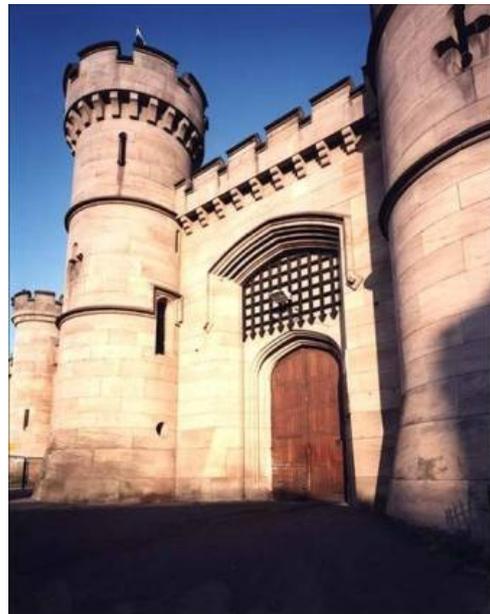
Manuela Jarrett tracks her interest in the subject.

I started doing prison research about four years ago. I was already working as researcher at the Institute of Psychiatry when a post came up to do mental health research in prisons. I thought, at the time, it would be an interesting job to do for a while. However, I soon realised that I really enjoyed it and decided to build a career in this field.

I'm a mental health nurse by background and so first and foremost my interest is in mental ill health, and how people make sense of and cope with their experiences. Prisoners have high levels of mental illness. The British National Survey found that 40% of prisoners had attempted suicide at some point in their life and that rates of psychosis are 5.2% among prisoners compared to 0.4% in the general population (Brugha et al., 2005). Many prisoners have more than one disorder (Singleton et al., 1998). They tend to come from backgrounds that are more likely to make them vulnerable to both developing mental health problems and also to ending up in prison. They have often been in care as children, experienced various forms of abuse when young, to have left school early without any qualifications, and have experienced both homelessness and social isolation as adults.

Prison based research

Since I started four years ago, I have been involved in three projects. The first was to look at how many prisoners had a serious mental illness and to see whether they were identified and linked up with mental health services in the prison. The study was lead by Jenny Shaw at Manchester University, and was consistent with other prison studies in that we found high rates of mental illness among the prisoners. It also found that many prisoners' mental health needs were not identified and therefore not referred to the services in the prison causing delays in their care (Brooker et al., 2009).



A second study followed focussing on whether prisoners with mental illness are able to link up with services in the community when they leave prison. This study found that the transition was far from smooth and in fact was fraught with difficulties. An example was that prisoners with long standing mental health problems were discharged by their community mental health team when they came into prison, even for very short sentences, and when they were released they had to undergo a process of being re-assessed and re-integrated into the caseload. This often caused a delay in resuming their care (currently being written up for publication). The project was a pilot trial

which identified the need to assign a prisoner to an individual whose purpose is to help them re-integrate in the community in terms of housing, healthcare, and help with alcohol and substance misuse. The support of an individual meant the prisoner was more likely to remain engaged with the teams that work with them on release. This work suggested that this approach may have potential and implications for reducing re-offending. Further funding is still required to build on this research by setting up a much larger scale intervention.

I am currently working on a project with Dr Lucia Valmaggia and the OASIS team which is about identifying how many prisoners are at risk of developing psychosis and seeing if we can introduce a service which aims to work with them and stop them becoming unwell. The service already exists in the community in Brixton but is unusual as it is one of very few at both national and international level that is focused on prevention. The idea of preventing psychosis has been talked about for years (e.g. Yung et al., 1998; Klosterkötter et al., 2001) but only considered as a serious option in the last 20 years. In that time, the focus has shifted more towards intervening as early as possible in the belief that this will have major benefits in the long term.

Barriers to developing research

A major barrier to doing research in prison is the lack of funding for both research and services. The Department of Health used to have a specific allocation of research funding for those individuals working within secure settings with a population with mental health problems. The National Programme for Forensic Mental Health Research and Development was cut in 2007. There is strong evidence that prisoners have serious mental health needs. There is therefore a need to have the current available services evaluated and also, due to the large gap in services, new services need to be introduced. It is important to develop an evidence base of mental health needs and services for prisoners and to examine the links to offending, as well as to inform policy on prison reform and community approaches.

As well as funding difficulties there are practical restrictions to conducting research in prison. Prison regimes are very structured which means that any healthcare professionals working in the prison have to plan their day around the regime. There are approximately two hours in the morning and two hours in the afternoon when it is possible to speak to prisoners. This means that as a clinician or as a researcher you have to be aware that this is the time available in which to carry out an assessment or to deliver therapy. Most prisoners willingly participate in research even though they are not paid or given any other type of incentive. Many prisoners are able to identify some of their problems quite clearly and want to be able to talk about it. They often state that they want help but that help is not available or is very limited.

I believe that more services are needed in local prisons as this is where the potential lies to interrupt a criminal career and stop re-offending. These are the prisoners who are in prison for short sentences. They often want help and at this point in their offending the right interventions can promote a more constructive way of life and prevent further and more serious offending. I

think that if we expect people to reform in prison then we should at least try to help them in that reform.

Manuela Jarrett is a research worker and PhD student from the Institute of Psychiatry and is based at Kings College, London. For further information please contact manuela.jarrett@kcl.ac.uk

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Opinion

Use of short prison sentences

Frances Crook recently attended the NOMS conference along with more than 300 senior officials from prison and probation, as well as representatives from the private and voluntary sectors. It was at this conference that it was announced that Michael Spurr is taking over as the Chief Executive of NOMS, when Phil Wheatley retires in June.

During his keynote speech Michael Spurr told the conference that:

- The ending of early release would increase the prison population by 2,000 in two months. He said that the service had been over-assessing but under-working with offenders and the import of his comments implied that they want to return to individual engagement in addition to delivery of programmes.
- The reoffending rate for those serving 12 month prison sentences has gone up from 62% to 64%, but interestingly he said that open prisons and semi-open do seem to reduce reoffending even for short sentenced prisoners.
- People who have more than 10 convictions are not doing well; they seem to be predominately people who started taking drugs in the 1980s and are prolific offenders to feed their habit, a habit they cannot kick.

What do you make of these comments? Where do you think the solution rests? What changes would you like to see to the role of imprisonment as a sanction and the regime for those inside?

The Howard League for Penal Reform and the Prison Governors

Association are working

together on some research which will seek to develop recommendations about the use of short prison sentences. Findings from the research will be published at the end of the year.



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

Suggestion box

The Early Career Academic Network (ECAN) bulletin is all about enabling up and coming thinkers. We want you to

- let people know what interests you,
- identify people who are working on similar issues,
- be kept up to date with events and issues for penal reformers,
- get involved in discussing policy and campaigning issues that we are grappling with at the Howard League, and
- what else?

Let me know what else you would like to see in the bulletin. Please forward ideas to anita.dockley@howardleague.org

We are also keen to receive short feature articles for publication in the next ECAN bulletin. These articles should be about 1,000 words long. Guidelines are at the end of this bulletin. If you have an idea for an article or want to submit something, contact me on the email address above.

ECAN Facebook Group



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

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

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

Member profile

This time it's the turn of ...

Colin King, Lecturer in the School of Law at Leeds University

Hello, I am Colin King and I joined the School of Law at the University of Leeds in September 2009. I moved to Leeds from the University of Limerick, Ireland, where I pursued my doctoral research under the supervision of Professor Dermot Walsh, funded by an IRCHSS Government of Ireland Scholarship. The title of my PhD is "The Confiscation of Criminal Assets: Tackling Organised Crime Through a 'Middleground' System of Justice". The primary focus of this thesis is on the Proceeds of Crime Acts and the establishment of a new multi-agency policing body, namely the Criminal Assets Bureau. The central argument is that the use of a civil process (in the guise of civil forfeiture) to combat a criminal problem has resulted in the emergence of a hybrid civil-criminal system of justice, which sees conventional safeguards inherent in the criminal process being circumvented in the pursuit of a crime control ideology.



More generally, my research comes under the umbrella of State responses to serious crime, with particular focus on the human rights implications of balancing the interests of society in effectively tackling criminal behaviour, on the one hand, against, on the other, due process rights. My research interests are focused on substantive, institutional and procedural reform of the criminal justice system in the wake of perceived increases in serious/ organised crime. Alongside research on the confiscation of criminal assets, I am conducting research on witness protection programmes, the testimony of anonymous witnesses, and the use of evidential shortcuts in the fight against crime. While my work, thus far, has considered such issues predominantly from an Irish perspective, my current research is much more focused on comparative approaches across the common law world. One of the benefits of working at Leeds is the close relationship between the law school here and schools in other institutions, particularly under the International and Comparative Criminal Justice Network (ICCJNet) which facilitates comparative research in the realm of transnational crime.

I took up a position as lecturer in criminal law and evidence at the Centre for Criminal Justice Studies, University of Leeds, in September 2009. I currently teach criminal law, evidence, legal skills, and principles of criminal law, as well as supervising a number of undergraduate dissertations. I am also involved in the Innocence Project. Next month, I will commence a training course – the University of Leeds Teaching Award (professional standard 2). Although this

will increase my workload, it is something that I am looking forward to, and after completing this I aim to embark on an MA in Education.

The Howard League's Early Career Academic Network offers a new discussion platform for early career researchers, irrespective of their specific research interests. Meeting other early career researchers at conferences etc, and maintaining contact with them afterwards, has been a valuable aid for me at the start of my academic career. The ECAN now offers an alternative forum where we can exchange ideas, encouragement or advice, as well as read of current research being undertaken elsewhere. Moreover, it will reinforce that we are not alone in our experiences or difficulties. For example, the biggest adjustment that I have had to make since taking up my current position - my first full-time academic post - has been to adapt to the demands of administrative work, alongside teaching and research. Discussing this adjustment with friends and colleagues, both in Leeds and in other institutions, has been extremely beneficial to me the past number of months, and I can foresee the Early Career Academic Network playing an important role in this regard as it grows and expands.

I look forward to meeting other early career researchers through the ECAN and hearing about their research and experiences.

Get Involved

Why are so many ex-armed service personnel ending up in prison?

Thomasin Pritchard, the Howard League's policy development officer explains what our independent Inquiry seeks to do.

There are 85,000 people in prison in England and Wales and estimates put the proportion who have previously served in the armed forces at anywhere between 5% and 10%. This means that at any one time some 4,000 to 8,300 prisoners have served in the armed forces. The vast majority are male. Many are former army, although the navy too is represented, particularly the Royal Marines. Soldiers comprise by far the largest occupational group in the prison system.

In November 2009 the Howard League for Penal Reform launched an Inquiry into former armed service personnel in prison under the stewardship of Sir John Nutting QC. It is supported by a strong advisory group including General the Lord Guthrie and Admiral the Lord Boyce. The academic consultant for the Inquiry is James Treadwell from Leicester University (who is also a member of the ECAN network).



The inquiry is looking into the circumstances in which a significant number of former armed service personnel have become involved in the criminal justice system since service in the forces, many of whom are currently serving prison sentences. This independent inquiry will investigate why this should be so and will look at the support offered by the various voluntary sector organisations and also the support provided by the armed services themselves. We will explore whether a more structured approach would assist ex-service personnel and would like, for example, to explore new developments such as the introduction of veterans' courts in the USA.

Over the next few months we are holding a first round of consultation meetings with key stakeholders. These are informal, half-hour sessions with some structured questions, and give stakeholders the opportunity to discuss their views and experiences with the inquiry's advisory board and to make recommendations.

We will also be visiting the States to research best practice there, such as the pilot veterans' courts, and we have recently issued a call for written evidence as part of the consultation process.

More information about the Inquiry can be found at <http://www.howardleague.org/military-inquiry/> Anyone who is currently conducting any research in this area should contact Thomasin Pritchard, policy development officer at the Howard League, at thomasin.pritchard@howardleague.org We have also just issued a formal call for written evidence. The deadline for submissions is 30th April 2010. The Inquiry's final report will be published in November 2010.

Young, Adult and No Support: The entitlements of young adults to care in the community



Eva Whittall, the Howard League for Penal Reform's solicitor for young adults, highlights the background leading to and the need for our new practitioners' guide to meeting the needs of young adult leaving prison.

Since 2002, the Howard League for Penal Reform has provided legal advice to children in and leaving custody. A report published in 2006 by the Howard League, following the conclusion of 3-year research project, *Out for Good: The Resettlement Needs of Young Men in Prison* (2006) highlighted that a further vulnerable and neglected cohort of young people in custody:

'Young adult male offenders have been a neglected and marginalized group, attracting neither significant research or policy attention. This is a major failing. Young adult men are at the peak age of offending, have one of the highest rates of re-offending, and are at a crucial moment in their personal development'.

Following this report, the Howard League expanded its legal services to include representation on behalf of young adults in and leaving prison. Our young adult team is currently the only dedicated legal service in the UK which serves this unique and vulnerable cohort, bringing groundbreaking challenges to protect and clarify the rights and entitlements of this vulnerable cohort.

One of the main focuses of the young adult team is the resettlement of young adults leaving custody. 'Resettlement' is a term used to describe the transition a young person undergoes when moving from custody to the community. It includes questions about the type and quality of accommodation and support which ought to be in place for the person leaving custody. Suitable resettlement plans is extremely important for everyone leaving custody; it is all the more crucial, and complex, for vulnerable young adult offenders.

The most recent annual report 2008-2009 by the HM Chief Inspector of Prisons for England and Wales paid specific attention to the vulnerable position of these young adult offenders in custody:

'Overall, this [young adults] is still a neglected and under-resourced age-group. ... The high rate of reoffending among young men is unlikely to reduce without significant changes in approach, funding and focus'

In a survey conducted by HM Chief Inspector of Prisons (2006), fewer than half of the young adults surveyed in custody said that they knew where to get help to find accommodation, drug treatment or continuing education when

they left prison. In 2004–2005, 13% of 18–20 year olds leaving YOIs had no recorded accommodation to go to¹.

The importance of suitable and stable accommodation cannot be underestimated. A report by the Social Exclusion Unit (2002) found that stable accommodation can reduce reoffending by over 20%. This is all the more important for young adults in light of the reconviction rates, which are particularly high for young people. 74.8% of those released from prison in 2004 were reconvicted within 2 yrs of release². In the context of the Chief Inspector of Prison's report (2006), it is clear that much of the recidivism relates directly with the lack of suitable support and accommodation available and provided for these young people.

These statistics are consistent with the experience of the Howard League's young adult legal team, where we have seen how difficult it is for young adults to secure suitable accommodation and support in preparation for their release from custody. The difficulties stem, by and large, from a lack of understanding of the rights and entitlements of this age group, which coupled with resources arguments, mean that this age group often leave custody without any support or accommodation.

One of the main reasons for a lack of understanding in this area is the lack of guidance and knowledge amongst the professionals who are involved in these young adults' lives in custody.

There has, since 2004, been clear guidance issued by the Youth Justice Board in relation to children (under 18s) in custody³. This guidance emphasises the need for joint working, and sets out in plain words the respective roles and duties of local authority social services and probation services in planning for the release of a child as soon as the child enters custody. The guidance also makes clear that local authority social services must make suitable accommodation arrangements for children in need who will require accommodation when released in advance of the release date⁴. There is currently no comparable guidance for vulnerable adults in custody even though a significant number of these young adults are in a similar position of need.

The lack of comparable guidance for young adults is a point that impacts on a number of the young adults that we represent. This lacuna has recently been partially recognised and addressed by the government in its consultation paper, *Planning Transition for Adulthood for Looked After Children*, which proposes amendments that go some way to specifically addressing the rights and entitlements of care leavers (a specific group of vulnerable young adults) in custody.

¹ Hansard, House of Commons, written answers, 2 October 2006: Column 2664W

² Home Office statistical bulletin, Reoffending of Adults: results from 2004 cohort

³ National Standards for Youth Justice, issued with effect from 1st April 2004

⁴ Paragraph 11.14 (page 82), "if the person is a looked after child or without supported accommodation the Local Authority must make suitable accommodation arrangements for the young person in advance of the release into the community."

In recognition of the vulnerabilities and lack of understanding of young adults entitlements to support and help in the community, the Howard League's young adult team has recently launched a 'practitioners guide: *Young, Adult and No Support: the entitlements of young adults to care in the community*' outlining the legal rights and entitlements of young adults with the aim of ensuring people working with this age group are aware of their rights and are able to assert them in a way to secure support and assistance in advance of and upon release which is all too often desperately needed.



The practitioner's guide provides an overview of the entitlements of young adults to support in the community. It brings together a number of different statutory schemes in an attempt to paint an overall picture of how these statutory duties and powers work in an interlocking manner so as to ensure young adults and those working with this cohort have an overview and can identify the correct route for achieving their aims.

The report is the first of its kind and is an extremely important progression in ensuring the needs of this age group are properly identified and suitably met. It is an invaluable resource for a wide range of people. The Howard League for Penal Reform is proud to present this manual. We hope that it helps everyone to support some of the most troubled and troubling young people towards making a new life for themselves, a life that is free from crime. But we want much more than that, we want to see all our young people live healthily, safely, enjoyably and make a positive contribution to society.

References

HM Chief Inspector of Prisons (2006) *Annual Report 2005-06*

Howard League for Penal Reform (2006) *Out for Good: The Resettlement Needs of Young Men in Prison*

Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*

The Howard League for Penal Reform was commissioned to write this report by the Barrow Cadbury Trust as part of the Transition to adulthood (T2A) Alliance. It is available to purchase following this link:
<http://www.howardleague.org/publications-youngpeople/>

If you have an interest in this area of research, we would love to hear from you, so please get in contact with Anita Dockley (anita.dockley@howardleague.org) and let us know about your research.

Guidelines for submissions

Style

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

Illustrations

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

Authorship

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

Publication

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

Format

Please send your submission by email to anita.dockley@howardleague.org.

Please note

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