

Howard League for Penal Reform

Early Career Academics Network Bulletin

August 2022 – Issue 51

Contents

	Page
Introduction	
Tahir Abass (University of Leeds), Laura Bainbridge (University of Leeds), Rosie Kitson-Boyce (Nottingham Trent University), Katy Roscoe (University of Liverpool), Sarah Waite (Leeds Trinity University)	2
Features	
Youth justice practice and lived experience: Inclusion or exclusion?	6
Kierra Myles (University of Suffolk)	
'If you were on your own it wouldn't be a thing': Accelerated social ageing in men who have a sexual conviction	12
Kirsty Teague (Nottingham Trent University)	
Victorian juvenile institutions for girls, the ideology, pathways and licence	22
Tahaney Alghrani (University of Liverpool)	
Victims' experiences of Community Protection Notices: The need for an underpinning restorative approach to protecting victims of anti-social behaviour	31
Zoe Rodgers (Sheffield Hallam University)	
The Post Office Horizon scandal	38
Kisby Dickinson (University of Leeds)	
Announcements	
Guidelines for submission	47
Howard League conference: Crime, Justice and the Human Condition	48

ECAN Facebook Group



The Howard League for Penal Reform is active on [Facebook](#) and [Twitter](#). There is a special page dedicated to the Early Careers Academic Network that you can reach either by searching for us on Facebook or by clicking on the button above. We hope to use the Facebook site to generate discussions about current issues in the criminal justice system. If there are any topics that you would like to discuss, please start a discussion.

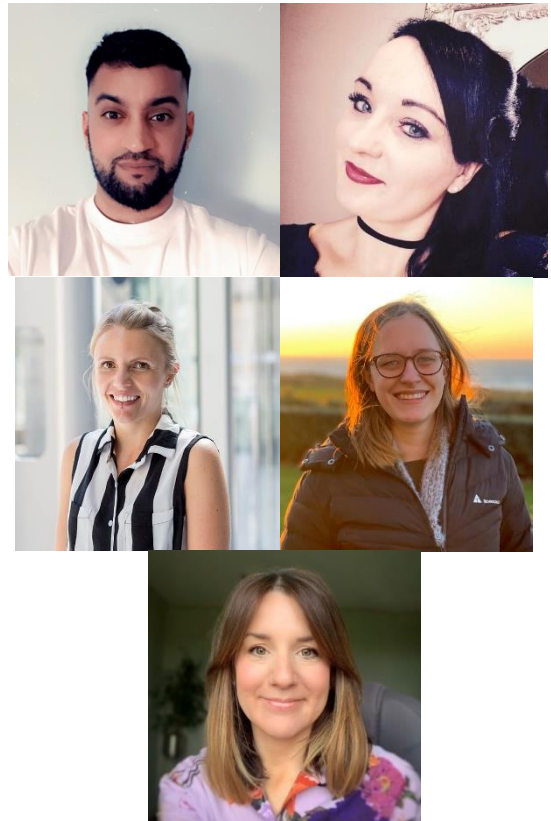
Introduction

Howard League early career Research Advisory Group members

Tahir Abass, Laura Bainbridge, Rosie Kitson-Boyce, Katy Roscoe, Sarah Waite

As a group of early-career researchers (ECRs) we are delighted to have been involved in the commissioning and editing of this special issue ECAN bulletin. We are a diverse group of individuals with a broad range of interests and ideas for the ECAN network. However, we share the common goal of increasing engagement and opportunities for ECRs, and taking forward initiatives that will cement the Howard League as a core hub of ECR activity. ECR engagement with the Howard League is of reciprocal interest in highlighting the benefits and opportunities of collaboration between academic research and the third sector. Diversity is our strength, and this is reflected in the richness and range of the articles presented in this special issue. One of our first ventures has been to ensure ECR provision is embedded within the Howard League's upcoming conference and to promote engaging and supportive spaces for early-career delegates. This is just the start. Going forward, we will collaborate to create an active ECR community that represents a broad range of voices, including those with non-traditional HE trajectories, post-92 institutions, those with lived experience of the criminal justice system, and those in practice.

The diversity of early career scholarship collected here speaks to the innovation of the discipline, with the contributions employing biographical, historical, public, and critical criminological approaches.



They cover topics ranging from youth justice, anti-social behaviour, post-release outcomes, and private prosecution, among others. Their research very much speaks to and advances the Howard League's strategic priorities, to stem the flow of the individual lives that move through the criminal justice system and to advocate for a better justice system where possible. Three key themes that emerge are: the lived experience of convicted people; the stigmatisation and labelling of people in custody or post-release, victims and practitioners; and problematic institutional cultures which are exclusive and non-transparent.

Lived experience

Several articles advocate for the importance of 'lived experience' in developing more inclusive practices in the criminal justice system for victims, practitioners and convicted people alike. **Zoe Rodgers** explores victims' experiences of Community Protection Notices (CPN) put in place as part of the

‘putting victims first’ agenda and considers the effectiveness of this compared to its predecessor the Anti-Social Behaviour Order (ASBO).

Rodgers reports that victims of anti-social behaviour experienced a failure from authorities to respond quickly to breaches of the CPN, finding the process for challenging breaches of the CPN exclusionary, confusing and protracted. The victims continued to experience ongoing forms of psychological and physical distress which impacted their everyday lives leaving many feeling powerless.

Kierra Myles considers the lived experience of young people in the criminal justice system, exploring the importance of having practitioners who can relate to them on an experiential level. Using a biographical approach, **Myles** relates her own experience of moving between care and custody as a young person and argues a shared understanding helps create meaningful relationships that will enable young adults’ future development and success. Now a practitioner in the youth justice sphere, **Myles** indicates that this lived experience is under-valued and undermined by colleagues creating a disconnection between young offenders and practitioners. She also references the unspoken dynamics between colleagues, whereby practitioners are unwilling to hear that *their* approach needs to change, and value ‘lived experience’ practitioners as relationship-builders as opposed to equals in terms of knowledge.

Both **Myles** and **Rodgers** acknowledge the importance of lived experience and advocate for more joined-up partnerships in the criminal justice system, thus speaking to Howard League’s goal for ‘better justice, centred on rights through non-invasive and flexible solutions’ (Howard League 2020).

Stigmatisation and labelling

Several articles speak to complex processes of social stigmatisation and layered exclusion that impact those convicted of crimes or even suspected of them, and how this can impact people’s lives in custody and post-release. This overlaps with the previous theme, as **Kirsty Teague’s** research demonstrates through the analysis of the lived-experience of those convicted of sex-offenders navigating post-release.

Teague argues that those convicted of sexual offences face a double stigmatisation, becoming the ‘bogeyman’ for the other prisoners, and facing ongoing stigma post-release that can result in severe social isolation.

In her article on the historical roots of the “Horizon” Post Office Scandal (2021), **Kisby Dickinson** argues that since its inception, informal and formal disciplinary methods were used against working-class employees (known in the nineteenth century as ‘post office servants’ or ‘telegraph boys’). Those deemed ‘untrustworthy’ were targeted and reprimanded, dismissed or prosecuted, even if little evidence was found of actual criminal activity.

Tahaney Alghrani also employs a historical approach and considers archival material to explore the institutionalisation of girls in juvenile reformatories in nineteenth-century Manchester and Bristol. Using life course analysis, **Alghrani** highlights how legislation meant to police juvenile crime in the nineteenth century was also used to institutionalise girls deemed ‘wayward’ (often in fact victims of parental neglect, abuse or poverty). Any association of being resistant to authority, combined with being from ‘lower’ social classes, was enough to tar them with a stigmatising “criminal” brush. This has clear parallels with **Kierra Myles’** article in which young people today are described in pre-sentence reports or

custody notes as 'hard to reach' or 'will not engage'. **Myles'** retelling of her own history, being sentenced for shoplifting aged just eleven, described being labelled as difficult or 'aggressive', and seen as in need of fixing by practitioners. The resonances between these cases, centuries apart, whereby young girls are labelled, stigmatised and ultimately criminalised, adds urgency to **Myles'** advocacy for greater inclusion of 'lived experience practitioners' to better support and empower those caught up in the youth justice system.

By drawing critical attention to the labelling and stigmatisation of individuals, and how this shapes life outcomes, these articles speak to the Howard League's emphasis on recognising the criminal justice system 'not [as] a static repository of people... [but] as a flow of individual lives' (Howard League, 2020).

Institutional cultures: Inclusion and exclusion

A third theme emerging from these articles are the inclusionary and exclusionary institutional cultures that can develop. A lack of transparency emerges as a key mechanism by which marginalised people are further excluded from institutions they belong to, whether as employees, victims or defendants.

Kisby Dickinson's article describes how the Post Office's wrongful prosecution of its staff for alleged fraud, was rooted in a long-standing 'culture of suspicion in relation to service staff' from middle-class managers. From a longitudinal perspective, **Dickinson** traces a history of a toxic work culture. This is reported as targeting working class employees for sanction, dismissal or even criminal prosecution via what was effectively an internal legal system: proper standards of evidence were not upheld, the investigation department 'tests' were designed to prove existing assumptions,

and 'dishonesty' on the part of its workers was assumed.

Zoe Rodgers' article on Community Protection Notices (CPNs) also speaks to a lack of transparency for victims of antisocial behaviour about the actual provisions of the CPNs issued on their behalf, despite a rhetoric that is victim-centred. **Kirsty Teague's** article explores the post-release 'social ageing' of those convicted of sexual offences, as they are directed by probation services or seek out activities for substantially older adults. These are viewed by parole boards to be 'lower-risk' for triggering behaviours. Teague highlights how these attempts by the Parole Board to manage and restrict those convicted of sexual offences on release from prison can instead create social isolation from peer groups that can actually encourage – rather than diminish – their chances of re-offending. **Teague** puts forward a series of recommendations for probation services to manage risk while enabling richer, varied social lives to enhance the support, and decrease desistance, of those convicted of sexual offences.

As the Howard League has advocated for, transparency and consistency are key tenets for all agencies working within and in tandem with the criminal justice system, in order to build a 'better justice system'.

References

Howard League for Penal Reform (2020), Annual Report. <https://howardleague.org/wp-content/uploads/2020/11/Annual-Report-2020.pdf>

About the authors

This special issue has been guest edited by our early career Research Advisory Group members.

Tahir Abass is an ESRC funded PhD candidate at the University of Leeds and his research is focusing on the impact of imprisonment on Pakistani families in the

UK. Tahir is a member of the Global Prisoners' Families network, based at the University of Oxford. His research interests include race, crime and inequality, social justice, youth justice and qualitative research methods.

Laura Bainbridge is a Lecturer in Criminal Justice in the School of Law at the University of Leeds. Laura's scholarly interests lie at the nexus between social policy, criminology and political science. She is currently the principal investigator on two studies. The first explores the benefits and hazards of mandating domestic violence perpetrators to a period of compulsory sobriety, while the second is an N8 Policing Research Partnership funded project dedicated to understanding and preventing county lines 'cuckooing' victimisation. Laura is also a co-investigator for the recently launched ESRC Vulnerability and Policing Futures Research Centre. Laura is the founder and chair of the UK Compulsory Sobriety Network. In addition, she sits on the editorial board of the Journal of Social Policy and sits on the West Yorkshire Violence Reduction Unit's Advisory Board.

Rosie Kitson-Boyce is a lecturer in Psychology at Nottingham Trent University, specialising in Forensic Psychology and Criminology. Her research interests predominantly focus on the desistance from general offending behaviour and from sexual crime specifically. Incorporated within this is research exploring experiences in Circles of Support and Accountability and she is a member of the CirclesEurope research committee. In addition, Rosie's current research also consists of fire setting behaviour in women, restorative justice and sexual safety and consent at university.

Katherine (Katy) Roscoe is a Leverhulme Early Career Research Fellow in the Department of Sociology, Social Policy and Criminology at the University of Liverpool. She is a historical criminologist with interests centred on practices of punishment, global mobilities, unfree labour, and racial inequalities in mid-nineteenth century Britain and its former colonies. Her historic research on offshore detention in Australia, the criminalisation of Indigenous people, and

use of convicted labour in global supply chains, all have strong relevance to contemporary criminological issues.

Sarah Waite is a Lecturer in Applied Criminal Justice at Leeds Trinity University. Her research interests reside in penology, incarceration, and qualitative experiences of trust. Sarah is also interested in the ways in which criminal justice staff implement penological policy and practice. Sarah's current research explores staff-prisoner relationships in a women's open prison with a particular focus on themes of trust. She is also a charity trustee for Transform Justice.

Features

Youth justice practice and lived experience: Inclusion or exclusion?

Kierra Myles

Introduction

I was in my first year of secondary school when I was arrested for shoplifting from HMV. I was eleven years old. Some older boys who I knew well would tell me which CDs to get. I thought I was good at it and stole a lot before I was caught. When I was caught, I was taken to the police station; although police had been on the estate before, I had never been in an interview room before. I was given a warning, told not to do it again and banned from HMV. I was used to warnings and exclusion.

The first time I was excluded from school I was just eight years old. The school struggled with my older brother's behaviour and I have considered this may have been a factor in them 'having enough' of me. I started a new school and by the middle of year five I was excluded again. Apparently I was aggressive and would not do as I was told. I went to a behaviour school where I excelled with smaller classes and more tailored activities. I moved back to mainstream education in the middle of year six, ready to move onto secondary school. However, in year eight I was permanently excluded from mainstream education, aged 12 years old. By now I was living in a 12 bed children's home. I moved between alternative education facilities and custody for the remainder of my secondary education.

On my estate, crime was the norm. People around me were taking or selling drugs, involved in crime, and those



closest to me were violent. My home was fuelled by anger, fear, addiction and violence with different men moving in and out. I didn't know what stability was. I had to be tough; there wasn't another choice. The day after my thirteenth birthday I was sentenced in court for what was described as a serious assault. I was 12 years old when it happened. At that age, it didn't seem serious to me, that is what happened because 'snitches get stitches' – it was no secret. I spent the next two years in and out of secure homes, with more time in. I had learnt from a young age not to trust the services around me –probation, social workers, secure or care home staff. I lost count of the amount of people who tried to 'fix' or 'change' me, while labelling me aggressive, oppositional, and lacking in empathy. I didn't meet a single person who had similar or shared experiences with me. I couldn't identify with them, they were different. Or should I say, I was different, very different.

How could I trust or care about the opinions of the same people slamming me on the floor and shoving me in a cell? Professionals trying to tell me to change friends, walk away from confrontation and count to ten when they had absolutely no idea about my life experiences. I didn't respond well to coercive control; the secure environment didn't teach me a lesson, it only made me worse. I continued to internalise the

pain and anger. I didn't have words for how I felt so I reacted in anger, a language I understood. The people closest to me and those who I aspired to be like sold drugs, took drugs, and were involved in crime. All my relationships were pro-criminal. It wasn't that I didn't think that there was another way, I couldn't see one.

When I was fifteen, I was given my first prison sentence. I was put on an adult female wing in a Young Offender Institution (YOI) cell. It was the first time I met older people, especially women who had shared experiences. They tried to make me believe I could achieve more, in a way that I could take in. I built a few relationships, not all of them positive, but I connected with one woman. She didn't ask me questions, tell me what to do or try to change me. She gave me her time; I knew she cared; I could sense it. She is still my friend today, she helped me get a job when I was twenty one when no one would employ me. She has listened to me, guided me and been there when I have needed some wisdom.

Why did I have to wait until I went to prison to meet someone who had walked the path I had, who understood all the things I couldn't yet say?

When I speak to people who were involved in the youth justice system about navigating their way out and building lives away from crime (and sometimes their friends and family), the story emerges of relationships, hope and inspiration. They found support, acceptance and guidance. One of the key themes were relationships, which often spanned many years (I know it took me that long). These relationships did not involve shame, judgement or people trying to change someone. The gap between people's past and present/future lives became bigger as they moved from the things they didn't

want to do anymore, and closer to the people who really wanted the best for them. People find less in common with former peers, and begin to build new relationships with healthier attachments. People's experiences of this transition differed; sometimes a transition occurred from serious crime to petty crime, and then to trying to live a different life all together.

The path is not linear; it is up and down. It requires strength, determination and positive consistent relationships. If you do not have those relationships by your side along the way there are only so many times you get back up when things get hard, when you take a few steps backwards and cannot see a way forward. Falling down is often where growth happens; having the right people by your side helping you can help you to navigate through, especially if they have walked the path before you. Everyone's experiences are different, but those who have had to navigate through care and the criminal justice system will understand the challenges and emotional effort it takes to even start. Left alone with no hope, why would anyone keep getting up and pushing forward?

Why are people with lived experience of the youth justice system often excluded from services?

When in prison, I told the teachers I wanted to work with young people like me. I could sense the people around me didn't understand my background, my present challenges or future barriers because they hadn't been there. They told me that I wouldn't be able to work with young people because of my criminal record. I told them I would one day, watch me. On top of the trauma I suffered through being moved around the care system and criminalised, the secure home and prison environments had only cemented the idea that I was an aggressive violent criminal, who was

worthless – clever, but barely educated, someone who would never achieve anything. I was naturally ambitious and determined, but I had no self-worth or self-belief. Anger fuelled my ambition to not become a statistic. I was so angry inside, but I didn't want to let these people win. I didn't have the ability to channel that emotion until I met people who understood why I was angry, not just because they had compassion and empathy, but because they had been there and felt that pain.

I tried to volunteer to work with children when I was 21. I was at college trying to get my maths and English GCSEs, and despite not having been arrested in three years I was told to come back after five years. I found a job in an office, and after five years I rang, emailed, and rang some more – despite promises, no one got back to me. I went back to the children's home I used to live at to ask if I could volunteer there. They said they would investigate it, but never got back to me. I bumped into someone who worked in a secure home and asked them too, but again, no one ever came back. It was difficult not to feel the same as I felt all those years ago when I was being passed between care homes because they didn't want me, shoved in a cell in a secure home with only a cold floor to sit on because they had taken the crash mat.

During this time, I found martial arts and put all my energy into training. I had finally found a sport I loved. I played football throughout my childhood and only really gave up because I was locked up a lot after 13, I felt different to the other girls who played. I had two sport related injuries that required operations close together, meaning that I was going to be out of sport for a while. I remember lying in bed and thinking, these medals, the buzz I get from competing, I love it. But this

wasn't my purpose, my purpose was to work with children who, just like me, faced barrier after barrier, with no one to properly help them navigate through challenges, build a relationship and be there no matter what. Surely all this stuff that happened was for a reason, otherwise I'd be dead or still in jail like many of the people I grew up with.

Even after battling through all my internal barriers, spending years working through trauma, learning to manage and understand my emotions, believing that I was worthy of being employed despite being a child who was regularly locked in a cell, it still took me ten years to break down the external barriers within the services preventing me from working with children. I had no hope, only ambition. I had to hunt opportunity. I was constantly knocked back and ignored. I was told that the criminal record I had accumulated as a child was going to stop me working with children, despite having never been seen as a risk to children. At the age of thirty one, I eventually managed to secure a role within children's social care services working with children in care and care leavers. There were a couple of people that really went above and beyond to help me work within the service and stay there, and for them I am truly grateful.

I thought I'd won the battle, but it had only just started

When you become a lived experience professional, some people want you to help them because you can build trusting relationships with young people quickly. In my experience this often served to fill their needs rather than the needs of the young person. Not all professionals have this intention, however, too many do. Young people gravitate towards you because they know you get it. The way you hold yourself, talk, understand, and don't ask certain questions says a lot – you can't fake it because they know.

Many young people involved in the youth justice system don't care too much for breaches, appointments and professionals that are trying to make them see their behaviour in a different way. They are more scared of situations they have had to navigate out of, rather than having to go and sit in a compliance meeting, police station or court room. In these situations, lived experience professionals are often very passionate, including children in everything, empowering them to speak up and have a say in their lives.

This is where the exclusion of lived experience professionals can start. In my experience no one wants to listen to you when you try to tell them why what they are trying to do won't work, why that intervention plan or consequence for missing appointments isn't effective, because you are going against what they have learnt. That is the voice of experience, and usually from the closest professional relationship that young person has. Lived experience people are being pushed to the side and not seen as knowledgeable, but rather just a tool that can be used to build trusting relationships through shared experiences, or identity.

There is a clear power imbalance, even from the inside as a professional. I have had people try to push me out of meetings to prevent me sharing thoughts and feelings of young people that rarely get listened to, included or valued. I have had to avoid certain places because other professionals have become confrontational because I have built relationships with children where they were unable to. Surely the fact that these children have one person they can trust is a positive thing. Professionals need to be honest with themselves about what a relationship is. A young person allowing you to sit with them in a police station because they need an appropriate adult,

or ask you something because they must, is not a relationship. A relationship is having someone you trust to sit with you, someone you can talk to about what's going on, someone you can reach out to because you have a lot going on and they will be there even though you're not ready to fully move away from crime.

'Hard to reach' and 'will not engage' are regularly written in pre-sentencing reports, social care assessments and custody notes. But is it the children who are hard to reach, or are the services? Some of the strongest relationships I have are with children who have struggled to trust professionals or adults around them. My lived experience has allowed me to break down some of the barriers and I have had the privilege to get to know some amazing children. I get them and they get me; like them, I came from a background of trauma, exclusion and custody. When things have become difficult, I have gravitated towards other lived experience professionals. I have built solid relationships based on connection, honesty and trust. Just as young people gravitate towards lived experience professionals, we find that same authentic, trusting, shame-free and judgement-free relationships.

They don't just theorise it, they feel it to their core

There is this idea that children must change in order to be diverted from the youth justice system. This suggests that the person seen as the professional is supposed to have the power to change a young person. They may have spent many years studying hard and be armed with intervention plans and worksheets which look lovely on a plan, but it is just another reminder of how professionals think they hold all the answers. It further embeds the idea that the professional believes they know more than the young person about their own life experiences. Yet professionals will have limited

knowledge about this, not just because they haven't been told about them, but because they haven't had to navigate those spaces.

The skills developed while navigating these spaces to survive and then navigate out of the intervention- and risk-focussed youth justice system, are invaluable. If any service that works with justice involved youth is to become inclusive, people with experience of these services should be included. It is not to say that they are better than people who have accumulated knowledge through hard work and study. But they have had to recover from exclusion, trauma, poor housing and poverty to develop their skillset. These are skills and experiences that could never be gained through an educational qualification.

I am still the same person, trying to use my experiences to help others. I learnt through sport, martial arts in particular, how to breath and remain calm under intense pressure. The very thing I was being discouraged from doing because I was labelled a 'violent young offender' was the same thing that helped me learn how to manage, understand and control my emotions. How many other people can share that same story? I know a few.

When we talk about change and rehabilitation, we must carefully consider the message we are trying to share. Surely, we don't want to make a child feel guilt and shame about who they are, tell them that they are at fault and need to change. There is no logic in this approach which instead causes more harm, resistance and pushes children away. This represents systemic harm, whereby on top of the trauma and exclusion a child might have suffered, we cause more harm, rejection and pain. Lived experience professionals know this pain. They lived this pain and so

compassion, empathy and connection come naturally. This does not mean that other professionals can't build trusting relationships, but it doesn't always come naturally. It is easy to pass judgement on a child sitting in a cell when you haven't been there yourself, or experienced the factors that led to being sat there.

Including lived experience professionals

When we talk about young people desisting from offending, how often are people with lived experience, especially those that have been in custody, influencing practice models and policies? How are we supposed to create hope, inclusion, and opportunity if adults with these experiences are still being excluded? They still have no say, are still being pushed to the side and are still having to fight to be heard, included, and employed.

Sharing knowledge creates an equal playing field for academic professionals and lived experience professionals, this is how we start to address the power imbalance. If we can't balance the power as professionals, we are only showing young people that even if they manage to navigate out there is no hope. Lived experience professionals shouldn't only be employed as volunteers expected to work for free, but as front-line practitioners with the same opportunity to develop as other professionals, enabling progression into roles where they are able to influence practice and policy. This is where we will start to see real change. Having knowledge is invaluable, but if you cannot sit next to the children and families that we are trying to help recover from trauma, poverty, social marginalisation, and desist from offending and thrive, where does that leave the knowledge? It has little value. We need to be able to use knowledge and skills in our communities, with children and families involved in the

criminal justice system. We know that children who have pro-criminal families, often with generational trauma while living in poverty, are going to find it difficult to move away from their reality. This is their normal, it's not that they need to change, it's that they need the right relational support to show them that they can achieve and have the same opportunities as people who are not involved in the youth justice system.

Navigating out of the youth justice system and recovering from trauma is not an easy task. Everyone has their own individual story and I do not know one person that said they did it alone, it all started with that one relationship that made a difference. Don't just be that person, be fully inclusive. Create opportunities for people who have been there to be that person too.

About the author

Kierra Myles is currently studying a Youth Justice Degree with the University of Suffolk. Kierra works as a Mentor Co-ordinator with children in care and care leavers involved in the youth justice system.

‘If you were on your own it wouldn’t be a thing’: Accelerated social ageing in men who have a sexual conviction

Kirsty Teague

Introduction

Since the 1990s there has been a growing interest in understanding the biological impacts of serving a prison sentence. The ‘accelerating ageing theory’ principally suggests that prisoners biologically age by up to 10 years faster than a comparative non-prison-based population and that they experience a wide(r) range of health issues at a younger age (see: Morton, 1992; Wahidin, 2005; Wahidin and Aday, 2011; Wahidin and Cain, 2006). However, the accelerated ageing theory is preoccupied with accelerated *biological* change and can be adapted to explain changes to connectedness and sociality resulting from having a (sexual) conviction. Penal settings are widely regarded to be preoccupied with risk (McAlinden, 2012; Werth, 2019). With this, those who are subject to supervision and those tasked with such often engage in risk-focused decision-making processes. This is *particularly* the case for men who have a sexual conviction and for those who work with them. This paper explores the implications that risk-focused decision making has for those navigating the world with a sexual conviction. In particular, the paper will focus on the complex feelings men with sexual convictions have towards changes in their sociality and connectedness with others post-conviction. Whilst some individuals report finding safety in their own company or socialising with individuals older than themselves, others have found it to give a painful glimpse of a future of loneliness and isolation. This discussion paper will therefore adapt the accelerated ageing theory to make sense of the above. It will



conclude with recommendations for policy makers and practitioners on how to socially integrate men with sexual convictions upon their release from prison.

Penalty in a current day context

Sixty-four years on since Gresham Sykes (1958) coined the phrase ‘the pains of imprisonment’, the deprivations in prison life are as omnipresent today, as they were in the mid twentieth century. Indeed, scholars have noted their continued relevance and thus adapted and revised the ‘pains’ to extend beyond closed prison settings (see: Statham et al., 2021; Nugent and Schinkel, 2016). Notably, quasi-‘freedom’ and isolation outside the prison gates can lead to the pain of goal failure and feelings of hopelessness (Nugent and Schinkel, 2016). This is significant as hope is correlated with indicators of good health and fulfilment, whilst its absence correlated with pain and distress (Martin and Stermac, 2010). The universality of the need for hope is well founded in the psychological literature, but specifically hope – or the lack of – in desistance can have significant consequences (Graham and McNeill, 2017). *False* hope can similarly be problematic, and thus expectation setting is imperative.

Systems and structures can be complicit in the perpetuation of a narrative regarding rehabilitation and resettlement which is incongruent with requirements and expectations of HMPPS. For example, forced disclosure (of a criminal conviction), whilst conceivably having some risk-related utility, can be harmful. It can prevent individuals developing meaningful relationships needed for becoming a 'changed person', termed 'secondary desistance' (Maruna and Farrall 2004). Relatedly, societal attitudes towards people who have a conviction as a collective tend to be punitive and vindictive (Mahoney et al., 2021), which poses a further barrier to desistance.

Populist narratives – discourse which 'denigrates the views of professional experts and liberal elites and claims instead the authority of "the people"' (Garland, 2021: 2) – have, for example, recently emerged around HMP Five Wells. As such, this new prison has been dubbed 'HMP Five Star' and 'HMP Woke' (Gant, 2022), leading the Justice Secretary to issue a style guide revoking 'woke language', such as 'residents' (Dathan, 2022). The (human) rights of marginalised communities (not limited to people in prison) have been increasingly subject to precarity as a result of culture wars, or more recently termed, the 'war on woke'. This language in and of itself is divisive, othering, and binarizes people into categories, serving to perpetuate the discursive power of privileging one group over another (see Derrida, 1967; 1991). In a post-COVID-19 era where one might expect a greater degree of unity or 'we-ness', social segregation and isolation coalesce with a greater need for a trauma-informed approach.

The social characteristics of the prison population (Halliday, 2022: 26) firmly support the need for greater compassion and understanding towards people in

prison, and less punitiveness. This is supported by current statistics which compare mental health characteristics of the prison population with the general population. Twenty five per cent of the prison population identify as suffering from anxiety and depression, in comparison to 15 per cent of the general population. When looking at attempted suicide statistics, the figures are stark with 46 per cent of women and 21 per cent of men in prison having made an attempt, in comparison to six per cent of the general population (Halliday, 2022: 26). The quality of life and wellbeing of people in prison is also notably worse than that of their community counterparts (De Motte, 2015). Moreover, the accelerated ageing theory argues that older persons in prison experience age related illness at an earlier age (see: Fazel et al., 2001; Wahidin, 2005; Wahidin and Cain, 2006; Wahidin and Aday, 2011). Advanced ageing in prison consequently results in the older prison population requiring earlier health and social care interventions.

Lived experience of having a sexual conviction

In keeping with Sykes' (1958) finding that the most respect is given to those who reaffirm their masculine status within the prison, Crewe (2009: 76) found that men who had a sexual conviction 'undoubtedly served a symbolic function with the prisoner world, as the cultural bogey-men in relation to whom anyone could claim moral superiority'. For individuals with sexual convictions, attempts are continually made to engage in identity management (Schwaebe, 2005). For many, the label of having a sexual conviction can make it difficult to move on, inhibiting their ability to create a new identity for themselves in which they are no longer primarily identified as a 'sex offender' (Dwerryhouse, 2018: 111).

Owing to their experiences of imprisonment and, subsequently, community-based punishment, individuals convicted of sexual offences often have a protracted experience of the 'grip' of penal power (Crewe and levins, 2020; levins, 2020). Whilst a *tight* grip can communicate a form of 'closeness and consistency' (Crewe and levins, 2020: 5) and be experienced positively, a *loose/lax* grip, for some, can be experienced negatively when 'prisoners consider themselves in need of institutional attention' (*Ibid*, p.2). Penal power can also be experienced as both *tight and loose/lax* in 'circumstances where it is demanding yet unresponsive, even to its own directives and requirements – it can be both loose and tight at the same time' (Crewe and levins 2020, p.14). Experience(s) of how penal power is exercised not only impacts upon hierarchical relationships within penal settings, but also those that exist laterally (levins, 2020). This has implications for how individuals experience imprisonment, but also how they associate with one another.

For most people in society, community identification can be a source of in-group support. Indeed, 'there is also evidence to support the idea that there is an additive effect of identifying with multiple groups' (Wakefield et al., 2019: 4). Haslam et al. (2008) suggest that multiple and varied group identifications are beneficial as each can offer a different type of social support, and one can be sure that the relevant social support will always be readily available. However, identification to some groups can be stigmatising in and of itself (Bowe et al., 2018). The presence of stigma can have a negative impact:

'Stigma effectively creates ingroup divisions and transforms a supportive ingroup encounter into a strained inter-group encounter, as service users come

to expect negative treatment from service providers on the basis of their community background. This undermines trust and cooperation and leads to a vicious circle of misunderstandings, disengagement, and conflict (Wakefield et al., 2019: 7).

However, stigma-related conflict can be overcome by reinforcing inter-group commonalities (Bowe et al., 2018). This has been evidenced in the research of levins and Crewe (2015) regarding the experience of men with sexual convictions in an English prison. levins and Crewe (2015: 482) found that 'prisoners attempted to form an accepting and equal moral community in order to mitigate the pain of this moral exclusion and to enable the development of a convivial atmosphere. However, these attempts were limited by imprisonment's structural limitations on trust and prisoners imported negative feelings about sex offenders.' For some, this was overcome by attempting to 'manage this situation by accepting the label given to them' (*Ibid*: 490). Accepting, and reclaiming, perceived derogatory terms has been found to be empowering, as also indicated by similar occurrences by groups within LGBTQ+ communities (Coles, 2016).

As demonstrated, group identities can present a dual potential. On the one hand, they can be a 'social cure' (Jetten, Haslam, and Haslam, 2012), whilst also being a 'social curse' (Kellezi and Reicher, 2012). Kellezi et al. (2018: 333) highlight that whilst shared identities guided by an serve as 'social cures', they can also be a 'source of burden, ostracism, and distress' amounting to 'social curses'. In this way, it could be suggested that belonging to a 'moral community' (levins and Crewe 2015) comprising of men with sexual convictions can either be a social cure or social curse, or both. As argued by Bell,

Winder and Blagden (2018: 16), for men with sexual convictions, 'engagement with a social group in the community could help to reduce the "social curse" (Stevenson et al., 2014) that the label of "sex offender" brings with it'. Therefore academic, clinical and policy attention should be directed to strengthening the social cure elements of the moral community dimensions of having a sexual conviction, whilst also supporting such individuals to acquire and join, not just identify, with other meaningful social groups. My research is seeking to ideographically explore (i) impediments to (re)integration and the feeling of 'belonging' in the community; (ii) to what extent being part of a 'moral community' (Levens and Crewe, 2015) of men with sexual convictions is a social cure and/or curse to acquiring other group memberships, and the impacts of this; and (iii) how their social identities have changed, or not, since having a sexual conviction.

Accelerated social ageing

One of the novel findings stemming from my longitudinal research with men with sexual convictions is that by virtue of having a sexual conviction there is a social ageing process which can occur. By this, I mean the activities and experiences one has are more akin to people who are substantially older. Age-relevant activities might include, for example, frequenting licenced premises with friends and (potential) significant others, but chiefly being around people (of all genders) of a similar age. Risk-focused practitioners such as probation officers however can use their penal power to limit who one associates with and where association occurs. Contextually, this power is even more so consequential as men with sexual convictions are often ostracised due to the nature of their offence. As such, support to maintain familial and social relationships is arguably more needed.

This is however often compounded by licence conditions which are typically restrictive and punitive, and in practice can prevent association (Maguire and Brookman, 2005).

One participant recalls an experience of trying to get approval from probation to book onto a family holiday with his adult brother and sister-in-law. Before a destination was decided, or approval granted, tropes about going to Thailand were hinted by MOSOVO, but the deciding factor for probation for not allowing him to go was the alcohol consumption of a family member, despite he himself being sober for 15 years.

'Before this lockdown business and that I was going to go on holiday, I spoke to [MOSOVO] and said to her about going on holiday, 'yeah I've got no problems with that'. Told her who I was going with and said, 'I know I can't go to Australia or America', she said, we'll need to know who you're going with and where you're staying and all the rest of it because you could be saying all this and go to somewhere like Thailand. I said, 'yeah, I know that because it's a sex tourism place'. Anyway, I was telling [Probation], [sister-in-law] managed to sort it all out and so I'd paid her the money and then I went into [Probation] and bang give him the details of the holiday... and the following week he said, 'you can't go, it's been knocked back'. I said, 'why's that?'. He said, 'because of who you're going with. You're going with your brother, and he drinks'. I said, 'I haven't had a drink though for 15 years'. He went, 'if you were going on your own it wouldn't be a thing'. I said to him, 'well surely I'm more of a risk if I'm on my own, than what I am – it's a family holiday... I don't want to go somewhere on my own where they're sitting 80 years of age in a Zimmer frame and all the rest of it because I've got that to come. All that's going to do

is pull me back down again' [Participant 9 (59) – repertory grid 1]

Carl (not his real name) indicates that being prevented from going on holiday and thus left alone is an insight into what is to come. Similarly, he goes onto discuss being recommended by his probation officer to attend a coffee morning for older men. Carl referred to this to as an 'old boys club' which he attended once and then disengaged from. There is a disconnect here between perceptions of appropriate activities, but also perhaps an insight into the offering of what might be perceived of as a low-risk activity (single gender; older persons). However, perversely this could drive up the risk level of Carl by virtue of him not having age-appropriate social outlets. Referring to Wakefield et al. (2019), that multiple group memberships have an additive effect in relation to providing (in-group support), people with sexual convictions should be supported to have multiple and varied age-appropriate social outlets. The wellbeing of such individuals with sexual convictions depends upon being supported to navigate the social world with a sexual conviction. This can potentially be juxtaposed against the notion that, when discussing younger men who have a conviction for a non-sexual crime, the literature has primarily focused on how both imprisonment and resettlement experiences can 'suspend' maturation (and by implication act as a barrier to desistance) (Cohen 1972; Cope 2003). This is especially true when the connectedness and sociality that existed pre-sanction, may to some extent be replicated in penal settings. As such 'accelerated social ageing' is *unlikely* to apply in this same way to persons with non-sexual convictions.

I find it right hard to sleep, you know, sometimes its 4am in the morning and I'm in the kitchen having a coffee, pitch

black and feeling like I'm going off my head, because I'm thinking, how do I move on? If I met a woman, and I liked her, we got on alright, and we were chatting and all of the rest, it'll come a stage where you'd want to move it on a bit, but I'll have to tell her then. I'm thinking – not just with a female, but with males as well. If I've got a couple of friends coming over, then there's that, well can I trust them enough? If they've got the hump with what I've been convicted of or what have you [Participant 9 (59) – semi-structured interview 1]

Conversely, whilst there might – for some – be a rejection of decisions and activities that might socially age a person, there are occasions where one has been more welcoming of being around persons who are older, arguably due to the felt safety of being around such people.

'I haven't decided quite how much I want to tell people, and how much I don't. I'd like to have a group of people I can really sort of open up to and that, but I don't who that group wants to be. Because I want to get into – I do a bit of cycling, I'd like to get into a cycling club or something. Just an old person cycling club... It'd be nice to be honest with people like that, if you've got 15 people you see on a regular basis and socialise with do you take the chance of opening up? It's just a hard one' [Participant 3 (53) - semi-structured interview 1]

Whilst social integration can enable some to take a path towards desistance, for others, having a perceived 'spoiled identity' (Goffman, 1963), and experiencing 'relational bads', such as domination, fear and mistrust can occur (Weaver, 2012; Weaver and McNeill, 2015). For men with sexual convictions, these can be compounded by underlying

concerns regarding forming new relationships, often relating to a fear of disclosure (McAlinden, Farmer and Maruna, 2016). What I refer to as 'anticipatory disclosure' is a perpetual state some stay in for an indetermined period of time and can hamper an individual's sense of self and their wellbeing. The individual above (David – not his real name) is a keen cyclist and in good physical health. However, the *weight* of having (to disclose) a sexual conviction meant that prospective friendships would have to be with people who he deemed as 'older' as he felt that he could be 'honest with people like that'. This perhaps relates to a feeling that older persons are more understanding, and/or that they are less physical(ly) intimidating.

Safety, and feeling safe, is particularly important for people with a (sexual) conviction. It is also an important principle in trauma-informed work (Levenson and Willis, 2019), and one that needs to be integral in relationships and encounters with people who have a conviction of any kind. Safety, empathy and respect are all key for genuine and supportive relationships to flourish. Supporting people to thrive and not simply survive is key for a healthy society.

A call to arms

This section builds upon the previous two sections to offer evidence-informed recommendations which aim to support the integration of men who have a sexual conviction. The recommendations firmly have at their core the evidence base of what works and the need to adopt a person-focused approach.

Whilst the public/community protection model dominate responses to people who have a conviction for a sexual (and/or a violent) crime (see: Kemshall and Maguire, 2001), there are few

organisations in the country which adopt a more public health-based ethos. The Lucy Faithfull Foundation and the Safer Living Foundation (SLF) are two examples of organisations which simultaneously aim to keep communities safer and reduce (re)offending through supporting people who have unhealthy sexual thoughts through to people also convicted of a sexual offence (Safer Living Foundation 2022; The Lucy Faithfull Foundation 2022). Each of these organisations offer support through prevention initiatives, whilst the SLF offers an array of rehabilitative initiatives also. One such initiative is the Corbett Centre, a community center in Nottinghamshire which 'provides social and practical support for anyone with a sexual conviction via workshops, courses, and with a range of training and educational opportunities' (Winder, 2022: 6). However, this is the only one of its kind, with the need for such centres elsewhere in the country notable by the volume and geographical spread of referrals. There are, however, challenges and barriers to the existence and development of such initiatives – populist attitudes (see Whitfield, 2019) and limited funding being two which overlap. The antidote to these however might lie in public criminology.

To challenge the dominant – and damaging – responses to individuals with sexual convictions, the author argues that public criminology offers a valuable theoretical lens which should be used to develop holistic-focused policy and practice for implementation by practitioners working in this area, but also for wider audiences who can support change. Public criminology, as a sub-discipline of criminology, is chiefly concerned with issues of citizenship, social justice, and human rights, advocating for not just understanding contemporary sociological and criminological issues but to 'make a

difference and bring about change' (Carrabine, Lee and South, 2000: 207). Current policies and practices associated with integrating men with sexual convictions post-release from prison should be appraised, developed and informed by the principles and commitments of public criminology: (i) transparency; (ii) being theoretically informed; (iii) evidence-based (iv) empowerment-driven (v) committed to practical change; (vi) committed to social justice and human rights; and (vii) connects public issues and private troubles (Ibid). If societal and criminal justice responses can be driven and shaped by these principles, there is the potential to tackle some of the structural issues which are driving a risk-centric penal agenda. A de-prioritisation of risk would allow for men with a sexual conviction to still be appropriately risk managed, but to live a 'good' life which allows them to be socially fulfilled, have intimate and meaningful relationships, and hope for the future.

Conclusion

The politicised nature of policy formation is always going to be a hurdle to the curation of responsive and holistic-focused policies and practices which support men with sexual convictions. However, the costs to not developing such responses are innumerable. Lacking belonging, and by extension feeling isolated, has the potential to increase the risk of re-offending (Marshall, 2010; Ward, Keenan, and Hudson, 2000). Whilst there are multiple human and financial 'costs' associated with re-offending; one must ask of probation services the role they have in such. Prison for some men with sexual convictions can be a time to contemplate change (Blagden, Winder and Hames, 2014) and look to the future. However, there is a question to be asked of the role that prison culture can have in providing an inflated sense of hope for

release. In my research, participants have reported inconsistencies in their dealings with probation and MOSOVO officers which significantly impede their ability to develop meaningful social identities and relationships with others. Being cut off from meaningful social connection and thus being socially isolated should not be the price to pay for living in the community. The task for policy makers and practitioners alike is to balance risk requirements with proactively supporting people to find meaningful and appropriate social outlets. Whilst this may seem a task which should sit lower down on the priority list for probation and MOSOVO officers, the costs of de-prioritising this continue to accumulate.

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Victorian juvenile institutions for girls, the ideology, pathways and licence

Tahaney Alghrani

'Delinquent' juveniles and the question of how best to deal with them have been an area of contention since the establishment of the first juvenile institutions in the nineteenth century. The 1854 Youthful Offenders (Reformatory Schools) Act enabled the establishment of reformatory schools to reclaim juveniles from a 'criminal career'. These were designed to house children under 16 years of age who had been convicted of a crime, for a period of between two and five years, after they had served an initial 14 days in a local prison. The 1854 legislation was followed by the Industrial Schools Act 1857, which established industrial schools to prevent 'at risk' children from slipping into criminality.

The establishment of reformatory and industrial schools in the second half of the nineteenth century marked a watershed in the history of 'delinquent' children and the penal system's response to youth. Never before had state-run juvenile institutions been set up on such a scale across England. By 1860, approximately 4,000 young offenders were being housed in 48 reformatories and, by 1900, over 30,000 young people were being held in over 200 state reformatories or industrial schools (Godfrey and Lawrence, 2005: 136). From the 1850s to the early 1900s, around 900 boys and 200 girls were committed to reformatory and industrial schools per year (Godfrey *et al*, 2017: 29). Although the number of boys committed outnumbered that of girls, boys and girls were reformed, trained and regulated in gender-specific ways both within the institutions and upon release. My research, utilising archival and digital sources, profiles the

admissions and discharges of girls in three female institutions (Red Lodge Reformatory, Carlton Industrial, and Manchester Sale), in two urban locations (Bristol and Manchester) during the period 1854 to 1920.

Both Manchester and Bristol, like other urban cities in the nineteenth century, were undergoing significant economic and social changes during this period. Females' increasing presence in the public sphere, due to working in mills and factories, were seen as threatening to the gendered social order (Gomersall, 1997). Victorian environmentalism deemed the urban towns and cities 'immoral' sites of vice and degradation (Goodman, 2003; Croll, 2000; Archer, 2011). In examining these two cities, I sought to identify the socio-economic similarities and differences between the two locations, as well as local concerns around working-class urban family life and its impact on the pathways of girls in and out of the institutions in these two locations.

'Victim or threat?'

'The very susceptibility and tenderness of women's nature render her more completely diseased in her whole nature when thus perverted to evil and when a woman has thrown aside the virtuous restraints of society and is enlisted in the side of evil. She is far more dangerous to society than the other sex.' (Carpenter, 1864: 31-32).

This image of 'deviant' females, as portrayed by Mary Carpenter, illustrates how females were presented in the reform 'ideology', as both victims, and a threat to society. Shore (2002) argued that the Victorian preoccupation with morality ensured that girls' delinquency and sexuality were closely linked. The

admissions records used in this research were imbued with moral judgements of female 'immorality' and Victorian standards of 'respectability'. This provides an understanding of the Victorian gendered stereotypes of working-class girls who were deemed 'delinquent' and 'at risk'.

Pathways into the institutions

The Reformatory Act (1854) and Industrial Schools Act (1857) (further amended in 1861, 1866 and 1880) widened the net of those categorised as being 'at risk', leading to the blurring between admissions into the two types of institutions. Girls could be admitted whether they had committed petty theft of items of relatively small value or had not committed any crime but had simply been found on the streets. This is illustrated in the case of Clara Hales who, aged 12, was committed 'for wandering and not having visible means of subsistence, sleeps out, keeps the company of immoral girls' (Manchester Sale Admissions, M369/4/18/2: 374, MRO). There are many similar cases, which state that the girls had been found frequenting, loitering, singing or selling on the streets. Chesney-Lind and Sheldon (2014) maintain that, both historically and today, girls were more likely to be arrested for activities that were not actually crimes, such as running away, being 'incorrigible', or being beyond parental control. In the dataset, status offences and cases in which the girl is referred to as 'wayward' are administered formally under being in 'want of proper guardianship' and constitute a significant majority of the admission records. The admission records indicate that the removal of children from any association with their 'criminal' or 'immoral' families most commonly occurred if the problematic situation was associated with the mother. Matilda Tomkins, for example, whose mother went to prison 22 times, was

admitted for neglect and the case notes detail how her mother took the girl from lodging to lodging, where she put her to bed in closets (ibid). Similarly, in the case of Rose Moore, Carlton Admission records state: 'Rose is a dear little one saved from an awful life of evil as her mother is described as one worst in life; she leads as a prostitute' (Carlton Admission Record, 21131/SC/CAH/A/1/1. BRO). The authorities deemed it necessary to remove children from parents who were deemed 'immoral', 'criminal' or 'drunken'. Carlen maintains that 'it was their poverty, rather than their lawbreaking that made working-class children prime candidates for incarceration' (1988: 5).

The admissions also highlight the existence of 'blurred boundaries' between victimisation and girls being on the streets (Daly 1994; Pasko, 2010). Within the admissions records, there were many cases which referred to both physical and sexual abuse. Bertha Wright, for example, was admitted to Red Lodge in 1893 for stealing and living on the streets, two months after she reported to the police that she had been raped by her father (*Essex Herald*, 28th February 1893). The admissions records highlight that a majority of the girls had experienced victimisation or trauma, or encountered violence within the home or on the streets. This correlates with recent findings by Goodfellow (2019: 6), who argued that 'a consistent finding about girls in contact with the criminal justice system is the link between offending behaviour and experiences of victimisation and trauma'. The institutions justified the girls' admittance as an attempt to 'save' them and prevent 'immorality'; however, the institutions sought to re-moralise and re-socialise working-class girls along the middle-class ideals of femininity, domesticity and their expected place within the private sphere (Rafter, 1985; Cale, 1993).

Re-socialising and re-moralising working-class girls

'Wayward' and 'immoral' females in the public space stood in direct opposition to the conventional, respectable, feminine domestic ideal, which was reinforced by the paternalistic, patriarchal state, courts, police, church, and philanthropists like Carpenter, who was instrumental in the reformatory movement and establishment of juvenile institutions.



Mary Carpenter portrait, City Art Gallery, Bristol.

Mary Carpenter, who launched the first female reformatory in England, Red Lodge, has been 'hailed as the first women to dedicate a professional life to social reform and the study of crime, especially the reform of juvenile delinquency' (Schwan, 2010: 108).

Red Lodge Reformatory in Bristol, the first certified reformatory for girls, opened on October 9th 1854, with Carpenter as its superintendent. It was officially certified to accommodate 52 girls on December 9th 1854. Carlton and Manchester Sale Industrial Schools opened almost two decades later, in 1875.



Red Lodge Reformatory, Bristol Record Office.



Carlton Industrial School closed, Bristol Record Office.

Unlike Red Lodge and Carlton, which were formerly large Victorian family homes, Manchester Sale was purpose-built to accommodate up to 100 girls.



Manchester Sale Industrial School

Manchester Sale Industrial School, Northenden Road, later became an Approved School in 1933 and in 1973 a Community Home with Education (CHE) it closed in 1980.

The institutions for females had a fundamental agenda of teaching females' domestication and their expected place within the private sphere. Carpenter stated that, 'girls must be prepared for the natural restraints of the home' (1864: 9). The 'everyday' drills, training and feminine activities sought to replicate life in the middle-class home. Girls were required to follow rigid daily routines. They engaged in religious lessons, prayers and hymns in the morning and, in the afternoons, performed industrial laundry work for neighbouring families and the boys' reformatories. As argued by Cox, 'The idea that wayward girls needed to be domesticated firmly underpinned the philosophy and practice of girls' reform for the century between the 1850s-1950s' (2013: 87).



Red Lodge Reformatory, Bristol Archives.

The above image of Red Lodge (circa 1910) shows the girls engaged in needlework. This calm scene, and outward praise of the institution's successes, was however at odds with the reality as depicted in Mary Carpenter's journals which described chaos, scandals, punishment cells, and girls being removed to prison for being 'incorrigible' (Manton, 1976). The cane was used, girls' hair was cropped and there existed serious staffing and management issues (Red Lodge Journals, 12693, BRO). At all three institutions, there is evidence of the girls absconding from the school in groups, rebelling against work and engaging in full-scale riots, such as the one that broke out at Red Lodge in 1870. According to the local newspaper, this riot involved five girls who had barricaded themselves into the laundry room, smashing the windows, furniture and crockery. Three girls, the ring leaders, were sentenced to three months' hard labour in prison while another girl, who was placed in a punishment cell at the lodge, 'threatened to smash the attendant's head open' (*Western Daily Press*, 5 March 1870).

This was far from the benevolent, family-like institutions that Mary Carpenter endorsed and the peaceful scenario portrayed in the image of Red Lodge Reformatory. Cunningham argued that these institutions were not family-like

institutions at all, but places of terror, arguing that the brutality that the girls encountered within them was far worse than the treatment they suffered at the hands of their parents (Cunningham, 1991: 152). The extent to which punishment veered into abuse within each institution is difficult to determine quantifiably, due to the incomplete archives, missing punishment books and absence of diaries, letters or first-hand accounts by the girls themselves. Selleck maintains that Mary Carpenter was a contradictory reformer and notes the paradox whereby 'a person who placed such stress on 'the holy duties of a parent' was willing to compel the separation of parents and children' (Selleck, 1985: 115).

The destinations of the girls who attended the reformatories and industrial schools

After serving their term, girls were released on licence for three years. Owing to the difficulties of tracing these young women (who tended to change their surname on marriage), it is difficult to trace this group throughout their life course (Cox *et al.*, 2019). I examined the girls' post-incarceration experiences during their licence period, in some instances beyond, to explore their destinations and transitions into early adulthood in the nineteenth and early twentieth centuries.

The institutions defined the successful reform of a girl based on her ability to go on to lead a 'respectable' life that was free from criminality, often involving stable employment in domestic service and ultimately marriage. The discharge and licence records indicate that the girls' offending rate during their licence period was extremely low. The records indicate that, for all three schools, the conviction rate was less than five per cent. In comparison, to juvenile boys, who attended similar institutions in the

same period, as outlined in *Young Criminal Lives* (2017) who found convictions for boys after leaving the institutions was 22% over their whole lives and only 2% more than one crime after release. The low conviction rates for girls during this period highlights the existence of gendered differences regarding the girls' pathways and re-integration into society post-incarceration.

The majority of the girls from the three institutions were placed in domestic service, which provided them with both work and accommodation. The gendered ideology, which played a significant role in the reform and discipline of the working-class females in the institutions, continued to be significant even after they left. Employment in domestic service was not only central in ensuring probationary surveillance over the girls, but also served to reaffirm the gender and class order. As Rafter (1985) points out, however, the middle-class reformers had little understanding of the reality of the lives of these girls and subjected them to impossible behavioural standards. The institutions deemed employment in domestic service as respectable, regardless of the conditions and the difficulty of this work for the girls.

Ellen Louise Cook (Nelly), for example, was licenced in 1912 but, despite going into domestic service, this failed to provide stability in her life. While in service at Brock Holme Farm (service on farms was physically demanding), she attempted to drown herself, informing sergeant Richardson 'I am tired of life and I fully intended drowning myself' (Miss Sullivan's Discharge book, 5137/1: 568). Nelly was sent to Aylesbury Borstal for 12 months where, the magistrate stated, 'she would be taught to start again' (Miss Sullivan's Discharge book, 5137/1: 568).



Aylesbury Borstal, established in a wing of Aylesbury prison, Wikimedia.

Admissions records also highlight how many girls were relocated to various parts of the country and even further afield, to Canada. Research into relocations to Canada highlights the severe failings regarding the protection of this group (Parker, 2010; Parr, 1980). Records from Manchester Sale illustrate the case of one girl who was sent to Canada from Manchester Sale in 1887, in which the girl was 'ruined'. The discharge books fail to report when girls returned from Canada, however, as in the case of Agnes Harman, who entered domestic service in New Brunswick, Canada and returned to Bristol pregnant (Carlton Discharge Records, 21131/SC/CAH/A/2: BRO). The licence records do go into detail about girls such as Elizabeth Lewis (also referred to as 'Betsy' in the records), who was admitted to Red Lodge on a charge of larceny in 1881. The discharge book records that, in 1904, Elizabeth came to stay at the school, stating;

'18 years since Betsy went to Canada; she is a very nice little woman, married very well. Has four children, 2 boys and 2 girls. Did our girls in school very much good to have her here' (Miss Sullivan's Discharge book, BRO, 5137/1: 331).

The institutions placed significant emphasis on marriage as a criterion for measuring the girls' success in life (Cox, 2013). Marriage also often put an end to employment, as married females were expected to carry out their duties in the private sphere, as 'unpaid domestics'. However, marriage within the working-class communities did not always provide females with the 'male saviour' that the middle-class ideal promoted. The discharge records illustrate cases in which criminal spouses and abusive relationships lead to instability and further re-institutionalisation for the girls in prison, borstals, inebriate reformatories and asylums. Roberts (2015) argued that mistreatment and abusive relationships can lead to women initially becoming involved in crime, but can also contribute to them revolving in and out of the criminal justice system.

Concluding thoughts: 'Lessons from History'?

The admissions records of juvenile girls who entered the female reformatories and industrial schools reveals the criminal justice system's historic treatment of female 'offenders' and those deemed 'at risk'. Linking the past to the present will inform youth policy for the future. As Garland postulates: 'The point is not to think historically about the past but rather to use that history to rethink the present' (Garland, 2001: 2). The plight of young girls who end up in the youth justice system today is still primarily motivated by a desire to protect them from 'moral danger' (Worrall: 1999, 41). In 2012, a parliamentary enquiry stated that 'girls are still being treated more harshly by magistrates if their behaviour contradicts gender stereotypes' (APPG on Women in the Penal System, 2012).

Knowledge of the juvenile institutions of the past and the experience of the girls who entered and left these institutions

contribute to the gendered experience of youth justice. Understanding this continuity, including the patterns of girls' detention, enables us to intervene in the current debates, particularly those regarding the proposal to introduce secure schools. Historical knowledge allows us to advocate for change, and to reimagine alternatives to the recycling of the old structure of youth justice upon which we have relied for far too long.

This paper is based on Tahaney's unpublished PhD thesis entitled: 'Girls Incarcerated: 'Delinquent' and 'At Risk' Girls; The ideology, reform and pathways in and out of juvenile institutions in Manchester and Bristol, 1854-1920.

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Picture Box: A collection of images
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Image credits

Julia Morris 23/11/1921, West Midlands, England, Criminal Registers, 1850-1933

Mary Carpenter portrait after a photograph, c.1860; in the City Art Gallery, Bristol

Red Lodge Reformatory, street view, 40826/BUI/80, Bristol Record Office

Carlton Industrial School, 37006/Ph/1, Bristol Record Office

Manchester Sale Industrial School, Northenden Road, source *Sale Memories*

Red Lodge girls, c.1910, 12693, Bristol Record Office

Aylesbury prison Photograph over 100 years old in public domain by virtue of age

About the author

Tahaney’s research centres on juvenile institutions in the nineteenth and early twentieth centuries. Her primary focus is on the ideology, reform and discipline of juvenile females incarcerated within reformatories. Her interdisciplinary approach is to investigate historical sources utilising

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<https://www.liverpool.ac.uk/sociology-social-policy-and-criminology/research/postgraduate-research-students/tahaney-alghrani/>

Victims' experiences of Community Protection Notices: The need for an underpinning restorative approach to protecting victims of anti-social behaviour

Zoe Rodgers

Introduction

This article presents key findings from an independently led qualitative master's dissertation published recently in the *International Review of Victimology*, which examined victims' experiences of Community Protection Notices (CPNs) (Rodgers, 2022). The project took place between June and August 2020 during the COVID-19 pandemic as part of the MSc Criminology and Criminal Justice Practice course at Sheffield Hallam University. The rationale for undertaking the project centred around raising awareness and knowledge about CPNs amongst victims and practitioners alike, with the research conducted in collaboration with the victims' charity ASB Help.

This research is one of the first pieces to address the new power introduced by the Anti-Social Behaviour, Crime and Policing Act (2014), besides the work of Heap *et al.* (2021; Forthcoming), which looks at the experiences of recipients and practitioners. In contrast, this project provides the victims' perspective of the CPN process. The research highlights concerns around transparency, accountability, the correctability of requirements imposed, and victim involvement in the CPN process. In response, three empirically grounded recommendations and a model outline anti-social behaviour (ASB) victims' needs and vulnerabilities. Finally, the accounts highlight the need for an authentically restorative approach underpinning the CPN process.



Response to anti-social behaviour in England and Wales

Introduced in England and Wales by the ASB, Crime and Policing Act (2014), the CPN seeks to protect victims of ASB by addressing unreasonable and persistent conduct, which has 'a detrimental effect on the quality of life of those in the locality'. Per the broad legal definition provided by the act, ASB is 'acting in a manner that caused or was likely to cause harassment, alarm, or distress to one or more persons, not of the same household as the defendant.' The CPN can subsequently be issued to individuals aged 16 or over or to a business committing ASB by the police, local authority, social housing provider, or any other authorised persons with delegated power from the local authority.

However, a Community Protection Warning (CPW) must first be issued outlining the unreasonable behaviour and steps to be taken by the recipient before attempting to implement a CPN. Once a CPN is in place, a breach of any of the requirements included is considered a criminal offence. The requirements can include prohibitions (e.g., exclusion zone) and positive requirements (e.g., anger management course). Punishment for a breach includes a fixed penalty notice (up to £100). In addition, on conviction, punishment may include a fine of up to

£2,500 for individuals or £20,000 for businesses. Alternatively, a recipient could be required to comply with a court order such as remedial action, forfeiture or seizure order, with non-compliance constituting contempt of court with a maximum five-year custodial sentence attached.

In expanding the range of authorised persons able to issue the CPN, the Conservative-Liberal Democrat coalition hoped the new approach underpinned by the 'putting victims first' agenda would address the limitations of the CPN's predecessor, the Anti-Social Behaviour Order (ASBO). For example, 58per cent of ASBOs issued between 2000-2012 were breached at least once, with an average breach rate of 4.9 times (Ministry of Justice, 2012). As a result, the coalition reduced the previous nineteen powers created by Labour to six. These powers include the CPN, discussed in this article, the Civil Injunction, Criminal Behaviour Order, Public Spaces Protection Order, Closure Notice/Order, and Dispersal Power. This approach is bottom-up in nature and designed to be a quick, practical, easy-to-use deterrent to perpetrators. The introduction of the Community Trigger alongside the new powers supports this vision by enabling victims and communities to initiate a review of their ASB case upon meeting their local threshold if there is perceived to be an insufficient response (Heap, 2016).

Consequently, the fact that the CPN seeks to address the underlying problems leading to anti-social behaviour, including positive requirements, is crucial as the ASBO only imposed prohibitions upon recipients. In addition, the flexibility of the CPN's purpose allows practitioners to 'deal with particular ongoing problems or nuisance[s] which negatively affect the community's quality of life' by targeting

those responsible (Home Office, 2021). Increasingly the CPN is being used by practitioners; the most recent freedom of information request by the Manifesto Club in 2018-2019 indicated that 8,760 CPNs were issued (Manifesto Club, 2019). However, recent cases within the media raise concerns about whether this new approach addresses ASB appropriately.

For example, Stephen and Jennifer Chapple were fatally attacked in their home on 21st November 2021 after an alleged neighbourhood parking dispute (BBC, 2021). The Chapples had repeatedly contacted the authorities; however, they were unable to gain a solution to the problems encountered. This approach means there is still a postcode lottery about what priority to give ASB, thus failing to protect socially disadvantaged and marginalised victims. When reviewing and comparing literature regarding the Crime and Disorder Act (1998) and the ASBO, many of the problems raised by victims' accounts in this research remain consistent.

The impact of anti-social behaviour and the perceived effectiveness of responses

Our limited current understanding of anti-ASB powers is due to several factors, including the focus on now-repealed solutions, a lack of evaluative research into the six new powers, and the methodological approach to the issue which prioritises numerical outcomes over the lived experiences of victims. Nevertheless, supporting the cases discussed above, recent qualitative research exploring the long-term impact of ASB on victims (Heap, 2021), found such conduct to be significant in terms of the change in behavioural routines, fear, stress, anxiety and upset caused. While this research provides a general insight into the experiences of victims, there is still more work to be done to explore the

protection offered and victims' experiences of each of the new powers.

The long-term impact of ASB is associated with the perceived unsatisfactory response from authorities with delegated responsibility (Heap, 2021). This finding reflects previous qualitative and quantitative research, highlighting the 'merry-go-round' of referrals victims experienced through responses legislated by the Crime and Disorder Act (1998). According to the quantitative findings from Brown and Evans (2014) and Case *et al.* (2011), these referrals negatively impacted victims' satisfaction levels and how well-informed victims felt about their cases.

Casey and Flint (2007) and Farrow and Prior (2006) support these findings concerning the previous powers using the mixed methods approach. However, they found that the duration of cases spanned several years, and many were without a positive resolution, which led to victims feeling desperate for help to address the impact of ASB on their lives. This research took these limitations into account, applying a qualitative approach and an aligning critical victimological theoretical framework proposed by Mawby and Walklate (1994) to gain the 'lived experiences of victims'. In addition, this research addressed the research gap and highlighted the potential secondary victimisation experienced by victims.

Researching victims' experiences of CPNs

This primary research used five semi-structured telephone interviews with victims across England and Wales: one from the Yorkshire and the Humber region, three from the East Midlands, and one from the South East. An invite sent to victim support services, social

media, and contacts from previous researcher roles led to the recruitment of these five individuals. All victims had experience with both the CPW and CPN. In addition, two individuals within the sample also had experience of court proceedings following repeated CPN breaches. The sample consisted of men (one) and women (four) aged between 47 to 61 years.

The interview schedule addressed victims' ASB case and impact, authorities' responses, and the perceived effectiveness of CPWs and CPNs. Participants were supported during the interviews with sensitivity, provided a right to withdraw and signposted to support services; ethical approval was granted through the authors' institution. The data collected was analysed following the six-phase framework Braun and Clarke (2006) proposed, producing three key themes associated with the victims' constructions around the impact of the ASB, authorities' response, and experience with the CPN process.

Findings

Impact of the ASB

The impact of ASB on participants' lives was significant. In Sophie's case, it affected her psychological, emotional and physical well-being, her employment, and her day-to-day family life¹:

"Stress, anxiety, and at one point, my marriage nearly broke down as my husband moved out. My son has ADHD and Asperger's; he has ended up missing no end of school because he cannot cope with the emotion of being so overtired and then having to face school. I was a teacher—a nursery teacher in school, and you know it got to the point where I couldn't go into school when I

¹ Participant names used throughout are pseudonyms.

had so little sleep the night before. You know, when you are responsible for 3–4-year-olds, you literally have to have eyes in the back of your head, and I couldn't keep my eyes open. So, you know I didn't feel comfortable sort of carrying on, so I had to literally quit my job." (Sophie)

The lack of response by authorities highlighted the failure to protect vulnerable victims, such as individuals with disabilities. Two participants discussed how the ASB affected their own or a loved one's disabilities and made the ASB increasingly intolerable to bare on a day-to-day basis. As Georgia explained:

Basically, it has turned us just into a nervous wreck really. The whole family is affected in one way or another. Because I have an elder son who is 24 with anxiety issues—he won't leave the house... They put him on CBT and part of that was to try and get out and do things—go for a walk each day and whatever. Because he can't go out of the house as he is fearful of this bloke... then they just threw him off counselling. So, he has had no support now for about 3-4 years..." (Georgia)

Participants either altered their behaviour completely around the perpetrator, accepting their reality, or adjusted to their behaviour while expressing resentment towards the perpetrator and persevering with contacting the authorities about their situation. In comparison, other victims tried not to be adversely affected and instead determined to continue as normally as possible, showing resistance to the perpetrators' conduct.

Authorities' Response

From victims' accounts, there was a shared consensus around the continued presence of the 'merry-go-round' of referrals (Brown and Evans, 2014; Case *et al.*, 2011). The victims interviewed

suggested that this distorted the authorities' perceptions of the rate of ASB victimisation in their areas as Sophie summarised:

"Well, half of the time you ring the police; it is an absolute nightmare because I get told it is not a police matter—you need to ring the council. All the time; in fact, last night, this family down the road, an Asian family... well for, the first time ever, it had gotten so bad next to him that he rung 101. The woman was so abrupt with him she said I don't know why you are ringing us; you need to ring the council about that; it is not a problem we can deal with; is it? So, you know, the chances of him ever ringing back to 101 are really slim, you know. When you do ring the police, the actual chances of anyone coming out is again very slim." (Sophie)

Communication deficiencies raised by victims between themselves and the authorities and between partner agencies reinforced the latter point. Victims referring to 'spraying' reports in the hope of someone eventually picking their case up, as discussed by John:

"Yes, I find I am repeating myself over and over again to them, but nothing ever gets done." (John)

For victims, the prioritisation of the CPN process came at the expense of understanding their experiences. These perceptions stem from the lack of transparency and accountability for ASB from practitioners with delegated responsibility, which ultimately led to concerns around the effectiveness of the CPN process.

Experience with the CPN process

Participants raised questions about the effectiveness of CPNs due to the significant amount of time it took for the CPN to be issued, and for a case to reach court upon repeated breaches of

the CPN. These findings led to questions about whether the breach rate for CPNs could be higher than for ASBOs (Ministry of Justice, 2012). Furthermore, a lack of victim involvement led to issues in the requirements imposed as they did not cover all the anti-social behaviour experienced by victims. The lack of follow-up meant that victims were unable to correct or amend the requirements of the CPN to include all the ASB that they were experiencing. In addition, the CPN had a negligible effect once in place in terms of the short respite it offered the victims, as expressed by John:

"I do know he got fined last year for having all the cars outside; that was for the Community Protection Notice. To tidy up all the vehicles, he had out on the front—which he did for five minutes. But the seven-hundred pound fine he got didn't mean anything; it didn't work; all the vehicles disappeared—well, most of the vehicles disappeared—they didn't all go. Since then—since the fine has been and gone—like I say, he has got another nine vehicles out there." (John)

Many of the participants expressed a desire for an authentically restorative environment (e.g., conferencing) where they could discuss the broader impact of the ASB with the perpetrator before going through the CPN process. The lack of victim involvement caused further stress and frustration. For example, as Georgia explained, she was not permitted to see the content of the CPN issued in her case:

".... No, because basically, we were never involved in the terms of it; when he said he was going to issue it, he said that he didn't know what the enforcement would be or the punishment—or whatever at the end of it. When we were told, what it was, to this day, we have never, for some bizarre reason, been allowed to have a copy of it; there is

always an excuse as to why we are not allowed to see it or have a copy."
(Georgia)

Enforcement issues surrounding the CPN process and requirements were present throughout the interviews due to the lack of victim involvement. As was the case with ASBOs, the exclusion of victims and continued ASB by the perpetrator raises doubts about how this new approach in its current form will empower victims and communities (Casey and Flint, 2007; Farrow and Prior, 2006). Victims drew on their experiences to suggest recommendations for change which supported the development of the following concluding comments.

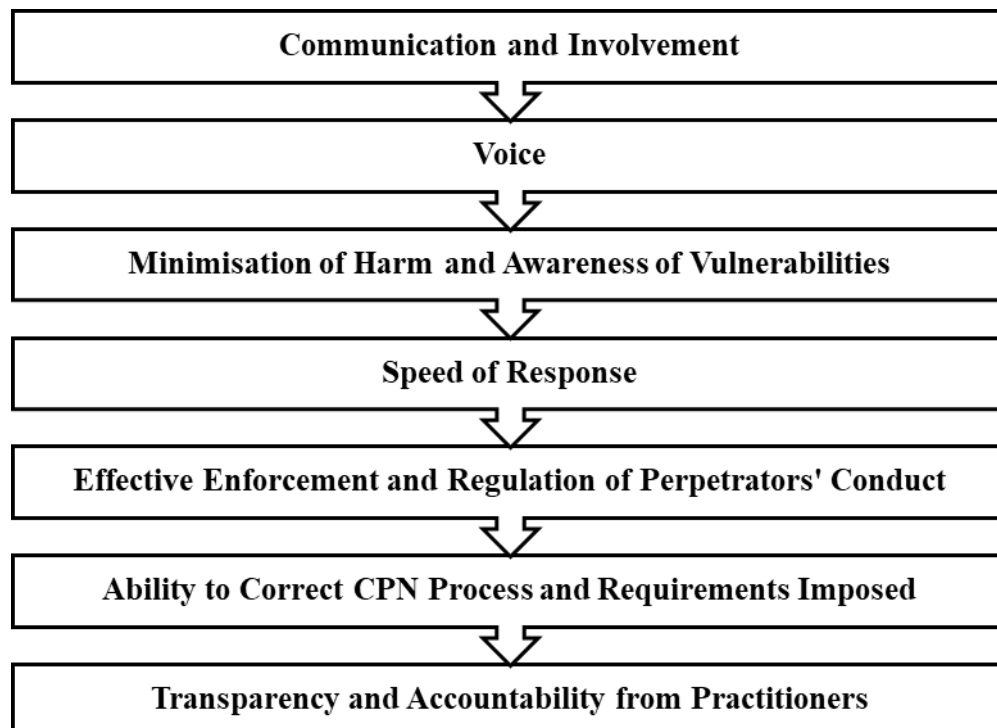


Figure 1: CPN victims' needs model, Rodgers 2022.

Conclusion

This research project has highlighted several important empirically grounded implications for policy, practice, and research. It has raised questions surrounding the 'putting victims first' agenda at the heart of the CPN process and the powers introduced by the ASB, Crime and Policing Act (2014). For this motto to ring true, there is a need for increased victim involvement in the CPN process, a joined-up partnership approach and communication strategy between those with delegated responsibility, and an underpinning restorative ethos. Further qualitative research is needed to develop a fair, positive, and effective process. This research starts to address this gap by providing the first insight into the needs of victims, as summarised in Figure 1. However, accounting for the needs of all stakeholders is required, reproducing the model above. We need to advance our understanding of the 'lived experiences of victims' and those involved to bring about a supportive, inclusive and empowering environment.

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The Post Office Horizon scandal

Kisby Dickinson

Introduction

The recent Horizon Post Office scandal and ensuing legal action has brought significant attention to the working culture and organisational structure of the Post Office. This article will firstly introduce the Horizon scandal and draw out some important issues that emerged from the litigation and appeal process. Namely, that the internal approach to crime control and the Post Office (PO) culture was so problematic as to contribute to a scale of miscarriages of justice not witnessed before in the United Kingdom. Concerns emerging out of the litigation in relation to the organisational culture of the Post Office and their status as victim, investigator and prosecutor will also be identified. Following, I will draw on some findings from historical, archival research relating to the internal approach to crime control, and the culture of the Post Office. Firstly, it will be maintained that whilst an approach to crime control that prioritises revenue and reputation is not inherently problematic, where the status of the organisation is one of victim, investigator, and prosecutor the PO essentially curates its own internal legal system, prioritising the commercial aims of the institution. Second, this is exacerbated by a perception of service staff as a threat to reputation and revenue. The purpose of an historical exploration in this instance being to caution against contemporary recommendations that Post Office culture be addressed as opposed to any substantial changes in oversight of the system of private prosecution.



The Horizon scandal

Between 1991 and 2015 the Post Office bought 918 successful prosecutions against sub-postmasters and sub-postmistresses (SPMs), their assistants and other employees (HOC Justice Committee, 2020). Between 2000 and 2014 the Post Office prosecuted 736 SPMs based on information from their computer network, Horizon (HOC Justice Committee, 2020). Under the system, shortfalls were identified where branch income failed to match Horizon transaction records, and Post Office Ltd (POL) contracts with SPMs determined that they were liable for shortfalls where they were negligent (Moorhead et al, 2021). In practice POL 'treated any shortfall as the SPMs legal responsibility' as in order to continue trading SPMs would have to accept the shortfalls as statements of account, and 'replace' the apparent losses (Moorhead et al, 2021). Despite SPMs disputes and concerns, POL continued to claim shortfalls as debts, as well as pursue criminal prosecutions against them (Moorhead et al, 2021). The prosecutions arising out of this approach have been heavily criticised for their presumption of the dependability of digital evidence (Christie, 2020), and are reflective of the general position of the Post Office articulated in *Bates v Post Office Ltd* [2019] EWHC 606 (QB) where Horizon showed a shortfall, 'that [the] shortfall...

must have been caused by the sub-postmaster, either through mistake or dishonesty' (at 10).

Many of those prosecuted protested their innocence, and a number went on to form the Justice for Sub-postmasters Alliance (JFSA) and took a civil action against the Post Office, maintaining discrepancies were a result of either system errors or third parties with remote access to the Horizon system (Christie, 2020). Two High Court trials followed, *Bates v Post Office Ltd* [2019] EWHC 606 or the 'Common Issues' trial, concerned with SPM contracts with POL. Second, *Bates v Post Office Ltd* [2019] EWHC 3408 (QB), or the 'Horizon' trial which focused on the Horizon system, supplied by Fujitsu, and its robustness (and therefore the reliability of evidence used to convict SPMs). Across both trials, Mr Justice Fraser was critical of POLs oppressive behaviour towards SPMs, maintaining that POL paid little attention to evidence, "taking an extraordinarily narrow approach to relevance, generally along the lines that any evidence that is unfavourable to the PO is not relevant" (*Bates v Post Office Ltd* [2019] EWHC 606 (QB) at 34). He also described the PO as "fearing objective scrutiny of its behaviour" and "operating with a culture of secrecy and excessive confidentiality" (at 36). Prior to handing down judgement in the 'common issues' trial, he announced he was referring information to the DPP because of concerns about the accuracy of evidence given in court. He then went on to find that horizon software was not 'remotely robust' which led to a significant and material risk of PO branch accounts suffering from bugs, errors, and defects (at 444). Evidence suggested that POL and Fujitsu were aware of bugs in the system, and actively resisted just resolution (at 452).

Since the High Court trials the Criminal Cases Review Commission (CCRC) has referred 59 applicants to the Court of Appeal, concerned that the prosecutions amounted to an abuse of process, raising legitimate concerns about whether POL properly discharged its duties of investigation and disclosure under the Criminal Procedure and Investigations Act 1996 (CCRC, 2021). In *Hamilton and Others v Post Office Ltd* [2021] EWCA Crim 557 in the Court of Appeal, for these reasons, the appeals of 53 applicants were allowed, and their convictions quashed. Beyond this, in total 72 convictions have now been overturned, with the judgement in *Hamilton* (2021) case maintaining 'we are driven to the conclusion that throughout the period covered by these prosecutions POL's approach to investigation and disclosure was influenced by what was in the interests of POL, rather than what the law required.'

Throughout the legal process, several issues emerged with regards to the internal PO culture. Firstly, there were concerns about the treatment of staff, as evidenced by the sheer number of prosecutions and continued reference to POL withholding information from staff. In *Hamilton* (2021; 129) it was maintained this was exacerbated by a culture of secrecy and confidentiality among 'white collar' staff. *Hamilton* (2021; 107) and *Bates v Post Office Ltd* [2019] EWHC 606 emphasised PO prioritisation of reputation and profit, and the pursuit of this in defiance of the law. The status of the PO as victim, investigator and prosecutor was identified as problematic, with the issue being referred by Helen Pitcher (Chair of the CCRC) to the Justice Committee, who reported that the entirely internal approach of the Post Office investigative and prosecutorial system had led to a 'blinkered approach' (2020; 55). Indeed, the Justice Committee Report found that

the 'lack of internal or external oversight of the Post Office approach to prosecution is an issue which speaks to a broader concern over growing numbers of private prosecutions....' (2020; 3). POL is not a typical private prosecutor, given the reliance on internal investigators and lawyers to conduct the prosecution of its own workers. This is in part a 'hangover' from the origins of POL as a public body that bought prosecutions and retained its own team of in-house prosecution lawyers (Justice Committee, 2020). Additionally, the lack of oversight over investigations in the PO was characterised as unusual, with the investigations identified by the Justice Committee as 'extremely limited' (2020).

The Justice Committee recommended that Government should strengthen safeguards that regulate private prosecution and embed the process with expectations of accountability and transparency (2020; 3). They recommended the introduction of a binding code of standards, enforced by a regulator that would apply to all private prosecutors and investigators (2020; 30-31). Additionally, they recommended HM Courts and Tribunals Service establish a central register of all private prosecutions in England and Wales (2020; 30-31). Whilst the government response agreed to establish a register, they maintained the introduction of a legally binding and enforceable code of standards was a disproportionate response (HOC Justice Committee, Tenth Report, 2021; 5). Indeed, despite the Justice Committee recommendations, contributors to the inquiry suggested that the 'critical issue' was not one of the appropriateness of private prosecutions, but one of culture and mindset (HOC Justice Committee, Private Prosecutor's Association, 2021; 5). Where the organisational culture does not operate with respect for the criminal justice system, with an emphasis on protecting institutional reputation and

revenue as opposed to principles of due process, whether the prosecution is public or private, problematic issues emerge (HOC Justice Committee, Private Prosecutor's Association, 2021; 5.5).

Organisational culture is difficult to change (Schein, 2004). We have witnessed, through research into policing for instance, the persistence of an organisational culture with a long history (Loftus, 2009). Not least because of the challenges associated with defining, identifying and isolating organisational (Schein, 2004), or occupational cultures (Loftus, 2009). Through considering historical evidence related to processes of internal investigation and prosecution inherent in the organisation of the PO, and the approach to crime control, it is clear that 'emergent' issues are clearly identifiable historically. This contribution will focus on one of these themes specifically, the internal approach to crime control.

An internal approach to crime control

Through an historical analysis of crime, communications technology, and regulation, with a focus on the electric telegraph, I have engaged with the internal process of investigation and prosecution inherent in the organisation of the PO. Given that the electric telegraph network was nationalised in 1870, with the PO essentially granted a monopoly on electric telegraphs (Lehane, 2002), I have examined how the PO responded to crime, and threats of crime between 1870 and 1967. There is evidence of an organisational approach that conceptualises service staff as a threat to revenue and reputation coinciding with an entirely internal institutional approach to the investigation and prosecution of crime.

Processes were established within the institution to ensure that it could respond

to crime quickly, efficiently and without detrimental impact on PO reputation. Fundamental to this approach was the internal investigatory department of the PO, established in 1816, and intended to take on general investigation duties (POST 120/41, 1845). The principal work of the branch was to 'enquire into cases of suspected criminal offences against the PO and certain other cases' with the work of the branch treated as 'highly confidential' (POST 120/41, 1945). Enquiries into offences against the PO believed to have been committed by staff were dealt with by the Investigation Branch, whilst offences believed to have been committed by 'persons other than Post Office servants' were investigated by the police (POST 120/41, 1945). The division of labour between offences committed by insiders and outsiders is significant. The priority attached to offences committed by PO servants reflects the absolute priority attributed to maintaining PO reputation as respectable.

A report detailing the role of the Investigation Branch in 1900 reveals the focus was on PO servants, who 'in connection with their work and against the interests of the Department' committed offences', and the purpose of investigation was detection, prevention, and prosecution by the Postmaster General (PMG) (POST 30/1013 GPO, 1900). Offences included theft, delay, loss, opening, damaging, destruction or secretion of postal packets; divulgement of, forging, delaying or altering or destruction of telegrams or Telegraph Money Orders (TMOs); falsification of accounts, embezzlement and theft; fraudulent issue of money orders, and fraudulent withdrawals from the savings bank (POST 30/1013 GPO, 1900). The Investigation Branch were to deal with all cases where the honesty of a servant was impugned, regardless of the offence. Where offences were committed by PO

servants otherwise than in connection with their work, and where the honesty of the servant has not been called into question, matters were dealt with by the Staff Branch as a matter of discipline (POST 30/1013 GPO, 1900). However, given that enquiry might be required to establish whether there was evidence of staff dishonesty, in practice the Investigation Branch also dealt with matters related to disciplinary procedures. The remit of their role therefore expanded beyond those accused of criminal offences to encompass all considered 'dishonest,' and that perception of dishonesty could arise as a result of accounting records, complaints, staff tips offs, watcher suspicion, missing items, and apparent network failures for instance (POST 30/1013 GPO, 1900). It is argued that this could imply a presumption of dishonesty, which the Investigation Branch then set out to evidence. This could facilitate the 'blinkered approach' identified in the report of the Justice Committee (Justice Committee, 9th Report, 2020).

This presumption existed alongside concerns related to service staff posing a threat to institutional reputation. An example of this is the 'telegraph boy' as articulated by Hindmarsh-Watson (2012, 2016). Whilst the services offered by the PO (in particular the telegraph) attracted the elite the service was facilitated by staff drawn from lower ranks of society, facilitating a 'class convention' collision (Hindmarsh- Watson, 2012; 603). To protect the reputation and revenue of the PO these interactions were heavily regulated, with the lower-class staff a potential threat to revenue and reputation (Hindmarsh- Watson, 2016; 289). Initially reflected through strict training manuals, codes of acceptable behaviour and uniform (Scudamore, 1871), the discovery of, and regulatory response to widespread prostitution among telegraph

boys, culminating in the Cleveland Street Scandal of 1889, saw the gradual ushering in of increased surveillance and control of staff (Hindmarsh-Watson, 2012:600-601, 615), specifically service staff (Daunton, 1840).

The perception of 'service' staff as a threat was not reserved for telegraph boys. Increases in workload of the Investigation Branch were met with concerns relating to a potential increase in 'staff dishonesty' (POST 30/1971 Secretary's Office, CEB, *Revision of...* 1908; Secretary's Office, IB, *Treasury Reminder of...* 1908-09). Records indicate high numbers of staff were dismissed for 'offences under the general heading Dishonesty' (POST 30/1971 Secretary's Office, IB, *Enquiry by Treasury...File IV 1910*). From 1899 to 1907, between 210 and 269 staff were dismissed for this per year (POST 30/1971 Secretary's Office, IB, *Enquiry by Treasury...File IV 1910*). Throughout the same period, between 72 and 116 PO Servants were prosecuted by the PMG per year (POST 30/1971 Secretary's Office, IB, *Enquiry by Treasury...File IV 1910*). By 1927- 1932, though, the level of staff being dismissed in relation to 'dishonesty' remained stable (between 198 and 235 per year) and the number of staff being prosecuted increased to between 203 and 239 per year (POST 120/ 3084.1 GPO IB: Annual Report 1957). By 1945, the total number of PO staff dismissed, with or without prosecution for criminal offences against the PO increased to 806 per year (POST 120/ 3084.1 GPO IB: Annual Report 1957). Records up to 1963 indicate that between 510 and 864 staff were dismissed (with or without prosecution) for offences committed against the PO each year (POST 122/ 13804 GPO: IB: Annual Report 1962-63; 1963-64; 1964-65; 1965-66; 1966-67). There is historic evidence then, that the conceptualisation of staff as a threat to revenue and

reputation is long-standing. Staff were encouraged to report 'suspected dishonesty' among their cohort and were offered rewards for doing so (POST 120/39, 1932-1948). A long-standing perception of service staff as a threat runs throughout the history of the organisations, with its roots in class dynamics, and should not be ignored.

Alongside the numbers of staff prosecuted or dismissed for dishonesty, there was no formal separation of powers of investigation and prosecution, though the functions were carried out by different offices. Whilst in 1900 the role of the Investigation Branch was limited to that of 'enquiry and report' their role extended beyond this and in 1908 the scope of the Branch was acknowledged as extending to advising other branches of the PO, including branches responsible for prosecution and dismissal of staff (POST 122/8809, File 71). The PO was originally a public body that bought prosecutions meaning that it had broad powers to investigate and prosecute internally. Whilst the rules of evidence were applicable to Investigation Branch staff in the pursuit of the accused, evidence that was, or wasn't included was ultimately at their discretion. They also made recommendations for prosecution or dismissal (POST 120/41 *Instructions for...*, 1845). There were also tight controls over the information shared with suspected staff (POST 120/41 *Instructions for...*, 1845), perpetuating an information imbalance that coincided with the power imbalance inherent in the staff-employer relationship. It is proposed that this imbalance is reflected in the organisational culture. The institutional processes identified reflect an approach determined by the 'white collar' branches; the culture is not homogenous among workers. The service staff experienced that culture but were not necessarily producing it. Arguably the

problematic culture was equally rooted in class dynamics, with those from higher 'ranks' producing and reinforcing a culture of suspicion in relation to service staff, with a presumption of dishonesty. The same staff controlled the internal processes related to investigating and prosecuting.

Maintaining a monopoly over the policing of PO servants also facilitated a greater level of 'discretion' for those working in the investigation department (POST 120/41 *Instructions for...*, 1845). Whilst this appears to have gradually reduced over time, after being subject to judge's scrutiny (POST 120/335 *Questioning of...*, 1913; POST 120/302 *Questioning of...*, 1910) 'far greater latitude [could] be properly taken in interrogating suspected persons by an Officer acting, ad hoc, as the Postmaster General's representative, than by a Police Constable' (POST 120/23 *Interrogation of...*, 1892). This was considered appropriate considering the relationship of 'master and servant' so long as the investigation is conducted 'in a spirit of fairness' (POST 120/23 *Interrogation of...*, 1892). To catch those staff suspected of dishonesty, 'tests' were used by the Investigation Branch, and could include leaving money on counters, sending dummy telegrams, and false letters (POST 120/41 *Instructions for...*, 1945). This latitude over investigation and interrogation is significant when the lack of oversight is acknowledged. Echoing the earlier sentiment of a presumption of dishonesty, these 'tests' were designed to prove Investigation Branch assumptions, and outside interferences in processes was resisted.

Correspondence between the Investigations Branch of the Post Office and the Home Office in 1933 reveals that an emphasis on 'strict secrecy' was used to justify a failure to notify the Police of investigations in their area (POST

33/4797 *Information Regarding...*, 1933-38). Where the Police were involved, PO priority was to prevent them from communicating any facts to the Public Press (POST 120/41 *Instructions for...*, 1845; 12-13). The protection of information from the public was a priority both for purposes of preventing crime and protecting reputation. Investigation Department support to the Police was also restricted to instances of serious criminal offence (POST 33/4797 *Information Regarding...*, 1933-38). Whilst it is not suggested that the PO set out to criminalise staff, reputation, profit, and perceptions of efficiency were the foundations of decision-making within the institution, whether those decisions related to Investigation Branch activities or general operation of the institution. The aims of the Investigation Department, whilst assigning priority to crime prevention, still operated in accordance with the broader aims of the institution. For example, Investigation Branch recommendations for more effective crime prevention were rejected because they might negatively influence public perceptions of institutional efficiency (see POST 26/116 *TMO: Cases of...*, 1888-1927; *The Fourth Report of the...*, 1896).

This lack of impartiality was ingrained in the organisational structure and processes. The Post Office itself was under pressure to separate from government and instead take the form of a private utility company and prioritize commercial aims from the 1930s, though the Post Office did not change status to a public corporation until 1969 (Ryland, 1971). Ultimately commercial priorities trumped institutional impartiality. Where this is combined with an internal approach to crime control, directed at staff conceived as threatening to reputation and revenue, the line between commercial aims and legal accountability can be blurred (Moorhead et al, 2021).

As has been articulated in relation to the Horizon scandal, the organisational structure and culture of the PO, as well as its status as victim, investigator, and prosecutor of staff, renders requirements to disentangle institutional commercial aims from legal responsibilities futile (Moorhead et al, 2021).

What has amounted to an 'institutional ethical failure' (Marshall, 2021), should not be consigned as a contemporary mistake. Both the organisational approach and processes that facilitated an internal approach to crime control, rooted in the structures of the PO as victim, investigator, and prosecutor, have a long and persistent history. Layered onto this, a perception of service staff as a threat to revenue and reputation, and a preoccupation with service staff dishonesty are clearly identifiable historically. The power imbalance between 'white-collar' and service staff is reflected in organisational culture and processes. Whilst this contribution makes no attempt to evaluate private prosecution more generally, it is suggested that attempts to address PO culture should acknowledge the history of organisational structures that have ultimately facilitated the recent miscarriages of justice. Additionally, a lack of scrutiny reinforces structural narratives relating to staff dishonesty, and institutional responses prioritised commercial aims as opposed to due process. Given the internal policing and prosecution processes operate from within the institution, they are bound by that organisational culture and its commercial priorities (Moorhead et al, 2021).

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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.

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The last two years have brought the fragility of human existence into sharp relief. This conference and accompanying festival for change is happening as we emerge from a time of intense uncertainty. Governments, civil society and communities face formidable problems and difficult choices that could have enduring repercussions for justice. This conference will provide an opportunity to reimagine how the penal system should work.

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- This is an opportunity to examine social bonds, history, creativity, learning and technology, as well as isolation and inequality, racism, harm and hate.

This hybrid conference will bring together contributions from academics and researchers at all levels, practitioners, policy makers and other experts from different fields and disciplines to explore crime, justice and the human condition, and the issues that intersect and think about how the criminal justice system can work.

Complemented by a festival of thought-provoking creative and participatory activities, this will be a wide-ranging discussion, considering crime and justice as they relate to life, growth, maturity, hope, emotion, conflict and mortality from myriad perspectives. We will look at how and where the criminal justice system touches people in their everyday lives, and what this means for society at large.

Find out more information and book your place here:

<https://howardleague.org/events/crime-justice-and-the-human-condition/>

The call for papers has now closed, but you can explore the list of accepted poster, papers, panels and roundtables [here](#).

Additional information:

[Event webpage](#) [Call for papers](#) [Conference themes](#)

[Abstract submission guidelines](#) [Confirmed speakers](#)