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Emotions, rituals and Restorative Justice <i>Meredith Rossner, London School of Economics</i>	15	Introduction	
The implementation of a single Scottish police force: The view from the beats <i>Janine Hunter, University of Dundee</i>	20		The Early Career Academic's Network is now in its fifth year and I have been looking back at how it has developed and reflecting on how much greater our interface is with the academic community. At the Howard League we are equally keen to work with
I Am Human: Refugee women's experiences of detention in the UK <i>Gemma Lousley, Women for Refugee Women</i>	25	and develop ideas of new and established thinkers: I hope this is reflected in this bulletin as well as the other platforms we have developed to showcase your ideas and research. All our work is about achieving change and thinking about how we can succeed in our aim to work for less crime, safer communities and fewer people in prison. Our relationship with you and understanding what concerns you is imperative. Once again I would urge you to get involved: you can submit an article for inclusion in the bulletin; submit an abstract to our working paper series ; come along to one of our events; or submit an idea for potential research collaborations .	
Events		In my very first message I said I wanted ECAN to provide a vibrant interface for early career academics ... a space for the network members to discuss and explore contemporary issues; engage with like-minded researchers; and foster links with policy development and campaigning. I think we might be getting there, the Howard League is more engaged with the academic community than ever before, but we can do so much more.	
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News

Government Still Failing Children in Custody

Over the past six years the number of boys and girls in custody has dropped 65 per cent, from 3,019 in August 2008 to 1,068 in August 2014. Despite such progress, a recent report (20/11/2014) by the Howard League for Penal Reform, in cooperation with charities from across Europe, highlighted the government's continued failure to protect the human rights of incarcerated children. Frances Crook, CEO for the Howard League commented: "The children in prisons today have complex mental health, learning and social needs", yet the report found that children are often held in institutions where restraint, segregation and solitary confinement are overused, and where opportunities for education or purposeful activity are restricted. Furthermore, although there has been a shift away from the unnecessary use of remand for children, figures suggest that 60 per cent of children on remand do not go on to serve a custodial sentence.

Brixton, Bristol and Elmley: Three prisons that reveal the depth of the crisis behind bars

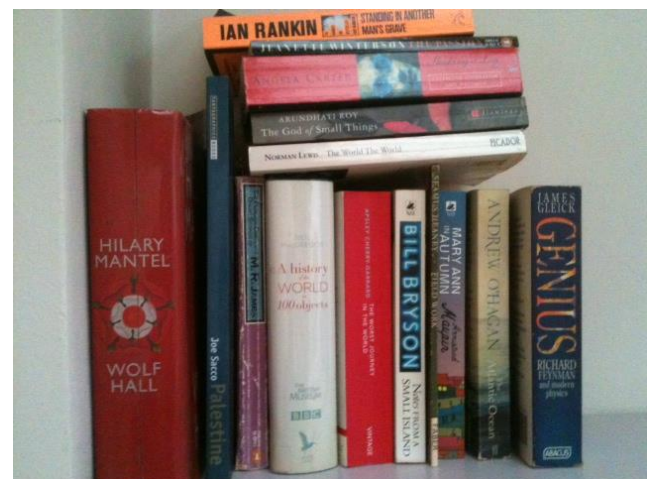
The Howard League for Penal Reform has responded to three recent reports, one Her Majesty's inspectorate of Prisons' report on Elmley prison, the other two produced by Independent Monitoring Boards at Brixton and Bristol prisons. The findings of each appear all too familiar, further highlighting the current crisis within Britain's penal system.

The Report for Elmley Prison unsurprisingly found that the institution is both overcrowded and understaffed, with this contributing to a plethora of concerns. For example, throughout 2014 there was on average one serious disturbance a month, in sharp contrast to the figures in 2013, where no serious disturbances were recorded.

Furthermore, although technically a 'resettlement prison', staffing restrictions have inhibited the access to rehabilitative programmes, association and exercise periods, with 15 per cent of the population spending 23 hours a day in their cells. In light of such repressive regimes, is it really surprising that instances of fighting and assault have increased 60 per cent in the past twelve months?

The reports produced by the respective Independent Monitoring Boards at Brixton and Bristol prisons, in much the same way as at Elmley, indicate a shortage of staff as the main concern. The Brixton report stated that staff levels were so low that they 'wholly ignore the requirements of running a prison effectively, safely and humanely'. The same report also criticised changes made by the Ministry of Justice to the Incentives and Earned Privileges Scheme, suggesting it adversely affects rehabilitation and inhibits education.

Books for Prisoners: Major victory as court says shelve this ban



On the fifth of December the High Court ruled that the ban on books for prisoners was unlawful. This is a great victory for the Howard League's Books for Prisoners Campaign, which has spent the last nine months lobbying against the November

enactment of the Prison Service Instruction 30/2013. In his judgement, Mr Justice Collins stated: "I see no good reason in light of the importance of books for prisoners to restrict beyond what is required by volumetric control and reasonable measures relating to the frequency of parcels and security considerations." The ruling sees a welcome shift in attitude towards books for prisoners, no longer viewing them as a privilege, but recognising their potential to contribute to productive rehabilitation.

Although a major victory, the battle has not yet been won. Frances Cook, CEO of the Howard League for Penal Reform stated "We now call on the Ministry of Justice to relax the ban on sending in parcels completely so that prisoners can receive essentials such as underwear and small gifts from their children." The decision received large scale media attention, including coverage in the [Guardian](#), the [BBC](#) and the [Independent](#).

Six days after the High Court's decision to rule the ban on books for prisoners unlawful, the Howard League together with English PEN and Father Christmas delivered hundreds of books to the Ministry of Justice. Clad in Christmas attire as they delivered the gift-wrapped books, the charities urged the department to send the books on to prisoners. This was the latest action in the successful Books for Prisoners Campaign as the two organisations called for ministers to accept the High Court's decision.

[Watch Santa deliver the books to the MoJ.](#)



The 2015 John Sunley Prize



The Howard League for Penal Reform's 2015 John Sunley Prize is open for new entries. The prize celebrates excellence and the impact of post graduate research into penal issues. Successful candidates are awarded for generating outstanding research that are both topical and original, whilst simultaneously offering new insight into the penal system and extending the cause for penal reform. There are three recipients of the prize, with the Howard League publishing the winning dissertations and further awarding the candidates with a £1,000 cash prize. [Further information.](#)

Launch event: PRison Research Network

4-7pm, Tuesday 28 April 2015, Cloth Hall Court (Room 402), Leeds Beckett University, Quebec Street, Leeds LS1 2HA
Keynote Speaker: Her Majesty's Chief Inspector of Prisons, Nick Hardwick.

The Prison Research Network is a community of academics, researchers, charity workers (and more) established by criminology lecturers and prison researchers, Helen Nichols and Bill Davies. The Launch of the Prison Research Network is an opportunity for anyone interested in the social impact of imprisonment to join us to discuss issues relating to imprisonment and the challenges facing ex-prisoners and their families. At the launch, attendees will be able to join the Network and find out more about Network members and potential research opportunities. Refreshments will be provided. Register Online: www.prn-launch.eventbrite.co.uk.

Suicide in prison: 84 prisoners took their own lives in 2014

Eighty-four prisoners took their own lives during 2014 as the suicide rate behind bars rose to its highest level for seven years. They included 14 young adults, aged between 18 and 24, data compiled by the Howard League for Penal Reform reveal. In total, 243 people died in prisons in England and Wales during 2014. More than 140 prisoners died of natural causes, and a further 15 deaths are yet to be classified by authorities. Two men were killed in alleged homicides, one in Cardiff prison in March and another in Altcourse prison in November. Commenting on the statistics released by the MoJ on 29 January 2015, Frances Crook, Chief Executive of the Howard League said: "The statistics released today confirm that violence and sexual assaults are at an all-time high. The number of people taking their own lives in prison is also worse than we had estimated. We cannot simply cram more and more people into ever more overstretched prisons without a thought to the consequences." The Howard League and Centre for Mental Health are to embark on a joint programme of work on suicides in prison, supported by The Monument Trust, designed to find ways to end the death toll for good.

Coping with Courts and Tribunals: A guide for people with specific learning difficulties

Melanie Jameson has recently released the second edition of her informative online resource, [Coping with Courts and Tribunals: A guide for people with specific learning difficulties](#). The revised and updated edition is for people with Dyspraxia, Attention Deficit Disorder, Dyslexia and Asperger Syndrome who face a court or tribunal hearing, or those who support them. Chapters include police custody, legal aid and sources of advice, and alternative approaches to resolving disputes.

Alana House open day

On Friday 23 January an open day celebrated the winner of the Howard League's Community Programme for Women Award 2014. The innovative women's community project, based in Reading, uses a holistic approach to support vulnerable and disadvantaged women with complex needs, including those involved in the criminal justice system. Women seek information, support and advice for a variety of issues including domestic abuse, poverty, mental health, substance misuse, housing, education, unemployment, debt, childcare and anti-social behaviour. This is in line with the Women's Pathway currently in operation in Greater Manchester and the recognition from Justice Minister Simon Hughes that women who offend need a different approach to men who offend. Jan Fishwick, Chief Executive of PACT, said: "Alana House has made a difference to the lives of not only hundreds of vulnerable women, but also to their families and communities over the last four years. Their stories are what inspire us to do what we do every day and to reach out to other women who may need our support. I am incredibly proud of our team at Alana House and that their passion and commitment has been recognised by the Howard League for Penal Reform."

Save the date



Justice and penal reform: Reshaping the penal landscape

Howard League international three day conference, 16–18 March 2016, Keble College, Oxford.

Prehistoric justice

Bettany Hughes, historian, author and broadcaster

Introduction

This article is taken from a live presentation given at Keble College, Oxford in 2013 and looks, very briefly, at ancient, and indeed prehistoric, notions of justice.

Comprehensively investigating 4000 years of recorded human history in 3000 words is quite a challenge, so the article will focus primarily on two case studies: the Bronze Age of the Middle East and Eastern Mediterranean, and Athens in the 5TH and 4TH centuries BC.

So to begin, some lines of Homer. *The Iliad* famously opens with the rage of Achilles. The demi-god-warrior-hero is fulminating because life is simply not fair. His military superior Agamemnon has taken for himself a woman, a woman that Achilles had previously plundered as a spoil of war:

What do you care? Nothing. You don't look right or left.

*And now you threaten to strip me of my prize in person-
the one I fought for long and hard and sons of Achaea handed her to me.*

*My honours never equal yours,
Whenever we sack some wealthy Trojan stronghold-
my arms bear the brunt of the raw, savage fighting,
true, but when it comes to dividing up the plunder
the lion's share is yours, and back I go to my ships,
Clutching some scrap, some pittance that I love,
when I have fought to exhaustion.
(Book 1 Homer 160/ff)*

Secondly, this from Book 16 of *The Iliad*, a description of Hector and Patroclus' fight to



the death on the battlefield outside the walls of Troy:

*And all in an onrush dark as autumn days
When the whole earth flattens black
beneath a gale,
When Zeus flings down his pelting,
punishing rains-
Up in arms, furious, storming against those men
Who brawl in the courts and render
crooked judgments,
Men who throw all rights to the winds with
no regard
For the vengeful eyes of the gods-so all
their rivers
Crest into flood spate, ravines overflowing
cut the hilltops
Off into lonely islands, the roaring flood tide
rolling down
To the storm-torn sea, headlong down from
the foothills
And Washes away the good plowed work
of men-*

*Rampaging so,
The gasping Trojan war-teams hurtled on.
(Homer 16. 380–393)
(Fagles translation 450–465)*

Fairness, revenge and shared experience

While undertaking research for a very short radio programme on the journey of the word-idea *justice* through history, I canvassed palaeontologists, archaeologists, anthropologists, historians and prehistorians about the earliest extant examples of notions of justice. I asked how far back they thought this idea went, and what they believed its stem cell to be. There was an interesting consensus: all disciplines agreed that a sense of justice was innate, but grew from a selfish sense of fairness, as with a child who says ‘that’s not fair’ meaning really ‘I’m not getting what I want’.

However, the second Homeric reading given above shows that 27 centuries ago at least, in the Eastern Mediterranean, justice had two other characteristics. Firstly, it was thought that Justice could be manifest in an external structure, a shared experience, a court, a hearing or a gathering of some kind. Secondly, there was the assumption that the default position of those who had been wronged (in the reading above this is the gods, but the implication is clear that this could include men) should be to seek retribution – that is, the very best way to rectify wrong-doing was to seek revenge. Such characteristics appear to present an unforgiving and indeed familiar state of affairs, but when looking at the evolution of the ancient word for justice a slightly more nuanced picture emerges.

Dike

The Greek word for justice used most commonly in Homer is *dike*, which derives from the early prehistoric root *dek* meaning finger, which left an etymological trace in ‘index finger’ and the decimal system. A *dek* was a thing that demonstrated, led, pointed or guided the right way. The verb *deik* is in fact the Proto-Indo-European for ‘to show or showing.’ In Sanskrit, *dish* means direction, path, order and also justice. The *dek* family of words has come to English via the Latin, with, for example, a *iudex* – a judge,

originally being someone who points out the *ius* – the law or oath.

So Bronze Age and Iron Age Homeric justice was more than anything about ‘the right way of doing things.’ It describes a need to follow the right path, to do the done thing, and to do things in accordance with a kind of cosmic law – not to step out of line. (Incidentally, the old latin root of *ius* – *ious* – seems also to have meant a sacred, or transcendently right way of doing things.)

As far as it is possible to tell, within these early Bronze and Iron Age societies of the Eastern Mediterranean and Asia Minor, there wasn’t an explicit, systematically developed concept of justice as an ethic or a philosophy per se. However, and the qualification is important here, if *The Iliad* is read in its entirety there is an implication that *dike* implies some kind of moral evaluation, and it is known that the ancient Mesopotamians discussed abstract ideas in, for example, mathematics, astronomy and physics – so it is perfectly possible that there were meetings where men, perhaps men and women, discussed the definition, nature and possibilities of justice too.

Justice belongs to gods and hierarchies

Looking to the Mesopotamian cuneiform and Linear B texts of the Early, Middle and Late Bronze Age, there is a very clear demonstration of the connection between the meting out of justice and the possession and maintenance of power. Consider the epilogue of Hammurabi’s law codes, set down around 1770BC:

By the command of Shamash, the great judge of heaven and earth, may I make justice to shine forth in the land

(Col. XL. 84)

Hammurabi, the king of righteousness, whom Shamash has endowed with justice am I

(Col. XLI, 95).

*May Shamash, the great judge of heaven and earth who rules all living creatures, the lord (inspiring) confidence . . . may he not grant him (the despoiler of my inscriptions) his rights
(Col. XLIII, 14 f.)*

And again, in the prologue to his Code of Laws, Hammurabi says:

*The GODS [Anu and Bel] called me, Hammurabi, ... to cause justice to prevail in the land, to destroy the wicked and evil, to prevent the strong from oppressing the weak, to go forth like the sun over the blackheaded race, to enlighten the land and to further the welfare of the people.
(24 ff.)*

*I made justice to prevail, and ruled the race with right
(IV. 53 ff.).*

*I established law and justice in the land, and promoted the welfare of the people.
(V. 20f.).*

Clearly, justice was thought to be doled out as a gift of the gods, along with other gifts like strength and kingship. Justice belonged to the strong. All justice comes under the purview of the Great Sun God, and beyond the law codes it can be seen that this applied to a kind of justice on the streets as well as palace-controlled 'official' systems of justice. Demotic prayers can be found addressed to the Sun God Shamash – 'why has this happened to me?' 'Why has my mud brick wall fallen down?' 'Why has my goat died?' 'This isn't fair, this isn't just!'

What can also be read very clearly in the Bronze Age codes is an unquestioned belief in the power of punishment. In fact, in Babylonian, *arnu* means both crime and punishment.

Reforms

The system explored so far might have been top heavy, but it wasn't entirely static. The earliest legal reforms in recorded history

were implemented by the Mesopotamian king Urukagina from Lagash in Iraq (just north of the junction of the Tigris and the Euphrates). The reforms appear to reduce the power and property rights of a priestly class, transferring them to a new household of 1500 or so royally approved women, and interestingly it is noted that 'The widow and the orphan were no longer at the mercy of the powerful man.' However, the aristocratic stranglehold on judicial administration prevents the law from any kind of radical or consensual development.

So to summarise, at the birth of complex human society, there is a culture that takes account of a widespread sense of fairness, but because justice is a gift of the gods – and the king is as close as any mortal can get to divinity – the structures around this proto-justice system are rigidly hierarchical. The Mesopotamian phrase used for justice is again, a prefiguration of the Homeric idea. It is *Nig, cica*, an abstract notion of 'going straight', of following the natural order of things.

Fifth century: Equal portion of justice

In the 5TH century BC, there is a key shift: justice starts to mean something rather different. It is still a gift from the gods, but one that is given out in equal portion to all men. This state of affairs was bullishly celebrated in the drama and philosophy of the day:

*When I have chosen the best of my citizens
I shall return;*

*It is for them to judge this matter according
to truth,*

*Since they have bound themselves, by
oath to say nothing contrary to justice
(Athena in Aeschylus' Eumenides 487 – 9)*

*On this hill the reverence and inborn fear of
the citizens will hold them back*

*From committing injustice, by day and night
alike,*

*So long as they themselves do not pollute
the Laws with evil streams:*

*If you stain clear water with filth you will
never find a drink*

(690 – 5)

*Zeus replied; 'Let all men have their equal
share of justice and respect; for
communities cannot be formed if only a few
have their share of these.'...Hence all men
truly believe that each one partakes of
justice...'*

(Plato Protagoras 322 – 4)

Emotionally and culturally, as well as politically, this belief in the potential for a democratic allotment of justice had unprecedented impact. In the febrile world of newly democratic Athens where each mandated citizen in the city-state's direct democracy had the chance to rule and be ruled in turn, each man was also capable of administering and effecting justice. There was no judge and jury here, the law-makers and administrators of justice were the people. The courts were packed with ordinary Athenians, sometimes up to 2000 at a time, who made justice their business. Each individual mandated citizen was a law maker and law enforcer.

Despite this, in 5TH century Athens, there was still an air of the Bronze Age about legal proceedings – the practice of justice was a superstitious and tradition-bound affair, with sacrifices of piglets or the crushing of an animal's testicles on altars marking the start of judicial proceedings. In the religious law court where Socrates was tried, presided over by the Archon Basileus, the Chief Religious Magistrate, the oath stone would have gleamed wet with blood and gore. Before proceedings could begin the Archon himself would have sacrificed an animal, draining the blood from his neck into a sacred bowl and then plunging in his arms up to the elbow.

Classical Athens, although often held up as a glittering paradigm of what it is to be civilised – the fulcrum of the Greek Miracle – was in fact a brutal, often backward-looking place. Come the end of the 5TH century BC and the beginning of the 4TH century, when Plato was beginning to philosophise, it was also a deeply traumatised and traumatising place. The generation-long Peloponnesian War between Sparta and Athens had sponsored all kinds of atrocities: genocides, mass enslavements, death squads and civil war.

In the works of Plato, which urgently explore the philosophical possibilities and purpose of justice, there is an emotional need for the man as well as the philosopher to find an alternative to all of this. Plato argues that justice is not just about harming people, but about the health of the interior harmony of the psyche, and he posits that the law of retribution is wrong. This was an extraordinary turning point. A moment, 24 centuries ago, where a real alternative to a system based on revenge was put forward for discussion.

Plato had been sickened by the sentencing to death, which was effectively state-sponsored suicide, of his mentor Socrates in 399BC on charges of impiety and corrupting the youth of the city. Plato uses the manner of the trial and death of his friend to make both a moral and a metaphysical point. He observes that Socrates did not fight to save his own life, and he showed no vengeance. He obeyed the Laws of the City even though he was offered the chance to escape. For Plato, this was true bravery.

A new idea about both individuals and about society was being promoted: the idea that the just person never wrongs anyone. Plato (or Socrates, or both) – lays down a challenge for us all. If we are each as good as we can humanly be, then a 'good society' has a chance to thrive. It is possible that this emphasis on goodness was catalysed because Plato recognised

that something particularly bad had happened in the trial and sentencing of the 70 year old philosopher Socrates, who up until his death had been allowed to philosophise pretty much freely on the streets and in the public spaces of the Athenian city-state.

Scapegoat

An aspect of Socrates' trial and death which is crucial, but often overlooked, is the fact that, not just psychologically, but actively, Socrates was being used as a scapegoat. Socrates was killed in 399BC sometime between May and June, and in ancient Greece this is the lunar month of Thargelion. Every year at this time, in an obscure ritual known as the Thargelia, two people – usually one man and one woman – were exiled from the city as scapegoats. Athenians believed that their expulsion would prevent stasis and pollution from seeping through the city-state, and that this was the right thing to do. Socrates, the gadfly, who needled Athens as though the city-state were a thoroughbred horse, was tolerated when times were good but not now; not when the city's population had been decimated by plague and conflict and civil war. As the democracy was dying, Athens wanted answers and certainty, not questions.

Yet Socrates' method had always been to interrogate, to debate, to seek out the truth through face to face dialogue, to probe for answers to the fundamental questions of life: what is love, what is happiness, what is virtue, what is just. His life's work was to review, to inquire, to reform; in order that we individually, and therefore humanity, can become the best we can possibly be.

Conclusion

The word justice starts out in life around 6000 years ago as an idea about showing, pointing and then following the right way; its journey from a jabbing prehistoric finger to

the outstretched arms of Justitia balancing her scales is a long and variegated one. Ideas of 'the just' morph across time and space, and the precepts of justice are being reformed more or less continually from at least 2,800 BC onwards, although not necessarily with a constant, incremental improvement.

Finally, consider a line from one of humanity's very oldest extant pieces of written evidence. It is a scrap on Babylonian cuneiform, dating back just scant of 5000 years. When men (and possibly women) met, before a legal negotiation, they would make a vow to one another, to show that they stood on common ground and were looking together to a better future. The vow that they made encapsulated the ultimate purpose of justice: 'Ana Shulmi U Balaatu' – To Peace and To Life. Is there a better response to the question of *What is Justice?* than 'It is peace and life?'

About the author

Dr Bettany Hughes is an award-winning historian, author and broadcaster, whose speciality is ancient and mediaeval history and culture. She has taught at Bristol, Manchester, UCL, Oxford and Cambridge Universities and is a Research Fellow of King's College London and tutor at Cambridge University's Institute of Continuing Education. Her first book *Helen of Troy: Goddess, Princess, Whore* has been translated into ten languages. Her second, *The Hemlock Cup, Socrates, Athens and the Search for the Good Life* was a New York Times bestseller and was shortlisted for the Writer's Guild Award. Bettany was recently awarded the Norton Medlicott Medal for History and the DFO by Oxford University. She has written and presented numerous documentaries for the BBC, Channel 4, Discovery, PBS, The History Channel, National Geographic and ITV.

Planning for the end of life in prison

Mary Turner and Marian Peacock, Lancaster University

Introduction

New research currently underway at Lancaster University is investigating how palliative and end of life care is provided for prisoners who are likely to die from natural causes whilst still in custody. This article will explore some of the complexities inherent in providing palliative care in a prison setting, and consider some early findings from the research which suggest ways to improve end of life care for this group of offenders.

Many people when thinking about dying in prison might think first of suicide or perhaps homicide. Anticipated deaths – those which can be predicted because of chronic ill health, life-limiting disease or ageing and frailty – might not immediately spring to mind in relation to the prison population. Indeed, with the release of high-profile prisoners such as Ronnie Biggs ('The Great Train Robber') and Abdulbaset al Megrahi ('The Lockerbie Bomber'), many would assume that if a prisoner is seriously ill or severely disabled, they will be released on compassionate grounds. However, the contemporary picture in prisons (both in the UK and elsewhere) is one where older prisoners constitute the fastest growing section of the prison population. There are now over 10,000 prisoners aged 50 or over (12% of the total prison population), and more than 100 of these are aged 80 or over (Prison Reform Trust, 2014a). The reality is that very few prisoners are released on compassionate grounds; between 2006 and 2011 only 48 prisoners (out of around 900 who died from natural causes) were granted compassionate release from British prisons (BBC News, 2011). This means that prison staff (both healthcare and discipline staff), as well as prisoners, are increasingly facing a very difficult set of challenges related to natural deaths in prison and prisoners' need for palliative and end of life care.



Marian Peacock and Mary Turner

Although the definition of 'older prisoners' as those over the age of 50 may seem young in the context of today's ageing society, there is a considerable body of evidence that shows that prison prematurely ages people by around 10 years. This ageing takes place in a population that is disproportionately drawn from deprived and disadvantaged communities, with high rates of drug and alcohol use and poor health (Hayes et al., 2012). The picture of increasing numbers of older, frail prisoners is further complicated by the nature of their offences; over 40 per cent of older prisoners are sex offenders (Prison Reform Trust, 2014b). It is important to acknowledge the impact of society's changing attitudes to sexual abuse and, in particular, what has been termed 'historic abuse'. Although most of the increase in the prison population has been a result of a more punitive political climate, it can of course be argued that taking sexual assaults on women and children more seriously is a positive step. However, this has resulted in substantial numbers of men going to prison for the first time very late in life.

This shift in attitudes is likely to mean that greater numbers of sex offenders will be

imprisoned over time, and many of them will require end of life care. The National End of Life Care Strategy, published by the Department of Health in 2008, sets out a framework to ensure that all adults receive high quality care at the end of life; this explicitly includes those in prison:

People who are detained in prison [...] should be treated with dignity and respect and given as much choice as is possible about the care they receive as they approach the end of their lives.
(Department of Health, 2008: Paragraph 4.71)

It is within this complex context of contemporary prison dying that our study is taking place.

The research

The 'Both Sides of the Fence' study is funded by Marie Curie Cancer Care (2013) and is taking place in one prison in the North of England that has a high population of older and disabled prisoners. The research team includes academic researchers, palliative care experts and a prison governor. The study is using the methodology of participatory action research to develop a model of palliative care that will be shared with other prisons. The first phase of the study is a 'situational analysis', in which the team has collected data from study participants (both staff and prisoners) in focus groups and individual interviews; the team has also shadowed key staff, attended meetings at the prison and interviewed palliative care staff in the community and local hospice who work closely with the prison. The purpose of this first phase is to explore in depth what is currently happening in the prison in relation to palliative and end of life care. In addition, the team has undertaken a prisoner case study, interviewing a prisoner who is approaching the end of his life and then interviewing people he has identified as

involved in his care and support. Further case studies will be undertaken if circumstances allow.

Phase 2 of the study is currently underway. In this phase, we are working with key members of staff in the prison to identify areas where changes could be made that would improve the delivery of palliative and end of life care. These changes are then being implemented and evaluated as part of the research. Finally, a short third phase towards the end of the study will consist of workshop-style meetings (called 'deliberative panels') to share the findings of the research and agree recommendations for policy, practice and further research.

Key issues from preliminary data analysis

Both Sides of the Fence has already generated a large amount of richly detailed data, which will be presented in future publications after the conclusion of the study. Here, three issues raised by the research are briefly highlighted: the prison environment; staffing and resources; and personal and emotional consequences.

The prison environment

Environmental issues, including the design, layout and facilities of the buildings in the prison estate, frequently present challenges for both staff and prisoners. Many buildings are old and were designed for younger, fitter prisoners than those currently housed in them, and even newer prisons are not necessarily suitable for older people. In our current study, the Governor described the prison (which was built in 1979) as 'not fit for purpose', but acknowledged that there is no money to upgrade the facilities.

A typical cell is too small for a hospital-type bed, and prisoners' access to showers, clean bedding and clothing is restricted, as one nurse graphically describes:

Mr H, for example, [was] incontinent, doubly incontinent in the middle of

the night. There was no provision to put him in the shower and give him a shower. We offered. 'You can't.' you know, 'Everybody's asleep. It's not happening.' So we had to, you know, wash him down, three of us trying to hold him up in a cell like that wide... to wash him, change him. Nobody had clean kit: we were borrowing off the rest of the landing at three o'clock in the morning.

Some prisons have developed specific palliative care facilities, by creating larger cells with en suite toilets and showers and enough space for equipment such as hospital beds and hoists; the prison hosting the study is currently planning a similar development. For security reasons, prison officers have to be present when nurses go into cells to assess or treat sick patients, but it can take a long time to bring in sufficient numbers of officers, particularly at night. Security issues can also impact on family members wanting to visit very sick and dying prisoners.

Staffing and resource constraints

The prison hosting the study has been very supportive of the research, facilitating access to a wide range of staff and prisoners and acknowledging the constraints they face in endeavouring to provide decent and dignified end of life care. Not only is this prison (like others across the prison estate) facing one of the largest shifts in the composition of the prison population in recent decades, but it is doing so with reduced resources as a result of the national 'benchmarking' process. The United Kingdom already has the most privatised prison system in Europe (Prison Reform Trust, 2014b), and the benchmarking process explicitly aims to introduce further competition and market forces into a service that was previously located in the public sector, as stated by the National Offender Management Service (NOMS) in their Business Plan for 2013–2014:

We are determined to further reduce the cost of prisons. We will do this by applying the innovative delivery models and benchmarked efficiency savings achieved through competition to the whole prison estate. Core custodial services will continue to be delivered by the public sector, but at much lower cost. (NOMS, 2013: 10)

Perhaps unsurprisingly, many prison staff are extremely critical of the benchmarking process, which they regard as damaging and even dangerous. Amongst the many who have voiced concerns is the Chief Inspector of Prisons, Nick Harding, reported in *The Guardian* newspaper:

In my view, it is impossible to avoid the conclusion that the conjunction of resource, population and policy pressures [...] was a very significant factor for the rapid deterioration in safety. (Guardian, 2014)

Benchmarking has led to an overall reduction in prison staff, but our research indicates that most relevant to palliative and end of life care is the loss of older, experienced officers. Some experienced prison officers in our study refer to 'jail craft', by which they mean the knowledge and intuition that comes with years of experience. Officers who use 'jail craft' tend to possess excellent communication skills and are highly reflective about the challenges raised by working in close proximity to people approaching the end of their lives; such officers are generally very well regarded by colleagues and prisoners alike. However, recent cuts in staffing have seriously eroded the time available to staff for talking and listening to prisoners, including those approaching the end of life.

Emotional consequences for staff

Being confronted on a daily basis with frail, old and dying prisoners can trigger complex emotional responses in members of staff, particularly discipline staff not used to dealing with such situations:

I think people probably do come into the Prison Service and don't expect to face end of life situations... particularly with older people. I don't think they've got any idea that we have such an elderly community in prison. I know when I talk to friends on the out and they say, 'Well, how old are they?' and I say, 'We've got people at 88.' I mean you can't possibly... and I say, 'Yeah, we do, it's more like a care home than a prison wing. (Governor on VP wing)

Prison officers require specific and adequate training and support to enable them to cope with what one of the research participants described as this 'grim' work. Nursing and healthcare staff are often better equipped to manage such work; most have had previous experience of death and dying, and came into prison nursing aware that they might be dealing with people approaching the end of life. Their concerns mainly centred on the problems they faced in providing adequate healthcare, particularly in relation to end of life issues; they felt keenly that despite 'doing their best' there were major issues that were not within their power to resolve:

There are a lot of constraints. We can't always get medication to them at the right time [...] We try our hardest to give regular interval medication where we can, especially [for those in their] last days, but we can't always. And it just always left me feeling or thinking, you know, are they in pain? (Nurse)

Conclusion

The Both Sides of the Fence study is due to finish at the end of November 2015. Many of the issues that have been encountered have national implications, and the research team are seeking further research funding to continue to investigate this complex and important area. End of life care in prisons raises a wide range of ethical, political, policy and practical questions, not least of which is whether prison can ever be an appropriate setting for dying. Political decisions about sentencing policies have resulted in more people being imprisoned for longer, at a time when crime rates are falling; these changes have directly led to a rapid increase in the numbers of people dying in prison. The continuing challenge for prison staff is to ensure that those who are going to die in prison can approach the end of their lives with dignity and compassion:

I think everybody, no matter what their background is, deserves a level of care, a level of dignity; and their families, they also should be receiving that support. If they were in the community they would be getting it so what is different? Just because they're a prisoner, just because they've done wrong in life, haven't we all? (Family Liaison Officer).

About the authors

Dr Mary Turner is Research Fellow at Lancaster University. Her research expertise is in palliative and end of life care, and for the past 7 years she has undertaken research in a range of care settings, including prisons. Mary Turner has expertise in qualitative and mixed methods. She is currently the lead researcher on a project about end of life care for stroke patients, which is taking place in North Wales and North West England, and she is also Principal Investigator on a new action

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Dr Marian Peacock is Senior Research Associate at Lancaster University. Her research interests are around how inequality impacts on lives, how this is resisted and the protections available to be drawn upon. Class and the place of class in understanding inequality and class as a protective resource are a particular focus. Applying these perspectives to end of life care in prisons is her current focus.

References

BBC News (2011) *What are the Grounds for Compassionate Release from Prison?*. Available at: <http://news.bbc.co.uk/1/hi/magazine/8201213.stm> [Accessed: June 2014].

Department of Health (2008) *End of Life Care Strategy: Promoting High Quality Care for all Adults at the End of Life*. London: Department of Health.

The Guardian (2014) *Prisons inspector lays out factors behind high suicide rate* (21 October). Available at: <http://www.theguardian.com/society/2014/oct/21/>

[prisons-inspector-suicide-understaffing-overcrowding-mental-health-vulnerable-inmates](#) [Accessed: January 2015].

Hayes, A.J., Burns, A., Turnbull, P. and Shaw, J.J. (2012) 'The health and social needs of older male prisoners'. *International Journal of Geriatric Psychiatry*, 27(11), pp. 1155–1162.

Marie Curie Cancer Care (2013) *2013 Research Awards*. Available at: <https://www.mariecurie.org.uk/research/funding-research/marie-curie-research-programme/2013-research-awards> [Accessed: January 2015].

National Offender Management Service (2013) *Business Plan 2013-2014*. London: NOMS: London.

Prison Reform Trust (2014) *Older people in prison*. Available at: <http://www.prisonreformtrust.org.uk/ProjectsResearch/Olderpeopleinprison>. [Accessed: January 2015].

Prison Reform Trust (2014) *Prison: The Facts. Bromley Briefing Summer 2014*. London: Prison Reform Trust.

Emotions, rituals and Restorative Justice

Meredith Rossner, London School of Economics

It is generally recognised that emotions are an important part of deviance, crime and criminal justice. Scholars have documented the micro level emotional and symbolic elements of violent encounters (Collins, 2008), football riots (Buford, 1992), drug use (Becker, 1963) and even minor shoplifting or speeding (Katz, 1988). There is also a growing body of research about emotions in the criminal justice system, including research on emotional labour among the police (Martin, 2999) and magistrates (Roach Anleu and Mack, 2005) and the role of witness and victim emotions in court (Rock, 1991).

However, there is an underlying tension between our recognition that crime and criminal justice are deeply emotional experiences, and a criminal justice system that is founded on the basis of creating a rational, orderly, and controlled system. It seems that we know emotions play a role, but we like to pretend they don't – that they are easily controlled by skillful professionals. This becomes apparent when outbursts of unseemly emotion are expressed in court, such as when victims bare themselves in impact statements and are met with a stony silence from barristers, clerks, and judges (Rock, 2010).

At the same time, most people are quite familiar and comfortable with thinking about criminal justice as a certain type of ritual (Maruna, 2011). We know the image: somber judge in gown and wig, sitting up high, in a well-choreographed, scripted, and produced ritual with the lay people – defendants, victims, witnesses – playing a passive role in the proceedings (Jacobson et al., 2015). Indeed Carlen (1974) has argued that the rituals of court are specifically designed to disempower and act as status degradation ceremonies. There is



a long tradition in anthropology and sociology which argues that emotions and emotional dynamics are a significant part of making rituals successful. This often goes unacknowledged in court.

I believe that it is important to pay attention to elements of emotion and ritual. Emotions are not just something lurking beneath the surface, and rituals are not just empty posturing. They serve real and important goals, and are deeply interwoven within our larger social structures, cultures, and institutions. This point of view reflects a 'radical microsociology' approach to the study of social life (Collins, 2004). Radical microsociology is a commitment to the study of micro-level interactions, moving outward from there to macro-level structures. This perspective forces us to closely examine the rituals people develop and sustain as they interact with each other, whether they this is in informal encounters or formal justice rituals. A radical microsociology zooms in to evaluate the success of the interaction in terms of shared emotions, the co-production of identities, and group cohesion, drawing out implications for macro-level social and cultural institutions.

Informed by this perspective, I have come to see restorative justice as a unique kind of justice ritual where emotions and the participation of lay people are unashamedly centre-stage. Rather than ignore emotions and engage in a disempowering ritual, restorative justice seeks to give victims and offenders a direct role in creating an

outcome that is seen as fair and just by all. The restorative justice movement has the potential to change the lives of all those affected by crime. As such, it is perhaps one of the most widely researched innovations in criminology today and there is a growing momentum to expand restorative justice throughout the country (see the Ministry of Justice, 2014). However, research indicates that restorative justice can sometimes have profoundly positive impacts on victims and offenders, can sometimes make people feel a lot worse, and can sometimes make no difference at all (Sherman and Strang, 2007). I believe that the reasons for such fantastic success (or dismal failure) can best be explored by focusing on the emotional and ritual dynamics of each encounter, comparing the micro level elements of successful and unsuccessful interactions to build an evidence base of how emotions work in restorative justice.

My recent book, *Just Emotions: Rituals of Restorative Justice* (reviewed in the last Howard League [ECAN bulletin](#), and the most recent issue of the [Howard Journal of Criminal Justice](#)) is an empirical investigation into how emotions work to create effective restorative justice rituals. Restorative justice conferences are a specific type of justice encounter, with their own structure, patterns of communication, emotional dynamics, and power and status rituals. The research presented in the book examines if and how a restorative justice conference can be a transformative event for offenders and victims. I argue that it is the dynamic process of building rhythm and a shared focus over time in the conference that culminates in expressions of group solidarity. It is this solidarity that is translated into long-term emotional well-being and the potential for reduced offending.

In this research, I seek to grapple with the messy world of emotions. I have used a range of methodologies to investigate emotions and rituals in restorative justice, including a close analysis

of a taped conference, in depth interviews with facilitators and offenders about successful and failed conferences, and a quantitative analysis of systematic observations of 125 conferences that seeks to build a statistical model for the ritual structure of restorative justice.

What makes restorative justice work?

The emotional and ritual components of restorative justice are the key to understanding its potential as an emotionally powerful and transformative event. This is implicitly recognised by facilitators, who put great effort into preparing participants to effectively express their emotions. They actively build up participants' expectations and emotions in the days, hours, and minutes leading up to a conference, working with them to help articulate a narrative surrounding the crime and their corresponding emotions. Prior to the conference, they arrange a seating plan that will maximise emotional exchanges while still providing a sense of security of participants. For instance, they will ensure that a victim and offender are in each other's direct sightlines, while still flanked by relatives or friends. This staging creates a safe and special space, where individuals can leave the everyday realm and be transported to the ritual world.

The two most important components of a successful restorative justice ritual are the development of balance and rhythm that build over time as the conference progresses. Balance is more than a quantitative measurement of the number of people in the room on each side or the amount of time each participant contributes. Rather, it is a complex theoretical construct, consisting of both real and perceived interactional dominance. For instance, imagine a conference participant, the perpetrator's girlfriend, who is particularly outgoing and speaks more than the others. While it may seem like she is dominating the interaction and leading to an imbalance, in fact it is possible that she is providing the

necessary emotional focal point. By talking candidly about her emotions she allows everyone else to open up. The other participants become caught up in the rhythm and tone of her speech and align their verbal and non-verbal cues to fit hers. Her dominance does not upset the balance of the interaction, instead it leads to a common rhythm and synchronization among participants. I have observed this many times. This is not achieved in instances when one or a number of participants gang up on a weaker individual, not allowing them to articulate their story and refusing to acknowledge their contribution. I have also seen this happen and it can quickly lead to animosity and division.

Rhythm is perhaps the most important element of the development of a restorative justice ritual, and no conference can be successful without it. When you watch a conference really closely, you will see a pattern emerge. The process can start out disjointed, with the person who offended stuttering over their words, people missing cues, and long embarrassing silences. As people warm up they begin to feed off of each other, egging each other on with their verbal and non-verbal cues. This focus of attention leads to a shared investment in creating a successful outcome.

Successful conferences also contain one or a series of intense emotional outbursts. Such turning points are often marked by a participant displaying very strong emotions, often through crying or getting angry and shouting. These strong emotions turn the interaction into an intimate moment shared between participants. There is some evidence to suggest that these turning points may be gendered, with female participants doing the 'emotion work' of the conference to bring about a turning point. These moments help to lock in the rhythm of the interaction, leading to feelings of group cohesion and solidarity.

If these elements of ritual are achieved, it will result in participants engaging in high

solidarity and reintegrative behaviour. Unlike balance and rhythm, which are difficult to conceptualise in empirical terms, this can be easily observed. High solidarity behavior includes people synchronising their gesture and gaze, touching each other, hugging, crying together, and laughing together. Expressions of emotion and symbolic reparations are exchanged, such as remorse, empathy, sympathy, apology and forgiveness. Participants can appear charged up with positive energy, smiling at each other with relaxed faces and bodies. As they talk to each other, or talk to interviewers about their conference, their faces light up. Unsuccessful rituals, on the other hand, are marked by feelings of deflation and disengagement. Participants literally and emotionally withdraw from the process – slouching, leaning backwards, keeping their head down and their gaze averted.

Positive outcomes may not be fleeting. I have analysed the ritual structures of a conference, examining how levels of solidarity in a conference are related to future offending. My data suggest that the positive outcomes of a conference can manifest itself even years after the interaction, with conferences marked by high solidarity resulting in significantly less offending over a five year period.

The importance of facilitators

Successful rituals don't just happen, they take a lot of work to manage, stage, and produce. Facilitators do an enormous amount of work behind the scenes to allow for these emotions and ritual dynamics to flourish. I am convinced that the best way to encourage successful restorative justice conferences is through the proper training of effective facilitators. In training, facilitators learn the fine-grained dynamics involved in building up emotions, recognising face and body cues, arranging a suitable and safe space, and developing rhythm and balance. As part of the research, I went through facilitator training with a group of police

officers. We engaged in a number of role-playing exercises, with each of us taking turns playing the offender, victim, supporter, and facilitator. Amazingly, even though we were role-playing, we really did begin to fall into the ritual dynamics of rhythm, mutual focus, and solidarity. We felt strong emotions and a sense of cohesion, even through the barrier of a fictional scenario. This experience reminds me how powerful rituals can be. Many training programs already provide such skills. I hope that my research can provide a standard for facilitator training.

Radical micro-criminology

Restorative justice is not the only area of criminal justice that can benefit from micro-level attention to emotions. Criminologists tend to study individuals or institutions and their varying traits. We are missing an important level of analysis. Interactions between police and civilians, courtroom dynamics, jury deliberations, and other justice rituals can benefit from such a fine-grained examination. When we focus on the dynamics of an interaction, and recognise the role of emotion, we can evaluate the success or failure of such interactions to produce a satisfying outcome. If we see something that doesn't work, then we can design new rituals to improve the interaction (Maruna, 2011). Innovations such as problem-solving courts seek to redesign the ritual in a way that encourages emotional exchanges and empowers lay people. This type of approach should be encouraged and further studied. Re-imagining justice rituals in this way recognizes that moving emotions to the foreground may be the key to a successful criminal justice intervention.

About the author

Meredith Rossner joined the LSE in 2013 as an assistant professor of criminology. Before joining the LSE, she was a research fellow at the University of Western Sydney. She holds a PhD in Criminology and Sociology from the University of Pennsylvania and a

MA and BA from the University of Pennsylvania. Her research interests include emotions and interactions in criminal justice, criminology theory, restorative justice, and juries.

References

- Becker, H. (1963) *Outsiders: studies in the sociology of deviance*. New York: Simon & Schuster Ltd.
- Buford, B. *Among The Thugs: The Experience, and the Seduction, of Crowd Violence*. New York: W W Norton & Co Inc.
- Carlen, P. (1974) 'Remedial Routines for the Maintenance of Control in Magistrates' Courts', *British Journal of Law and Society* 1(2) pp. 101–17. doi:10.2307/1409863.
- Collins, R. (2004) *Interaction Ritual Chains*. Princeton: Princeton University Press.
- Collins, R. (2008) *Violence: A Micro-Sociological Theory*. Princeton: Princeton University Press.
- Jacobson, J., Hunter, G., and Kirby A. (2015) *Inside Crown Court: Personal Experiences and Questions of Legitimacy*. Bristol: Policy Press.
- Katz, J. (1988) *Seductions of Crime: Moral and Sensual Attractions in Doing Evil*. New York: Basic Books.
- Martin, S.E. (1999) 'Police Force or Police Service? Gender and Emotional Labor', *The ANNALS of the American Academy of Political and Social Science*, 561(1) pp. 111–26. doi:10.1177/000271629956100108.
- Maruna, S. (2011) 'Reentry as a Rite of Passage', *Punishment & Society* 13(1) pp. 3–28. doi:10.1177/1462474510385641.
- Ministry of Justice (2014) *Restorative justice action plan for the criminal justice system for the period to March 2018*. London: MoJ. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375581/restorative-justice-action-plan-2014.pdf [accessed January 2015].

Roach Anleu, S., and Mack, K. (2005) 'Magistrates' Everyday Work and Emotional Labour', *Journal of Law and Society*, 32(4) pp. 590–614. doi:10.1111/j.1467-6478.2005.00339.x.

Rock, P. (1991) 'Witnesses and Space in a Crown Court.' *British Journal of Criminology* 31(3) pp. 266–79.

Rock, P. (2010) "Hearing Victims of Crime': The Delivery of Impact Statements as Ritual Behaviour in Four London Trials for Murder and

Manslaughter', In A. Bottoms and J.V. Roberts, eds. *Hearing the Victim: Adversarial Justice, Crime Victims and the State*. Devon: Willan Publishing. Pp. 200–231.

Rossner, M. *Just Emotions: Rituals of Restorative Justice*. Oxford: Oxford University Press, 2013.

Sherman, L.W. and Strang, H. (2007) *Restorative justice: The evidence*. London: Smith Institute.

The implementation of a single Scottish police force: The view from the beats

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This article is based on Janine Hunter's master's dissertation, which was highly commended in the 2014 John Sunley Prize.

Background

On 1 April 2013 The Police and Fire Reform (Scotland) Act 2012 created Police Scotland, an amalgamation of eight regional forces which had been in existence for 38 years (see Figure 1), with diverse geographies, crime patterns, history and modes of working. For my master's dissertation (Applied Social Research, University of Stirling) I was interested in the impact of the process of reform upon the



majority of officers: those at the rank of constable and sergeant. Constables and sergeants are both subject to and responsible for implementing reform programmes, which are imposed top-down by national governments, criminal justice agencies and superiors. Police hierarchy ensures that

their views are rarely heard, but previous research (Hunter and Fyfe, 2012) has demonstrated that while 'inferior in rank' constables and sergeants are not 'inferior in professional judgment' (Souryal, 2001: 548): when reform was taking place they would have something to say about it, if only someone would ask.

Officers 'on the beat' knew policing and their jobs were safe, but they also knew that force identity, local working practices, physical resources, senior officers and colleagues would change radically. The research addressed key issues around power and participation in the process of reform: officers' identity as a police officer within a particular 'legacy' force and allegiance to that force; the role (if any) played by police culture in forming that identity; and perceptions of operational issues including individual control over work location and the parity of policy sharing as the eight forces combined. My research also examined the wider context of reform, the varying scales and models of reform; the tensions of pluralistic policing, territorialism and nationalism; and the heritage of neoliberalism and its contribution to widespread police reforms in northern Europe.

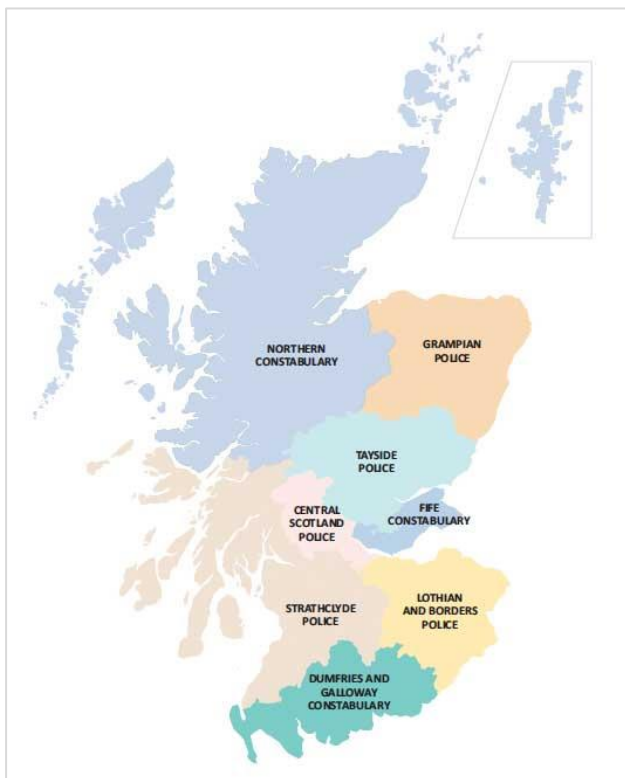


Figure 1. Scotland's eight regional legacy police forces, 1975-2013 (Her Majesty's Inspector of Constabulary for Scotland, 2010; Public sector information licensed under the Open Government Licence v3.0)

Methodology

Fieldwork took place between January and March 2013 in one of Scotland's eight outgoing legacy forces (named 'the Force' to ensure officers' anonymity, with locations and participants given pseudonyms). The only legacy force identified is Scotland's largest, Strathclyde, which was not the case-study site but was mentioned frequently by participants.

An online survey was distributed to just over 600 officers, three-quarters of whom were constables (figures provided by the Force). It was completed by 175 constables and sergeants (a 26% response rate), of whom 74% were constables. Ten volunteers were approached for interview; six were 'Lower Participants' (LP; constables), two were 'Middle Management' (MM; sergeants) and two were 'Top Command' (TC; chief superintendent and above), using Manning's (2007a) definition of police ranks. In October 2013, six months after the single force came into being, 20 officers who had provided their email addresses in response to the online survey were contacted with a post-reform 'mini-questionnaire'. In total, >25% of officers in the case study site participated in the study; >1% of all police officers in Scotland.

Findings

Sixteen key themes were raised by the officers in initial fieldwork. Overall they were optimistic about the single force with hopes for a flatter hierarchy, greater geographic mobility, prospects for promotion and opportunities to work in specialist teams (Waddington, 1999). They exhibited qualities often described as aspects of police culture: cynicism, pragmatism, suspicion and a sense of mission. Their loyalty to senior officers was limited or non-existent and their identity as an officer was clearly greater than their identity as a member of a particular force. Their priority was, reassuringly perhaps, the service of the public and maintaining that service through the process of reform and beyond.

Officers understandably did have some concerns about the reform process and its aftermath. Pre-field work, anecdotal evidence had indicated that there was a sense of grief, at least among senior officers, about the loss of force identity; but one of the two TC participants interviewed felt no loss:

To me, I couldnae care less if I was the Force or Police Scotland – it disnae actually make any difference to me.

Two LP participants agreed; Craig, who previously policed in Strathclyde, described himself as 'just a police officer', who was 'not really fussed about a sense of belonging' and was 'excited' about the prospect of 'more of a national identity.' Gordon, an officer with 30 years' experience (and shortly to retire) said that his allegiance was 'very much to the police' rather than the local force; that there was 'a uniqueness in policing, it's almost like you're part of a family.' Sheena (a MM participant) was the only officer interviewed who expressed a sense of loss, using emotive terms such as being 'de-badged', with her local force identity being 'ripped' from her uniform.

Sheena's other concern (shared by others) was the disparity of influence from Strathclyde: 'We are being "Strath-mafiad", as we call it, you know; its Strathclyde's way, or no way.' The dominance of Strathclyde and its relative influence in the single force was a constant theme throughout the fieldwork; the shift in resources from rural to urban areas was mentioned by one survey participant:

Resources (both staff and money) will be increasingly drawn towards those bottomless pits in the major urban centres, to the enormous [original emphasis] detriment of smaller, more rural areas.

The other TC participant, Robert, felt that as well as saving money, the single force was designed to 'serve a political imperative'; i.e. nation-building. In terms of decision-making

in the new force, Robert felt that the newly appointed chief constable, Stephen House, had:

rather dictated what is going to happen [...] The way that the rank structure of the police works you would expect that; it's his train set, and he can do what he wants with it.

Robert felt that there had recently been a move to 'a very basic performance measurement regime', but 'there isn't really a science behind it, it's just figures.'

Six months after reform, those who responded to the mini-questionnaire (all LP participants) expressed a sense of shock; change had been 'quicker and more radical' (Mike), with the 'most dramatic change' being 'the reduction in frontline staff and the reduction in morale'. Kieran said that having 'lost a lot of civilian staff' there was 'a lot of data inputting, more time spent in the office, and less time on the beat'; policing was now being 'done on the cheap'. Kevin reported that 'teams on the beat' had been given Key Performance Indicators, but that the targets related to 'crimes that seem to predominantly happen in the West of Scotland'. Mark also felt there was 'a huge focus on detecting crime that doesn't seem to be a local issue' and that community policing had changed 'completely...so that it aligns with the Strathclyde legacy approach'. Sheena, who had so keenly felt the loss of local identity, said that where her badge had been was now 'just a black Velcro void gathering stray hairs, threads and dirt', and that discretion had been 'taken away from us'. Frank said that 'localised police officers are being removed from local roles,' leaving 'beat and community policing stretched.' For Jack, keeping up with 'the speed of the implementation [...] is near impossible':

Prior to 1st April 2013 we were informed by senior officers that we would not notice much difference within the first 12 months or so. Nothing could be further from the truth.

Kevin, who when interviewed had been impatient with colleagues who expressed concern about Strathclyde's influence in the new force, was frustrated by seeing Strathclyde policies 'guised in Police Scotland colours':

What should have been a time for the police in Scotland to be more united has probably caused more division by the sheer dominance of the former force in respect that almost all our directives are now coming from them.

Mark describes a new bureaucracy which had formed in the single service:

Before the change, each station had a janitor who would replace hand drier towels when they ran out. Now when they run out someone has to email Logistics and Maintenance, a job request is created, and the janitors (who are now all based at HQ) will prioritise their tasks so that hopefully at some point during the next seven days the hand towels will be replaced in the toilet. This is supposed to be more efficient.

Mark went on to say that he had 'heard people complain for years about the way things are going in the police service, but this is the first time I've seen people resign because of it.' Kevin and Sheena had both seen experienced colleagues resign, Sheena predicted 'we are storing up problems for the future of Scottish Policing – and no one in "power" either realises this or cares.' Jack missed his legacy force: 'we were fairly efficient and performed well. Staff felt part of something. [...] Staff now feel they are merely numbers on paper.'

Discussion

Police reform is a relatively common phenomenon; in fact, reform is part of a continuum of change within police organisations which takes place at macro-, meso- and micro-levels (Terpstra and Fyfe, 2013).

Participants described their personal impressions of a top-down, localised (in the European context) reform experience; but the research touches upon current topical debates and universal experiences of austerity, accountability, nationalism and police legitimacy. Scottish centralising reform may be a politically expedient distraction, shifting the focus from neighbourhood to nationhood policing, reaffirming boundaries and assisting in 'the state's attempt to create a sense of nationhood' (Herbert, 1997: 14), but the primary driver was austerity and a post-New Public Management public accountability agenda. New Public Management has seen a fundamental shift in the relationship between the police and society across Northern Europe (Gundhus, 2012), resulting in a decline in the 'formal power' of the police, where power and trust are things which the police have to 'keep earning' (Tops and Spieler, 2012: 174). This process of 'moral disinvestment' has been accelerated, particularly in England, by 'public scandals' (Innes, 2014: 64) and has created a demoralized context for policing in which reform becomes both inevitable and contributory. In a society such as ours which consents to be policed, police officers hold positions of power both as agents of the state, and in their own exercise of discretion (which one LP participant described as 'our strongest tool'). Loss of discretionary powers threatens police legitimacy within communities.

Six months after 'Day 1', participants' optimism had been replaced by pessimism and, for some, something like despair. In fact, what the Force officers were experiencing were two types of macro-level reform; a centralizing structural reform – the unification of eight forces; and operational reform – involving the sudden re-prioritisation of local policing, with the imposition of nationally-set performance measures, introducing comparatives to measure service and accountability in the

eight legacy force areas, and the disparity of influence of the largest legacy force. A 'tough policing' approach, where 'citizens ought to be afraid of the police', yet at the same time the citizen is the 'client' and the police a 'public service organisation' delivering performance data (Van der Vijver and Gunther Moor, 2012: 23), is the ethos developed under Sir Stephen House's leadership of Strathclyde Police. This has important implications for how the Scottish people are policed; for example, since Police Scotland came into being, there has been a further rise in the number of stop and searches, with people in Scotland now four times more likely to undergo stop and search than those in England (Murray, 2014).

Police reform impacts on the delivery of policing locally and nationally; it would be a mistake to see police 'in isolation from the landscape and population that surrounds them' (Manning, 2007b: 105). Taking place within a distinct criminal justice system, Scottish police reform is no parochial event, but has broader relevance to the criminal justice system in Europe: almost every northern European nation has experienced centralising police reform since 2001 (Tops and Spieler, 2012). The exception is England and Wales, where reform has focused on localism and a 'radical change to police governance' (Terpstra and Fyfe, 2013: 18), but where centralisation of services or entire forces remains on the political agenda.

About the author

Janine Hunter is a research assistant in Geography at the University of Dundee. She is currently working on 'Growing Up in the Streets', a collaborative research project taking place in three African cities over three years (Accra, Ghana; Bukavu, Democratic Republic of Congo; and Harare, Zimbabwe; www.streetinvest.org/project---growing-up-on-the-streets-research-project). Using participatory methodology and a 'capabilities' approach, young people living

on the streets act as researchers, following a network of street children and youth in their area. Qualitative coding and analysis of interviews and focus groups and quantitative analysis of baseline surveys takes place in Dundee, with partners in the UK and Africa involved in the knowledge exchange and impact of this unique longitudinal project. Correspondence: j.u.hunter@dundee.ac.uk

References

Gundhus, H.I. (2012) 'Experience or knowledge? Perspectives on new knowledge regimes and control of police professionalism'. *Policing* 7(2), pp. 178–94.

Herbert, S. (1997) *Policing Space: Territoriality and the Los Angeles Police Department*. Minneapolis: University of Minnesota Press, p. 15.

Hunter, J and Fyfe, N.R. (2012) *Community and police officers' perceptions of the operation and impact of the Community Engagement Model in Fife*. Dundee: Scottish Institute for Policing Research. Available at: <http://www.sipr.ac.uk/downloads/FifeCEM.pdf> [accessed January 2015].

Innes, M. (2014) 'Reinventing the office of constable: Progressive policing in an age of austerity', in J. M. Brown, ed. *The Future of Policing*. London: Routledge, pp. 64–78.

Manning, P.K. (2007a) 'A dialectic of organisational and occupational culture', in M. O'Neill, M. Marks, A-M. Singh. *Police Occupational Culture: New Debates and Directions*. Oxford: Elsevier, JAI Press, pp. 47–83.

Manning, P.K. (2007b) 'Introduction to Jean-Paul Brodeur's interview with Egon Bittner', in

Brodeur, J-P. 2007, 'An encounter with Egon Bittner'. *Crime Law and Social Change*, 48, pp. 105–10.

Murray, K. (2014) *Stop and search in Scotland: An evaluation of police practice*. Scottish Centre for Crime and Justice Research, University of Edinburgh, January 2014. Available at: http://www.sccjr.ac.uk/wp-content/uploads/2014/01/Stop_and_Search_in_Scotland1.pdf [accessed January 2015].

Souryal, S.S., Diamond D.L. (2001) 'The rhetoric of personal loyalty to superiors in criminal justice agencies'. *Journal of Criminal Justice*, 29, pp. 543–554.

Terpstra, J. and Fyfe, N.R. (2013) 'Introduction: A "transformative moment in policing"', in N.R. Fyfe, J. Terpstra, P. Tops. *Centralizing Forces? Comparative Perspectives on Contemporary Police Reform in Northern and Western Europe*. The Hague: Eleven International Publishing, pp. 1–22.

Tops P. and Spieler R. (2013) 'The police as a frontline organization – conditions for successful police reforms', in N.R. Fyfe, J. Terpstra and P. Tops. *Centralizing forces? Comparative Perspectives on Contemporary Police Reform in Northern and Western Europe*. The Hague: Eleven International Publishing.

Van der Vijver K. and Gunther Moor L. (2012) 'Theories of policing. Tides and Currents in Police Theories'. *Journal of Police Studies* 25(4) pp. 15–28.

Waddington P A J. (1999) 'Police (canteen) subculture: An appreciation'. *British Journal of Criminology* 39(2) pp. 287–309.

I Am Human: Refugee women's experiences of detention in the UK

Gemma Lousley, Policy and Research Coordinator, Women for Refugee Women

In 2013, 6,396 women came to the UK to seek asylum in their own right, rather than as the dependants of a male asylum seeker. In 2013, a total of 23,584 people claimed asylum in the UK; women thus made up around a third of applicants. In the same year, the Home Office detained just over 2,000 women seeking asylum, 43 per cent of whom were held for more than a month. Women for Refugee Women's recently published report *I Am Human* (2015), which was launched at a conference in January attended by around 250 grassroots activists and campaigners (see Woolley, 2015), explores refugee women's experiences of immigration detention in the UK, and finds that they are routinely watched in intimate situations and searched by male guards. It also highlights ongoing allegations of inappropriate sexual conduct and exploitation by staff, claims of physical assault, racism and bullying by guards, and, unsurprisingly perhaps, high rates of mental distress and self-harm among women who are held in detention.

Around 30,000 people are detained under immigration powers each year. Unlike other EU countries, there is no time limit on immigration detention in the UK. The majority of women who are detained are locked up in the increasingly notorious Yarl's Wood detention centre in Bedfordshire. Women can be detained at any point in the asylum process. If they have a case that is deemed to be 'straightforward' they can be held as soon as they make a claim and placed in the Detained Fast Track, a rapid decision-making process that the High Court has found to be operating unlawfully (Detention Action, 2014). They can also be detained if they are judged 'likely to abscond', or if they have been refused asylum and their removal from the UK is deemed to be 'imminent'. It is worth highlighting, however, that in 2013 just 31 per cent of women who



were detained after seeking asylum left detention to be removed from the UK; the rest re-entered the community to continue their asylum claims.

For our research, we spoke to 38 women who were either in detention at the time of interview or who had been detained in the previous two years. The majority of women we interviewed (more than 70%) told us that they had experienced rape or sexual violence in their home countries, which led them to seek asylum in the UK. In Yarl's Wood, however, their trauma was exacerbated as they were watched in intimate situations by male guards. Thirty-three of the women we spoke to – just over 85 per cent – said that male staff had seen them naked, partly dressed, in the shower or on the toilet. This happens when male guards enter women's rooms without knocking, a practice that has also been documented by the Chief Inspector of Prisons (2013). It also happens when women who have been placed on suicide watch, or 'constant supervision', are watched by male guards. One woman who was placed on suicide watch told us:

There are always male staff. You have to have the shower door open – when you go to the toilet too. It is another way of torturing you. They do anything they can to break you down.

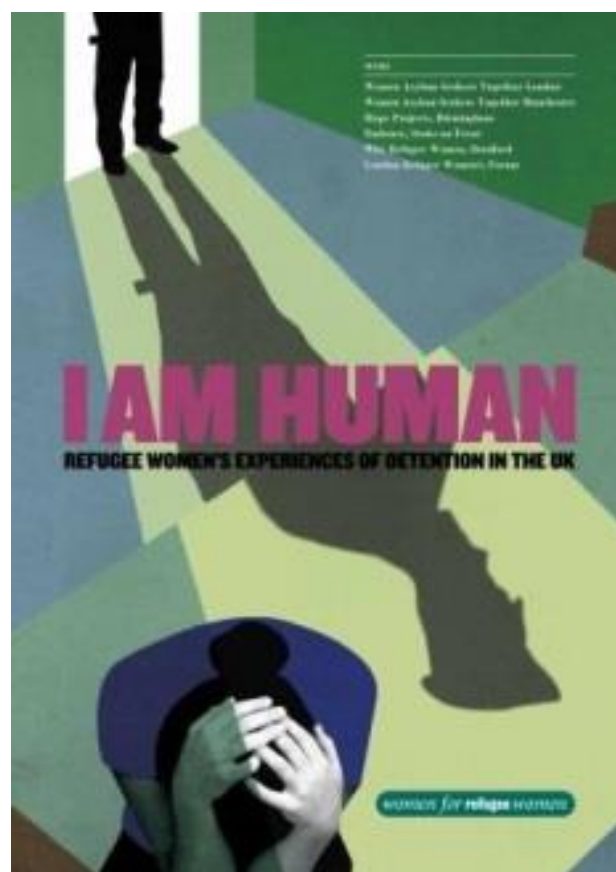
In January 2014, in response to Women for Refugee Women's report *Detained* (2014), the Home Office insisted that 'male staff would not supervise women showering, dressing or undressing, even if on constant supervision through risk of self-harm'. *I Am Human* highlights, however, that such a practice is

both routine and ongoing. Women also told us that male staff often searched their rooms, and the majority of women said they had experienced being searched with a male guard watching or that they had been subjected to a rub-down search by a male guard, all of which are breaches of Home Office policy. Disturbingly, two women told us that they had been strip-searched by male guards (one of these instances happened at Colnbrook, a detention centre near Heathrow). Women's accounts of searching point to a practice that is used and experienced not simply as a security measure. One woman told us:

Five male officers ... went through all my clothes ... touching my underwear and talking about me as though I wasn't in the room. At the end of the room search they found nothing. What makes me angry about the whole thing is the fact that everything in my room was provided by Serco including the clothes as all my personal belongings were confiscated the day I arrived. What they were looking for I don't know. That day I did not leave the room ... I just stayed in bed crying and feeling violated.

In June 2014, Serco, the private company that runs Yarl's Wood, admitted that it had dismissed 10 staff members in relation to allegations of 'improper sexual contact' with female detainees (the *Guardian*, 2014), explaining that the dismissals related to eight separate cases out of 31 which had been investigated over the last seven years. The evidence gathered by our report points to an ongoing culture of inappropriate sexual conduct and exploitation at Yarl's Wood. Six of the women who spoke to us said that a member of staff had made a sexual suggestion to them, and three said that they were touched sexually.

The abusive environment of detention is experienced in other ways, too. Seven women told us that they had been physically assaulted by a member of staff while in detention, 25 said that staff had been racist to them, and 29



women said they had been bullied by staff. Unsurprisingly, but nevertheless shockingly, half of the women we interviewed had been on suicide watch while in detention and 40 per cent said they had self-harmed. These findings echo those of *Detained*, which highlighted that one in five of the women interviewed said they had tried to kill themselves in detention.

I Am Human recommends that gender-specific standards, which have been in place in prisons since 2008, should be introduced for the detention estate, and that these standards should include the requirement that no male staff are employed in roles where they come into contact with women detainees. However, changes to the conditions in which women are held can only ever mitigate the harms of detention; locking up women who have fled persecution will always be traumatic. Our recommendations focus, therefore, on ending the detention of women seeking asylum: we believe that detention has no place in the asylum process, and that all asylum claims can

be considered while the asylum seeker lives in the community.

We want to see those who have experienced rape or sexual violence included in Home Office guidance on ‘persons considered unsuitable for detention’; we also want the same guidance amended so that pregnant women are never detained. We recommend, too, that the Detained Fast Track, which the High Court described as carrying ‘an unacceptably high risk of unfairness’, should be abolished. Like other organisations in the Detention Forum (<http://detentionforum.org.uk/>) we want a time limit on immigration detention, and we also want to see the development of engagement-focused ‘alternatives to detention’ in the UK, alongside an explicit commitment to reduce the number of people who are detained. The detention of women who seek asylum is both expensive and ineffective, but most of all, it comes at immeasurable human cost, and must be ended.

To find out more about the ‘Set Her Free’ campaign to end the detention of women seeking asylum and to get involved, go to [Women for Refugee Women’s website](#).

Meltem Avcil, who was detained in Yarl’s Wood when she was just 13 years old, has set up a petition to end the detention of women seeking asylum, which gained more than 50,000 signatures in its first year. [You can sign the petition here](#).

About the author

Gemma Lousley is Policy and Research Coordinator at Women for Refugee Women. She has previously worked in policy roles for the Detention Advice Service, the Criminal Justice Alliance and DrugScope

References

Detention Action (2014) *High Court finds operation of Detained Fast Track asylum system unlawful*. Available at:

<http://detentionaction.org.uk/high-court-finds-operation-of-detained-fast-track-asylum-system-unlawful> [accessed January 2015].

Girma, M., Kershaw, I., Lousley, G., Radice, S., Walter, N. (2015) *I Am Human*. London: Women for Refugee Women. Available at:

http://refugeewomen.com/wp-content/uploads/2015/01/WRW_IamHuman_report-for-web.pdf [accessed January 2015].

Girma, M., Radice, S., Tsangarides, N., and Walter, N. (2014) *Detained*. <http://refugeewomen.com/wp-content/uploads/2014/01/WRWDetained.pdf> [accessed January 2015].

The Guardian (2014) *Serco apologises after dismissals related to Yarl’s Wood allegations (24 June 2014)*. Available at:

<http://www.theguardian.com/business/2014/jun/24/serco-apologises-dismissals-yarls-wood-allegations> [accessed January 2015].

HM Chief Inspector of Prisons (2013) *Report on an unannounced inspection of Yarl’s Wood Immigration Removal Centre*. London: HM Chief Inspector of Prisons. Available at:

<http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/Yarls-Wood-2013.pdf> [accessed January 2015].

Woolley, A. (2015) *#SetHerFree: a spectrum of solidarity for refugee women*. Available at:

<https://www.opendemocracy.net/5050/agnes-woolley/setherfree-spectrum-of-solidarity-for-refugee-women> [accessed January 2015].

Events

What if police bail was abolished?

13 January 2015, the London School of Economics

reviewed by Roxanna Fatemi-Dehaghani

Since 2011, the What if...? series of seminars has been tackling and debating penal policy initiative. On 13 January 2015, Professor Ed Cape (Professor of Criminal Law and Practice, University of West England, Bristol) was invited to present his arguments in favour of the abolition of police bail. Joining him were Professor Roy Greenslade (Professor of Journalism, City University) and Alex Marshall (Chief Executive Officer, College of Policing). Also present were Frances Crook (Chief Executive of the Howard League for Penal Reform) and Professor Robert Reiner (Emeritus Professor of Criminology, LSE) and an engaged and dynamic audience including practitioners, post-graduate students and academics.

During the first hour of the seminar, Prof Cape was invited to put forth his submissions for the abolition of police bail. Concerns about police bail were first raised by Prof Cape in 2008, in 'Regulating Policing' (co-written with Richard Young).

These concerns fell on deaf ears, with the government promising but not delivering a review back in 2007. It was not until journalists became privy to 'draconian' police powers that this issue gained credence on the public agenda and on 18 December 2014, the Home Office finally issued a consultation. First introduced in 1923, bail was intended to safeguard liberty and freedom. It was not until the implementation of the Criminal Justice Act 2003 and, more recently, the Police and Justice Act 2006 that bail powers were expanded through what Prof Cape described as 'mission creep'.

Firstly, Prof Cape felt that pre-charge bail was a bit of a misnomer, as those often placed on bail are never charged. He also drew our attention to the fact that pre-charge bail is not an alternative to custody; it is an alternative to unconditional release. Whilst those on bail can apply for variation or removal of certain conditions, they cannot apply to have the conditions removed



Professor Ed Cape; Alex Marshall, CEO, College of Policing; Professor Roy Greenslade

altogether. As breach of bail is an offence, even when no further action is taken, the innocent may be criminalized. Moreover, the police have their principal on a string and can pull that string whenever they please, due to the absence of an upper time limit, the power to change conditions and sign-on dates and times, as well as the ability to notify at any point by letter that no further action will be taken. Not only is bail detrimental to the individual, it is also immune from judicial scrutiny and there is a lack of research and statistics to prove that it works. The root of the problem is arrest, however, not bail itself. With such a low threshold required to prove 'reasonable suspicion' and 'necessity for arrest', bail can easily be granted. Thus, Prof Cape recommended that street bail and power to impose conditions on pre-charge bail be abolished. If it is necessary that pre-charge bail be kept, an upper time limit must be imposed.

Whilst Alex Marshall agreed that bail needs to be tackled with tighter supervision and greater managerial and inspection schemes, he highlighted the difficulties faced by the police during investigation, particularly those brought about by the information age. He refuted Prof Cape's arguments on accountability and oversight, asking the audience to err on the side of caution when dismissing policing, senior policing and magistrates. In sum, Mr

Marshall argued that police bail is necessary to a workable investigation and essential for the protection of victims, as well as a means of keeping people out of custody. In contrast, Prof Greenslade was in disagreement, arguing that the use of police bail often amounts to a gross misconduct. His argument centred around prolonged periods on bail due to delays in the investigation, something which the campaign 'Justice delayed, Justice denied' seeks to change. Prof Greenslade supported Prof Cape's proposition in favour of rowing back the misuse of power and an increase in judicial oversight, pointing to the absence of bail in Scotland and the USA.

The audience raised points in relation to police culture, indicating that, from their experience, some police forces avoid coercive tactics, instead focusing on the welfare of the suspect. Practitioners agreed with Mr Marshall's proposition that street bail should be kept, indicating that it has been useful for their clients, particularly those with children. There was, however, a feeling of support for greater accountability, the need for time limits and, ultimately, a reduction in police power to treat the police bail 'addiction'.

Roxanna Fatemi-Dehaghani is a PhD Candidate and Graduate Teaching Assistant at the University of Leicester and a member of ECAN.

John Sunley Prize 2015 open for submissions!

The Howard League for Penal Reform is seeking to reward and encourage Masters students who generate outstanding research dissertations that are both topical and original; and can also offer genuine new insights into the penal system and further the cause of penal reform.

There will be three recipients of prize, each of whom will receive £1,000, and the winning dissertations will be published by the Howard League.

The deadline for entries is **27 March 2015**. Find out how to apply [on our website](#).

Upcoming events

Behind closed bars: Sex in prison

Tuesday 17 March 2015, 9.30am–3.45pm

The King's Fund, 11–13 Cavendish Square, London W1G 0AN

This one day conference will explore the issues and problems around sex in prison. There is currently little reliable evidence on both consensual and coercive sexual activity in prisons. The [Commission on Sex in Prison](#), established by the Howard League for Penal Reform, has conducted primary research with former prisoners exploring their experiences of consensual and coercive sex in prison.

This conference will shine a spotlight on sex behind closed bars and the implications for prisoners, health practitioners, prison staff, policy makers, criminal justice professionals and the wider community. It will explore why a mature approach to consensual sex in prison is needed and why sex in prison should be seen within the wider agenda of public health.

Conference themes:

- Consensual sex in prisons
- Coercive sex in prisons
- Healthy sexual development among young people in prison

Confirmed speakers and contributors:

- Louise Bowers, Registered Forensic & Chartered Psychologist; Director, Forensic Psychologist Service Ltd
- Dr Neil Chakraborti, Reader in Criminology, University of Leicester
- Frances Crook, Chief Executive, the Howard League for Penal Reform
- Jason Halliwell, Partnerships in Care
- Dr Laura Janes, Legal Director, the Howard League for Penal Reform
- Phillippa Kaufmann QC, Matrix Chambers
- Andrew Neilson, Director of Campaigns, the Howard League for Penal Reform
- Dr Alisa Stevens, Lecturer in Criminology, Southampton University
- Chris Sheffield, Chair, Commission on Sex in Prison
- Professor Pamela Taylor, Professor of Forensic Psychiatry, Cardiff University
- Lovisa Stannow, Executive Director, Just Detention International
- Professor Jo Phoenix, Department of Criminology, University of Leicester (tbc)

Further information: <http://www.howardleague.org/behind-closed-bars/>

The conference will offer an opportunity for delegates from across public, private and voluntary sectors to learn about the latest research, discuss best practice and network with key stakeholders. [Book your place](#).

Lawyers' Network Group

Safeguarding vulnerable adults in prison: law and practice

Chaired by Keir Starmer QC

Monday 23 February 2015, 6pm–8pm

Doughty Street Chambers, 54 Doughty Street, London WC1N 2LS

Refreshments will be provided

Despite increased knowledge about the importance of safeguarding vulnerable people generally, prisoners in England and Wales are facing unprecedented levels of violence and injury. HMIP's Annual Report 2013-2014 states that data from the Ministry of Justice showed a 14 per cent increase overall in assaults in adult male prisons, from 8,667 in 2012–13 to 9,867 in 2013–14. Serious assaults in adult male prisons rose by a concerning 38 per cent, from 979 in 2012–13 to 1,351 in 2013–14, the highest they have ever been. At the same time, the number of officers at public-sector prisons in England and Wales has been cut by 41 per cent in less than four years.

This seminar explores some of the practical and legal issues around safeguarding vulnerable adults in prison. The aim of this seminar is to stimulate debate and discussion to guide practitioners faced with a client at risk of harm and consider important questions such as:

- Who is responsible for adult safeguarding in prison?
- How can adult safeguarding issues be distinguished from operational prison issues?
- What procedures can be put in place to respond to vulnerable adult safeguarding issues consistently across the estate and how can we evaluate these?

Speakers include:

- Paul Tarbuck, Head of Healthcare Inspection, Her Majesty's Inspectorate of Prisons
- Claire Crawley, Senior Policy Manager-Adult Safeguarding, Department of Health,
- Laura Janes, Legal Co-Director, The Howard League for Penal Reform

Further information: <http://www.howardleague.org/lawyersnetworkgroup/>

Places are free but limited. Please email legal2@howardleague.org to request a place. Members of the Howard League for Penal Reform will be given preference when requesting a place; thereafter, places will be allocated on a first come, first served basis.

Recent research

Rethinking the Gateway: Using evidence to reform the criminal justice system for victims and people who offend

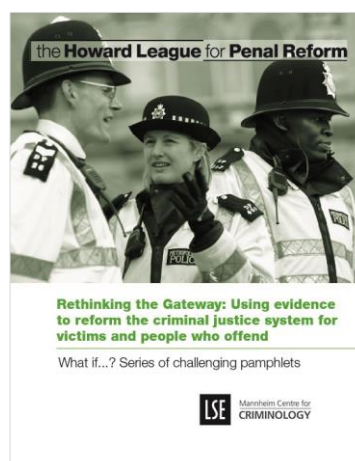
Update by Jack O'Sullivan, Howard League Research Intern

The Howard League has recently produced the latest edition in its series of challenging 'What if...?' pamphlets: *Rethinking the Gateway: Using evidence to reform the criminal justice system for victims and people who offend*, written by Peter Neyroud CBE QPM, Institute of Criminology, University of Cambridge. The paper proposes using evidence to redesign the Gateway to the criminal justice system.

Neyroud labels the decision making process within police custody suites as the 'Gateway' to the formal criminal justice system. The focus of his argument is that it is time for a radical redesign of the Gateway, based on the best available evidence. In making his argument, he first reviews the existent literature, before drawing heavily on evidence from a recent experiment, 'Operation Turning Point'.

Examining alternatives to prosecution over the past forty years, Neyroud explores how decisions regarding diversionary or cautionary conditions can be made more effectively. The evidence highlights the importance of listening to victims, as well as ensuring they are satisfied with the outcome and its predicated motivation. Crucial to such considerations is the use of restorative conditions, with meticulous attention paid to safeguarding consistency and proportionality, whilst preventing a 'net-widening' of those formally processed.

Operation Turning Point was a randomised, controlled trial based upon the available evidence, set up to develop and test a redesigned Gateway in an operational context. Utilising an effective triaging tool – which excluded potential high harm offenders – it attempted to compare the effectiveness of court prosecutions with



structured diversions to a deferred prosecution and a 'Turning Point Contract'. Neyroud argues that although the whole sample has to date produced less than two years of reoffending data, there are already significant lessons to be learned, which

could be implemented as part of a new Gateway underpinned by evidence.

Firstly, a key demographic difference emerged between Operation Turning Point and the existing conditional caution regime: the new range of offences included was far broader, as traditionally conditional cautioning has often only been used for offences of criminal damage (Neyroud and Slothower, 2013). Analogous to the broadening of offence types, the conditions set also witnessed a more varied approach. Whereas conditional cautioning tended to lean towards a simple apology or compensation, nearly 60 per cent of Turning Point contracts contained rehabilitative conditions or a wider range of restrictive terms (Neyroud and Slothower, 2013).

However, not all evidence gathered in the early stages of the experiment was so promising. As pre-empted by the existent research, concerns emerged in the early stages of the experiment regarding the inconsistency of decision making and setting of inappropriate conditions. In response to such evidence, Operation Turning Point introduced a supported decision-making model. This was bound by S.M.A.R.T.

conditions (specific, measurable, attainable, relevant, time-bound (Doran, 1981)), and was aimed at assisting officers to set more tailored responses based on the offender's pathway and the victim's needs (Slothower, 2014a). This approach proved to be significantly more effective in ensuring consistency and reinforced the need to identify appropriate conditions.

In addition to this, a survey conducted during the early stages of the experiment found that victim satisfaction regarding the handling of their case was below 50 per cent. The pamphlet suggests that such concerns related to a lack of compassion from officers or a lack of clarity regarding Operation Turning Point. In response to this feedback the project introduced a Victim Contact Team, aimed at increasing victim satisfaction by better explaining both the motivation and process of the project. Slothower's (2014b) analysis of the data suggests that when the Victim Contact Team explained Turning Point in a structured and compassionate manner, the majority of victims were satisfied with the outcome and felt individuals were being diverted away from punitive sanctions for the right reason. Through the use of evidence-based practice, the necessity of a victim-centred approach to the Gateway was reinforced.

Moreover, throughout the early stages of the experiment victims often ignored the opportunity for restorative justice. The procedure was amended to ameliorate the issue, ensuring that such an offer was made by specifically trained staff. Additionally, the Turning Point Teams were required to handle all cases with personal victims in the initial stages, but were encouraged to direct cases to experienced restorative justice facilitators whenever possible. It is likely that such modifications contributed to a significant increase in the uptake of restorative justice.

With reference to the initial data from Operation Turning Point and the success of evidence-based practice, Neyroud concludes that it is time for a radical redesign of the Gateway. The new Gateway would have a front end supported by triage based on predicted harm, professional discretion supported by new decision tools and new services supported by practice developed and tested in the field. Beyond this, he suggests that the effectiveness of the whole justice system is reliant on crucial areas, such as the Gateway, being underpinned by evidence. He warns however, that the triumph of such a transformation must be subservient to a determined and purposeful strategy, responding to evidence at each stage and incorporating it into the next.

The pamphlet will be published and available on the [Howard League website](#) shortly.

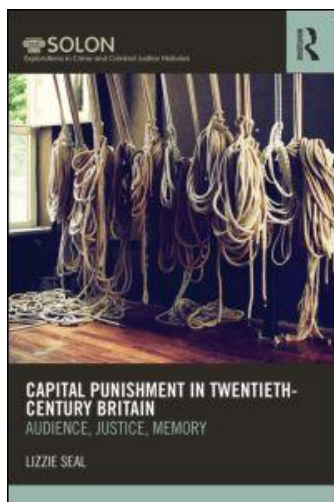
References

- Doran, G. T. (1981) 'There's a S.M.A.R.T. way to write management's goals and objectives'. *Management Review*, 70(11), pp. 35–36.
- Neyroud, P.W. and Slothower, M.P. (2013) *Operation Turning Point: second interim report*. Interim report to West Midlands Police: Cambridge: Institute of Criminology, University of Cambridge.
- Slothower, M.P. (2014a). 'Strengthening Police Professionalism with Decision Support: Bounded Discretion in Out-of-Court Disposals', *Policing*, 8(4) pp. 353–368
- Slothower, M.P. (2014b) *Victim Satisfaction and Perceptions of Police and Criminal Justice Legitimacy: Mediating Impacts of Perceptions of Problem-Solving Motive Achievement and Matching*. Masters Dissertation for University of Maryland.

Book reviews

Capital punishment in twentieth-century Britain: Audience, justice, memory by Lizzie Seal (Routledge, 2014)

reviewed by Florence V Seemungal



There are many historical accounts of capital punishment in twentieth-century Britain, for example: the methods used to impose the death penalty (Webb, 2011), the process leading to abolition (Clark, 2009) and the politics of the

rope (Twitchell, 2012). However, Seal's use of socio-historical, cultural and media perspectives to illuminate memories of, reflections on, and the symbolic meaning of capital punishment among the British public both before and after the death penalty was abolished for murder in 1965, is a unique and solid contribution to the academic literature. This is Seal's third book, following *Women, Murder and Femininity: Gender Representations of Women Who Kill* (Palgrave, 2010) and *Transgressive Imaginations: Crime, Deviance, and Culture* (Palgrave, 2012). She expertly applies her multidisciplinary training in American and English history, public policy, policy research, and policy studies to the framing of her research questions and her methodology and analysis.

The title *Capital punishment in twentieth-century Britain: Audience, justice, memory* is tantalizing: it promises a lot, and the book delivers. The eight chapters detail how 'the cultural meanings of capital punishment in Britain changed over the course of the twentieth Century' (p. 1), with the discussion organised around major themes: *Capital punishment in Britain since*

1868: concepts and context; Audience, publicity and emotion; Trial and execution as entertainment; Popular protest against execution; Public response to capital punishment; Haunted by the ghosts: Edith Thompson and Timothy Evans; Penal currents in the post-abolition era; and Negotiating memories of capital punishment. The chapters explore how ordinary people in twentieth-century Britain learned about the death penalty as the audience of the messages delivered to them by the popular press, plays and films; how they experienced capital punishment and reported their views in their letters to the authorities; and the conditions that shaped citizens' views on capital punishment, or their memory of it, over the twentieth-century. Seal unravels layers of public opinion on the implementation of the death penalty and illustrates how these layers of knowledge and experience were derived and altered over time. The sources of data used in the analysis are varied and include archival letters and case studies of people who were executed. The case studies include Edith Thompson, who unknown to the authorities, was pregnant at the time of her execution on 9 January 1923, and Timothy Evans who was wrongly convicted of murder and hanged in 1950, then granted a royal pardon posthumously in 1966.

Seal writes fluently, and her findings offer new perspectives on the much written-about topic of the death penalty, an example being 'the imaginary power of execution' (p. 1). Of particular interest are reminders that 'The end of public hanging did not mean that the public ceased to experience it, rather their experiences were transformed' (p. 3), which highlights the difference between an abstract belief in the appropriateness of

capital punishment and actual support for individual punishment in individual cases. This finding has been echoed in public opinion studies on the implementation of the death penalty in various countries such as Malaysia (Hood, 2013), Trinidad and Tobago (Hood & Seemungal, 2011; Hood & Hoyle, 2014), and Japan (Sato, 2014), meaning, Seal's discussion will have global appeal beyond the twentieth century and beyond Britain.

There are some questions for future exploration. Murder is viewed as the most abominable and heinous of all crimes, and therefore it will stimulate a range of emotions in the public and an accompanying range of beliefs on the most suitable form of punishment. In jurisdictions in which drug trafficking is a capital offence, for example Malaysia, would the implementation of the death penalty for drug trafficking be discussed with the same passion as revealed in Seal's book? Who might the audience be and what memories are they likely to have? In other words, can one expect the discussion surrounding *Capital punishment in twentieth-century Britain: Audience, justice, memory* to be the same for other types of capital crimes, in other countries? Is the British public particularly vocal and responsive to the implementation of the death penalty or sensitive to the messages and discourse on capital punishment in plays, films and books when compared to other societies? What accounts for this documented interest and stack of archival material on the topic by the British public? Would a non-British public take the time to record their views on the matter? Are the discourses in the popular press about capital punishment reflective of the discourses on the same topic in generally unedited social media? These questions do not detract from the major contribution Seal's book has made to the literature. Instead, they stimulate the reader to reflect upon the implications of Seal's discussion

and to seek to model and adapt her work in various ways.

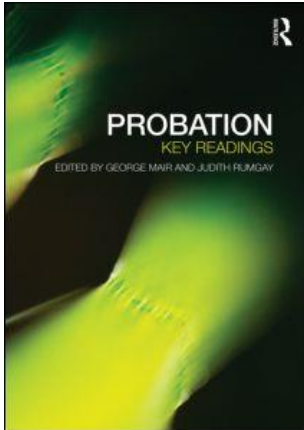
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References

- Clark, R. (2009) *Capital Punishment in Britain*. London: Ian Allen Publishing.
- Hood, R. (2013) *The Death Penalty in Malaysia: Public Opinion on the Mandatory Death Penalty for Drug Trafficking, Murder and Firearms Offences*. London: The Death Penalty Project. Available online: <http://www.deathpenaltyproject.org/legal-resources/research-publications/the-death-penalty-in-malaysia/> [accessed: December 2014].
- Hood, R. & Seemungal, F. (2011) *Public Opinion on the Death Penalty in Trinidad*. London: The Death Penalty Project. Available online: <http://www.deathpenaltyproject.org/legal-resources/research-publications/death-penalty-survey-trinidad/> [accessed December 2014].
- Hood, R. & Hoyle, C. (2014) *The Death Penalty: A Worldwide Perspective* (5th ed.) Oxford: Oxford University Press.
- Sato, M. (2014) *The Death Penalty in Japan*. London: Springer VS.
- Seal, L. (2010). *Women, Murder and Femininity: Gender Representations of Women Who Kill*. Basingstoke: Palgrave Macmillan.
- Seal, L. (2012) *Transgressive Imaginations: Crime, Deviance, and Culture*. Basingstoke: Palgrave Macmillan.
- Twitchell, N. (2012) *The Politics of the Rope*. Bury St. Edmunds: Arena Books Ltd.
- Webb, S. (2011) *Execution: A History of Capital Punishment in Britain*. Gloucestershire: The History Press UK.

Probation: Key readings**edited by George Mair and Judith Rungay (Routledge, 2014)**

reviewed by Laura McDavitt, Howard League research intern



This comprehensive text offers a collection of 'key readings' on the probation service in England and Wales, the editors' intention being 'to ground and contextualise the various developments taking place in probation

rather than to add to the growing number of commentaries on them' (p3).

The readings selected cover a balanced range of voices including official reports, personal accounts and academic writings. These are well organised into thematic sections, beginning with 'Probation: an official history' which presents government policy of the probation service over time. This is followed by part B, 'Probation history: alternative perspectives' offering a wider range of perspectives on the history and development of the probation

service. Part C, 'Theoretical models' examines the debate surrounding the purpose(s) of probation and part D, 'Supervision: practice and programmes' then balances the theory with an examination of practice. The readings in part E explore diversity and the text concludes with part F: 'Effectiveness'. The manageable and interesting excerpts are aided by extremely useful explanatory commentary from the editors in their introduction to each section.

The volume may at first seem somewhat restricted by focusing solely on probation in relation to community penalties for adult offenders in England and Wales. However, in not attempting to cover all aspects the editors are able to provide a focused and thorough examination.

I would highly recommend this text to students, academics and practitioners alike as the breadth of readings will prove a fascinating read to anyone with an interest in the probation service.

RAG member profile

Pascal Décarpes

Pascal Décarpes, born in France and currently living in Germany, is research assistant under the direction of Professor Jonas Weber at the Institute of Criminal Law and Criminology (University of Bern, Switzerland), working in an interdisciplinary team with legal scholars and social scientists. After studying Law at the universities of Bordeaux (France) and Turku (Finland) and political sciences and international relations in Lille (France), he gained a master of criminology at the University of Greifswald (Germany).



prevention of and the fight against Crime (ISEC)' since 2007 and as a scientific consultant for the Hessen Ministry of Justice in Germany (2010–2011). He has provided consultancy in criminology and criminal justice issues to the United Nations Development Programme in Romania (2011–2012) and Vietnam (2013), as well as to the Algerian (2010) and the

Jordan prison services (2012-2013) within projects financed by the European Union.

He is co-initiator of the application and currently research partner in an EU funded Action Grant project called 'Prison Litigation Network' (2014–2016) that aims to strengthen prisoners' rights. Gathering academics, practitioners and activists from ten countries, this project aims to improve prisoners' defence proceedings in domestic jurisdictions and before the European Court of Human Rights in order to tackle structural rights violations in prison systems. Beyond this research project, he has co-founded a parallel network on prison litigation, to bring together partners in the field and to incorporate at least all member States of the Council of Europe.

His research has focused on prison management, detention conditions, probation officers and cooperation processes between prison and probation. He has co-edited the book *Crime and violence in Europe* (University of Bucharest, 2012) and has written original articles and book chapters in French, English and German journals and publications. Actual research and publication topics are carceral geography, decision-making processes on conditional release and evaluation tools in probation services in a comparative approach (France, Germany, Switzerland).

He is an active member (and substitute member management committee) of the European project 'Offender Supervision in Europe' (COST Action IS1106, 2012-2016) in which research theories, approaches and methods are analysed and assessed by criminologists from 22 European countries.

He is also deputy secretary-general of the French Society of Criminology and co-founder of the working group "Early-stage German criminologists" (JaW).

He provides expertise for several institutions and government authorities, working for the European Commission in Brussels as an expert on the program 'The

I'm honoured to contribute to the activities of the Howard League as part of their Research Advisory Group. The great work of the Howard League is known and acknowledged beyond UK borders and it participates to a better understanding and critical analysis of the pains of imprisonment in Europe.

[Further information about Pascal Décarpes.](#)

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

Please note

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