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EDITORIAL

1907-2007 – PROBATION: WAKE, CELEBRATION OR RE-BIRTH?

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The history of the probation service often reads like a continuous roller coaster moving with the changing winds of political demands, research findings and/or policy innovation.

It has rarely stood still and this year, one hundred years on from its inception as an 'official' service in the 1907 Probation of Offenders Act its capacity to adapt and survive may be under terminal threat at least in England and Wales. At a time when the concept of probation is impacting positively on penal reform in such diverse areas as Eastern Europe, South America and many other jurisdictions the changes being fashioned by the government's agenda for offender management and in particular its unbending desire for contestability processes to govern service delivery options might sound the death knell for probation as we know it. The National Probation Directorate only created in 2001 to run the then new national service - seeking to bring coordination and centralisation to the previous diversity of 50 + individual services - is to go out of existence. The creation of Probation Trusts with new governance arrangements could spell the end of the Probation Boards and the ending of the influence of the Probation Boards Association which, alongside Napo, has been crucial to probation's survival in recent years. Does this matter to community justice? Has probation lost its direction and maybe its right to oversee community provision for offenders and to support resettlement processes? The answers may be partially located in the past, but also in the space the present uncertainties create and, maybe, there is a future still to grasp.

Whatever else you level at probation over the past century it has been an organisation whose capacity for innovation and inventiveness, indeed re-inventiveness, has never dimmed¹. Often attracting practitioners of singular commitment and creativity, if within a maelstrom of philosophical differences, it has never stood still in trying to respond to the seemingly intractable problems people in trouble with the criminal justice system face. In 1978 David Haxby amongst others² posed the question of what kind of agency probation might become. Could it hold on to its community orientation, would it become more driven by the needs of the court or would it transform itself into an agency of community control. This 'care/control' dilemma was seemingly always regarded as a driving feature of probation practice, though its interpretation and execution continually shifted as new ideas, approaches and values impacted upon its practical application. The control and enforcement perspective gathered political weight in the last two decades of the 20th century alongside a growing recognition of the role of victims. Probation practice retreated to the office, developed stylised programmatic responses using cognitive behavioural

techniques, governed by risk assessment procedures which sometimes seemed to be followed to justify actions post-hoc rather than as a pragmatic response to need. Outside agencies, mainly, initially, from the voluntary and community sector, were engaged ever more readily to undertake the more community-oriented aspects of traditional practice and probation managers seemed to buckle under any demand to change their practices as government control under a penal populist bandwagon became more and more insistent. Indeed what is remarkable amidst all this is that probation, at least in terms of audit, seemed to reach most of the targets the Home Office has set. Yet this has not dimmed the political mission to make further changes.

What conclusions can be drawn about this recent history? Has probation failed to be brave and should it have shown a more resistant attitude to the demands of Blairite modernity much as the police have attempted to do? Or is it its comparatively weak structural position which would always make resistance ineffective? Has it lost its influential parliamentary friends which protected it until the 1980s and has it, as a viable organisational structure, simply had its day? These are contested questions which in this year, the centenary of probation, we must explore. We need to draw once more on that spirit of creativity and innovation to continue to find a meaningful role into the next century. This means looking back to learn from some of the successes of our past history whilst shaping a modern probation service which can be a relevant and vibrant part of the criminal justice system. A consistent message from research is that the services which both support and rehabilitate and supervise and control offenders are essential and complementary elements to both a public protection, community safety, rehabilitation and restorative agenda. If probation did not exist we would have to re-invent the services. Our next issue will be focussed on a Century of Probation and you can still contribute¹. Let's take this opportunity to grasp the place back for probation in a community justice system. Are you up for the challenge?

This issue has a rich diversity of articles to offer. Bachelor seeks to draw from observations on traditional peace-building restorative processes in transitional governments in Rwanda and South Africa to explore ways in which narrative approaches could be utilised in our own jurisdictions. It is a challenging piece which suggests the opportunity is there to draw upon our own history and the richness of our multi-cultural society to create an integrated justice system that is participatory, culturally relevant, flexible, and focused upon relationships.

Bates et al describe the early stages of an important experiment in supporting sex offenders in the community. The Thames Valley Circles of Support and Accountability (COSA) was set up in 2002 with a view to providing public volunteer support to high-risk sex offenders released back into the local community from prison. The early evaluation shows promising results and the paper goes on to outline how the evaluation can be developed to test further this innovative scheme.

Hopkins Burke draws on a range of criminological theories to challenge assumptions about the criminological enterprise itself drawing on work he has undertaken elsewhere. He poses questions about some schools of thought and you will not fail to react to the many critical assertions he makes. His approach is essentially durkheimian and he concludes with an attempt to suggest how community justice can be formulated through the lens he suggest for us.

The increasing importance attached to offender perceptions on their treatment in the system is given attention in the article by Knight et al. The article looks at offender perceptions in probation programmes and highlights some methodological difficulties in achieving a genuine set of perceptions given the control the funders of such research hold over the shape and conduct of the work. It offers a challenging agenda for making such work more impactful.

The final article by Rogerson and Christmann concerns whether the issue of reduction of fear as a policy objective is helpful in guiding community safety practitioners in their actions. The authors, drawing on research completed for the evaluation of New Deal for Communities, cast some doubt on both the methodological implications of such a vague term as fear of crime and its practical utility by practitioners trying to operationalise the concept. This idea has such political sway in guiding action towards public safety that these insights will serve to confront and stimulate critical debate.

End Notes

¹ For an excellent set of examples of probation's capacity to deliver see the on-going series of 'Moments in Probation History' displayed daily on the Community Justice Portal (www.cjp.org.uk)

² See David Haxby (1978) Probation: the changing service

³ Articles are welcomed until May 2007 for the next edition. Contact bjcj@shu.ac.uk for further details

NARRATIVE AND TRADITIONAL PEACEBUILDING SYSTEMS: IMPLICATIONS FOR TRANSITIONAL JUSTICE IN AFRICA AND JUSTICE SYSTEMS IN BRITAIN

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Abstract

In the context of the increasing attention that many fields of research and practice are giving to narrative, this article examines the importance of narrative in reflecting on the past and creating a foundation for the future. It argues that traditional peacebuilding systems are well-placed to elicit narrative and reviews the manner in which they create an environment conducive to story-telling, using examples from Sudan. It then explores the contribution that traditional peacebuilding systems may make - both to contemporary transitional justice systems in Africa and to justice systems in countries such as Britain. In summary, this article highlights the connection between narrative and traditional peacebuilding systems and demonstrates that by intentionally considering their relationship we reveal numerous principles that could enrich justice systems of all kinds.

It is the story that outlives the sound of the war-drums and the exploits of the brave fighters. It is the story... that saves our progeny from blundering like blind beggars into the spikes of the cactus fence. The story is our escort, without it we are blind - Chinua Achebe, *Anthills of the Savannah*

Delivering justice and cultivating peace are challenging tasks in any society, and are particularly difficult in the aftermath of war. During a period of transition the familiar problems associated with finding witnesses, producing evidence, staffing courts, maintaining the public's confidence and allocating places in prison are multiplied by thousands. Politicians and lawyers have often based what came to be known as *transitional justice mechanisms* upon conventional Western legal systems. As these mechanisms have struggled to cope with the scale and complexity of crimes committed during war, they have changed considerably. From the Nuremberg trials after World War Two to the Truth

Commissions in Latin America and the Truth and Reconciliation Commission (TRC) in South Africa, there has been an increasing emphasis on delivering justice and cultivating peace in the widest sense, and a decreasing emphasis on upholding a narrow interpretation of written law.

Formal, national transitional justice strategies have, for example, increasingly incorporated narrative as a tool for understanding and redressing the past. Many of the Latin American truth commissions included narratives from victims; the TRC in South Africa went yet further and encouraged perpetrators to tell their stories by offering them amnesty. Yet some scholars see such changes as relatively superficial, and suggest that a more fundamental shift is required. Foster, Haupt & de Beer (2005), for example, write that the “quasi-judicial nature” of the TRC in South Africa limited and interfered with attempts to reveal the full truth about apartheid. Despite some incentive to tell their stories, the perpetrators still looked for ways to justify themselves and to withhold incriminating details because of the legal nature of the hearings. Such critiques are directly parallel to a widespread rediscovery of narrative techniques in a variety of fields in the West. In the field of justice as a whole, for example, enabling victims, offenders, witnesses, families, and the community to tell their stories is becoming increasingly important.

Whilst the West slowly rediscovers the role of narrative in transforming conflict and cultivating peace; Africa smiles knowingly. Communities in Africa have been using traditional peacebuilding systems for centuries, to stimulate and nurture narrative before, after and during conflict. This article argues that traditional systems have the potential to elicit full narratives where other strategies have failed, thus revealing truth and creating a foundation for reconciliation and peace. Instead of a court-like system in which people sit in far corners of a room speaking through legal advocates, traditional systems require face-to-face interaction, and all parties to the conflict are encouraged to tell their story. These stories enable each to see their enemies in the context of their emotions, motivation and relationships, and to see them as fellow human beings.

This article describes the “return to narrative” that is taking place in the West, and then outlines some of the advantages that a focus on narrative can bring to justice systems and transitional justice in particular. The central section explains how traditional peacebuilding systems elicit narrative, using examples from Sudan. This article then models two ways in which we can apply lessons from traditional peacebuilding systems to new and changing contexts. Firstly, it addresses one of the many problems facing traditional systems in the context of transitional justice: national rather than local governance systems and identities. Secondly, it demonstrates that such lessons are also applicable in conventional justice systems, for example in Britain.

The “Return to Narrative”

Western justice systems have evolved over the years into increasingly formal, legalistic and bureaucratic structures. As a consequence, contemporary conventional justice systems do not tend to elicit full narratives from any of the participants. Courts focus on

deconstructing and disproving people's stories, rather than hearing and acknowledging them. However, justice systems are one of a number of Western systems engaged in what Teresa Phelps (2004), a scholar of law and literature, calls the "return to narrative." She notes that scholars in many fields are increasingly recognising the efficacy of narrative techniques as a scientific research tool and that practitioners are using them in a variety of contexts.

To some extent, the West has retained a sense of the therapeutic properties of storytelling, but this sense has become more clearly defined with the development of narrative therapy, testimony therapy and combinations of narrative with conventional therapeutic interventions. Schauer, Neuner and Elbert (2004), for example, combined narrative therapy with cognitive behavioural therapy to produce a short term intervention called Narrative Exposure Therapy (NET). In a study on Sudanese refugees with post-traumatic stress disorder (PTSD) they found a dramatic decrease in PTSD amongst the NET participants, compared to a control group.

The West has only more recently acknowledged the restorative and reintegrative properties of stories. The developing field of restorative justice reflects the mounting degree of respect for narrative methodology as beneficial to both victims and offenders. Victim-offender, community and family mediators are well trained in managing the storytelling stage. Winslade and Monk (2001) took this concept yet further by developing what they called "narrative mediation," in which people deconstruct and reconstruct their stories. Narrative techniques are becoming increasingly crucial for those working with victims, offenders and in the community. People are given the opportunity to tell their stories in such forums as support groups and trauma programmes for victims, support and accountability groups for offenders, family group conferencing, youth offending panels, family mediation, victim-offender mediation and community mediation, to name but a few.

Why Narrative?

When offenders are reluctant to tell their stories for fear of being trapped, they often withhold details that might help the victim, or enable others to help them. When victims and witnesses are insensitively used to gain information, rather than allowed to tell their full stories, justice systems can perpetuate their powerlessness. When the community is denied a voice a large proportion of the impact of the crime and conflict goes unrecognised. Without stories - whether an individual's, a community's or a nation's - the future is built on an incomplete understanding of the past. Stories enable people to learn from their mistakes, to understand themselves and to appreciate others.

Stories also explore the complexities, ambiguities, relationships, emotions, attitudes, systems and institutions behind actions. Foster, Haupt and de Beer (2005) write that the search for factual truth serves the human interest in prediction and control, whereas the purpose of narrative truth is to achieve "intersubjective understanding." Narratives of

victims, perpetrators, witnesses, beneficiaries and bystanders contribute not only to the accumulation of “truth” but to the ability of each to see the human face of the other.

John Paul Lederach, in *The Moral Imagination* (2005: 142), emphasizes that narrative is not just a methodology but that it “creates the formative story of who we are as a people and a place.” He states that it cannot simply be a “stage of problem solving” but a “journey of discovering what these events mean for who we are.” This view of narrative allows for the important concept of “restorying,” or restoring people’s place in history through story, when collective stories have been marginalized or lost in conflict. Stories are powerful because they are present in some form in every culture, and a part of everyday life. Alone, story-telling does not constitute justice, reconciliation or peace, but it does provide a strong foundation upon which to build. Stories challenge us to listen rather than argue, to acknowledge rather than ignore and to understand rather than to oppose.

Narrative and Traditional Peacebuilding Systems

Traditional peacebuilding systems in Africa are an emerging topic of study for African and international academics alike, yet are somewhat difficult to define.¹ The literature uses a complex and inconsistent set of terms to refer to traditional/ informal/ customary/ indigenous systems. Stevens (2001) writes that *informal* refers to any non-state justice system, thus *traditional* may be used to identify within this category those that are community-based, that the community respects and that derive from pre-colonial values and systems. The word *customary* primarily refers to legal systems, and the word *indigenous* is problematic because it creates barriers between groups of people that arrived at different times. Thus the word *traditional* is used here, acknowledging that although traditional systems by definition have pre-colonial origins, they are by no means unchanged since pre-colonial times.

The intended meaning of the term *traditional peacebuilding system* is recognition of holistic attempts to bring positive peace, as defined by Johan Galtung (1964). He described positive peace as “the integration of human society” in contrast to the popular perception of peace as the absence of war, for which he used the term negative peace. Although it is rarely if ever fulfilled, traditional African leadership, values and initiatives have as their goal peace in as full a form as possible. This may or may not include processes equivalent to judicial prosecution, conflict resolution, forgiveness, policing, spiritual healing, psychosocial healing, economic redistribution, reparations and others.

Traditional systems of some kind are present in every country in Africa, but to illustrate the potential for practical application this article draws upon examples from just one country. In Sudan the conflict is far from over, poverty is severe, corruption is rife and many have lost hope. The Nuer, Dinka, Beja and Baggara people mentioned below are only some of the many Sudanese suffering from the effects of a decades-long war. Yet there are many reasons for hope in such a rich and diverse country, and among those reasons is

the potential contribution that principles from traditional Sudanese peacebuilding systems may make to eliciting narrative in the forthcoming transition.

Traditional systems have been manipulated, concretised, broken and corrupted. They are not in a position to elicit narrative in the manner described below; only some are able to achieve such ideals, some of the time. However, whilst Western systems have struggled to navigate the treacherous path between care and control, communities in Africa have continually used traditional systems as their best and only way to deal with conflict and crime. Such systems have consistently focused upon story-telling, and as the “return to narrative” takes hold we would do well to learn from systems which did not ever abandon it.

How do traditional peacebuilding systems elicit narrative? The immediate and simple answer to this question is that they focus on it. A large part of most traditional initiatives is dedicated to each and every party to the conflict telling their story. Participants spend many days listening to stories. In a modern version of a Nuer peacebuilding initiative, for example, the first seven days consisted of story-telling (Lowrey, 1996). Traditional courts, or *luk*, of the Dinka, consist of the *bany luk*, or judge-type figure; a council of advisors; and a tree under which the meeting is held. A central feature is the presence of an *agamlong*, a person who sits in the centre and repeats the words of the speakers to ensure collective understanding and the creation of a common narrative (Deng, 1972). George Achor (2000: 5), of the Sudan Civil Society Peacebuilding Initiative, concurs that the right “to be heard and listened to” is the “greatest characteristic” of Dinka peacebuilding systems, and it is indeed a prominent characteristic of many African traditional peacebuilding systems.

The more complex answer to how traditional systems elicit narrative is that they incorporate numerous elements that motivate participants to tell their full stories. No two traditional systems are exactly alike, nor do they all share core principles. However, similarities and convergence among them point to recurring themes. This article employs five themes identified in previous research (Batchelor, 2006) and describes how traditional systems elicit narrative through community participation, a focus on relationships, and through being culturally appropriate, flexible, and integrated.

First, the participation of the entire community motivates particularly the perpetrator to tell the full story as truthfully as possible (e.g. Kiplagat, 1998). Perpetrators know that stories will be told from many different angles before the community creates and recognizes a single version, and that many in the community often already know what happened. The threat of others revealing what they know, and the shame of being found lying, encourages them to tell the whole truth. Particular groups of women often make this threat most explicit - among the Nuer, for example, these women are referred to as *maan naaths* (mothers of the nation). They threaten both to reveal their knowledge and to shout down and shame anyone who lies (Creative Associates International, 1998). There are of course varying degrees to which communities participate; for example El Amin

(2004), from the University of Khartoum, writes that the Beja do not themselves contribute in meetings, they are represented by their leaders. Regular consultation between the leader and his group nevertheless amounts to some degree of participation.

The extended family and the community may persuade one another to tell their full stories. The perpetrator's family is usually held responsible for the act along with the perpetrator, so is likely to encourage the perpetrator to tell the whole story in order to understand that for which it is being held responsible. Cunnison (1966: 180) describes in detail a feud taking place between two lineage groups of the Humr, a sub-group of Baggara Arabs from the North of Sudan. After the leaders or facilitators of the meeting, the *ajawid*, attempted to persuade the parties to reconcile, people then started persuading each other. One said, "See how we are sitting together - what could be better than this?"

Victims know that they will not be alone in telling the stories, nor in holding the perpetrator accountable if he or she is found guilty. The original offence can often make victims feel humiliated, and in formal settings they may be reluctant to make themselves more vulnerable by sharing their experiences. Surrounded by family and friends, however, traditional settings provide a safe environment in which they may feel able to tell their whole stories.

Second, the focus of traditional systems is on restoring long-term relationships rather than upholding a written law (e.g. Malan, 1997). Hadley (2000: 22), an observer of a contemporary peacebuilding initiative between the Dinka and Nuer, said that story-telling "provided a rich interwoven fabric for building relationships." Aspects of the story that are unnecessary for establishing the facts are nevertheless valued if they contribute to relationship building. Perpetrators and victims have the same goal - to try and understand one another.

The fact that perpetrators are required to look their victims in the eye can stimulate an honest confession. They also know that there will be an opportunity to make amends to their victims to alleviate their shame. In contrast to formal systems where the state takes responsibility for punishment and restitution, if it happens at all, traditional peacebuilding systems enable perpetrators to re-enter relationships with their victims and their communities through restitution. Dinka "law," for example, is not based upon retribution but upon direct compensation for the losses incurred during the "crime" (Makec, 1988). Among the Beja of Eastern Sudan offences often require the payment of *dyya* (compensation or blood-money). Alternatively, however, if one tribe forgives another, the forgiven tribe becomes in debt to the forgiving tribe. If in the future a similar offence is committed against the forgiven tribe, they are obliged also to forgive (El Amin, 2004). Thus a "virtuous cycle" of indebted relationships replaces a vicious cycle of violence.

According to Francis Deng (1972), a Sudanese scholar of international politics and an expert in conflict resolution and anthropology, the leaders of the Dinka luk, the bany luk, do not draw their power from the threat of force nor do they have religious authority.

Instead, their character and the backing of the community they serve give them irresistible powers of persuasion. The leaders are chosen for certain qualities; for example they must be generous, righteous, and “cool-hearted” as opposed to hot-tempered. Cunnison (1966: 184-5) tells us that the mandate of the Baggara community leaders, or *ajawid*, is to be “active rather than passive agents in bringing about reconciliation.” They must proclaim patience over vengeance and humility over indignation. The community does not perceive them as neutral, nor does it mandate them with finding a middle way. Instead, they should be “identified with the side which is seeking peace rather than the side which would continue vengeance.”

Third, traditional systems are by nature culturally appropriate and familiar to participants. In a formal court, facing strangers in an uncomfortable setting which uses unfamiliar language and symbols,² both perpetrators and victims are likely to be nervous and withhold or forget details. In an environment in which people feel comfortable, which uses symbols and language they understand, people are more likely to tell their whole stories.

Lisa Schirch (2005: 59) summarizes the power of ritual as not just an expression of peacebuilding, but a contributor to it: “Traditional or improvised rituals can nurture the social commitment to values of peace in times of crisis, creating a space in which people can release pent-up emotions and trauma.” In the meeting of the Baggara, for example, Cunnison (1966) tells us that the leader of one group said that his group symbolically “spread” their “smocks” before the other. This recognisable symbol of apology caused the others to follow suit. The community leaders, or *ajawid*, also drew upon common religious understanding to nurture social commitment. Among the Beja, the leaders, or *sorknab*, repeat sayings and proverbs relevant to the situation. *Gullad*, for example, is an oft cited familiar concept. *Gullad* means giving one’s word of honour not to use violence and it can create a “peaceful” space in which to begin dialogue or reconciliation (El Amin, 2004).

Traditional systems also *acknowledge* the stories people tell using culturally appropriate rituals and symbols. In a formal court, people may feel that they tell their stories without result, whilst in traditional systems a variety of symbols represent the subsequent material restitution and the reconciliation that may follow. The New Sudan Council of Churches (2004), which works with traditional leaders in Southern Sudan to create “Peace Conferences” based on traditional systems, claims that the most common rituals used to acknowledge a peacebuilding process (including story-telling) are: shaking of hands, dining together, drinking from one pot, animal sacrifices, burying of spears and the sprinkling of water mixed with cow dung. The study of psychology confirms that taking action affects belief, as well as vice versa (Festinger, 1957). Thus, the active part of a ritual is not just a *demonstration* of acknowledgement, restitution and potential reconciliation; it actually *contributes* to such change.

Fourth, traditional systems are often very flexible. Leaders are able to adapt both the process and the outcome to take into account the stories that victims, perpetrators and

witnesses tell. They make each discussion, agreement and ritual appropriate to the people and the conditions involved. Cunnison's (1966) description of the Baggara system demonstrates the flexibility of traditional systems, and the role that people's personalities and backgrounds play in the process. There were some victims, for example, who demanded "blood-money" on principle but later refused it. The outcome of one case was the inclusion of a new member on a council, where in others it would be compensation.

The flexibility of the process both arises from and contributes to a sense of mutual trust. Perpetrators trust that the community will take into account the whole story rather than focus on a particular breach of law, as might be the case in formal justice systems. Instead of feeling that one is going to be "trapped" if one mentions specifics that are illegal, one may feel that the more people know the more likely they are to understand the situation. This thereby motivates perpetrators to reveal details rather than to hide them.

Fifth, traditional peacebuilding systems elicit whole stories by including and integrating services often separated in the West. El Amin (2004) describes the many elements of the Beja traditional system. The system combines processes equivalent to community mediation (the creation of the *wagab*), a judicial court (the *majlis*), religious confession (the people speak to and through their *sheikh*), consultation of respected elderly members of the community (wise sayings recited by the *sorknab*), and news media (news of a solution is conveyed across the region as part of the greeting, *sakanab*).

The separation of court, truth commission, police, social worker, psychologist, priest, and other actors can lead to competition among them. Each seeks a particular version of the story – the facts of the case, the contribution it made to a national struggle, the effect on one's religion or the effect on one's psychological condition – so it may happen that no one hears the whole story. In contrast, traditional systems combine many of these different elements and seek to hear and acknowledge the full stories of all those who want to speak.

What Lessons for Post-Conflict Transitional Justice?

Traditional peacebuilding systems cannot simply be substituted for formal legal mechanisms in transitional contexts, and it would be dangerous to suggest they should be. They are situated in a complex and unfair world and have been shaped and distorted by many external influences over the years - the manipulation of tradition and identity by colonial administrations, globalisation and the changing nature of conflict are just a few examples (see also Batchelor, 2006). However, with careful adaptation and support, they have a lot to offer in the face of difficult challenges. I will focus here on just one challenge they face today: that presented by the national dimension of conflict, governance systems and identity formation.

A primary focus of many traditional systems is the creation of a common narrative from the stories of individuals in the community. In order to utilize this concept in today's world of nations, the creation of a common narrative among communities must be

extended to a national forum. This is especially true where communities have been strictly segregated; a national narrative has the potential to unite across divisions whilst embracing difference. Allan and Allan (2000: 463) state that “as generations pass history to each other, both facts and myths are conveyed. We believe that these myths contribute to the hatred, stereotypes, and unresolved issues that one generation passes on to the other. To counter this, there must be a record of what really happened to help later generations distinguish between fact and myth.” Whilst it is perhaps impossible to determine “what really happened,” it does seem likely that a national narrative to which all sides of the story contribute will be closer to the truth and will combat the passage of “hatred, stereotypes and unresolved issues.”

Although it is clear that colonial administrations in Africa determined many of the current borders and established existing systems of governance, national identity is not a new phenomenon. Basil Davidson, in *The Black Man's Burden* (1992), notes that there were nation-states or their equivalents in Africa long before they were imposed by colonialists. Different groups of people aligned themselves with one another, controlled a region and installed a king and a government. It is also common for people to unite for a reason. Lowrey (1996), for example, tells us that in Sudan, the segmentary system and the decentralized governance of groups such as the Nuer do not prevent them from acting as one people (*naath*) in the face of a common threat.

William Zartman, in his book *Traditional Cures for Modern Conflicts: African conflict “medicine”* (2000), writes that traditional systems can work today at a community level and can also be adapted to work on a larger scale, but he does not believe that they can be used when there has been violence by the state *against* the community. I would argue that even state-level perpetrators come from a community of some kind and that their community's story should include their story. State-level perpetrators should not be representatives of their communities; instead their communities should put pressure on them to tell their stories, to hold them accountable and to put them face-to-face with victims. Similarly, although many traditional communities have disintegrated to some extent, in most African societies people are aware of their geographical, linguistic and ancestral identities, and have friends and extended family members who form some kind of community.

Eghosa Osaghae (2000: 216), in Zartman's book, writes that “modern states in Africa, with the diverse groups that compose them, do not have the common moral and customary order on which conflict management is hinged in the traditional society.” Indeed, diverse bodies of people are using varied traditional systems in countries with relatively arbitrary borders created by colonial powers. Only the African countries that will design and implement creative forms of transitional justice in the coming years can address such challenges. Traditional systems show us that an important step towards dealing with the consequences of the past is to create a *common* narrative. The principles outlined above even offer a framework by which to create such a narrative and which might form the basis of a national transitional justice system.

The participation of all communities will enable the nation to tell of the structural damage done to traditional systems in the past. These communities can also ask themselves questions about the present – for example who their elders are and who constitutes the community. A focus on relationships will enable the nation to address the question of reparations – how to make them visible and effective with only limited resources, and who should make them; the state, communities or individuals. An understanding of cultural appropriateness will enable people to decide upon the rituals or combinations of rituals that could be used to acknowledge the national story – for example how to combine modern media sensitively with traditional oral storytelling techniques and how to combine dissemination of the story through formal education with dissemination through traditional methods such as song, dance, poetry, paintings and carvings. Flexibility will enable communities to make changes and address new issues – for example how to give women a greater voice in traditional systems. Integrated systems will provide safe environments to ask such questions and create a national story as well as a plan for the future.

What Lessons for Justice in Britain?

As well as making contributions to *transitional* justice in their own countries, traditional peacebuilding systems also have a lot to teach *conventional* justice systems. In Britain, for example, the agenda is already increasingly being set by communities - justice is no longer the domain only of the courts and fuel for a hungry media. However, change is slow and in many cases good intentions do not result in tangible change towards genuine community justice. Whilst this is to be expected in the context of a dramatic paradigm shift, such a shift is nonetheless made up of small steps. Traditional peacebuilding systems highlight a step that can be implemented immediately on any scale – a focus on narrative.

Britain ruled Sudan jointly with Egypt from 1899 to 1956. Since independence Sudan has been grappling with the legacy of British-made racial hierarchies, imported technologies and arbitrarily drawn borders. On top of this, Britain almost entirely replaced the existing mechanisms for maintaining order - traditional systems - with unfamiliar, counter-cultural formal justice systems. The remnants of traditional systems that remained were often so distorted that communities no longer trusted them. However, traditional systems did survive and, though badly damaged, they may yet be an effective tool for breaking cycles of violence. Their resilience and continuing impact demonstrate that for the Sudanese people they add value to the distant, distorted British systems used in Sudan. Undoubtedly, therefore, Sudan has much to gain by studying and incorporating their principles. Reasonably, Britain might also expect to gain something from the same process. She may find it difficult to take lessons from a country she previously ruled, but would do well to recognise the benefits of joining her ex-colonies in the study of traditional systems. Let us look now at how we, as British citizens, could apply the principles of traditional systems outlined above to our communities and to our nation:

1. Community Participation: Whilst Britain is already a proponent of community involvement, engagement and governance, there are many unanswered questions. Who is the community? Does community exist in our individualistic society? One way in which we might assess whether community governance is effective is whether community forums simply become smaller versions of a win-lose legal system, or whether they become supportive environments which nurture people as a whole, enabling individuals to tell their stories in the context of a community and therefore to create a *common* narrative. Community forums that are truly participative will have an impact on a national scale, and wide-scale participation in developing a national narrative could certainly bring us a step closer to the national goals of “community cohesion” and “integration.”³

2. Restoration of Relationships: In Britain the offender-state relationship has been primary, but the focus is gradually changing to the offender-victim-community relationship. This is the main premise of restorative justice approaches which are, with varying degrees of success, being used at all stages of the criminal justice system to build relationships - from neighbourhood policing to victim-offender mediation to reintegration and resettlement of prisoners.⁴ Traditional systems advise us that a focus on relationships can result in opportunities for participants to tell one another their stories, and that if we give participants a secure space and the time to tell their stories, relationships will develop. The British justice system would therefore do well to consider how it might better utilise story-telling in building relationships – e.g. how much time do we allow participants for telling their stories, what questions do we ask, what settings could make them feel comfortable enough to speak openly?

3. Cultural Appropriateness: In Britain, as a multi-cultural society, we each have little explicit understanding of our own and one another’s cultures. We are therefore unable to identify practices we can truly own and feel comfortable with, and are unable to embrace the “cultural” practices of others. In order to make use of rituals and symbols that can be powerful in conflict transformation, we must first explore our own and our neighbour’s cultures. How do we each demonstrate remorse? What does forgiveness mean to us? What is reasonable as reparation? One of the most important lessons Britain can learn from traditional peacebuilding systems is that we should look to our existing cultural and historical resources to elicit narrative, and consider which of our varied cultural symbols we might use in the context of dealing with crime and conflict.

4. Flexibility: Endless upheavals in Britain’s governance and justice systems have made her people suspicious of change. Flexibility requires trust, and if we do not trust our leader, even change towards community involvement in governance will be met with suspicion and may do more harm than good. True flexibility arises in the context of openness and honesty. In Britain we must perhaps start with the creation of trust through story-telling, both as communities and as a nation, so that we can trust community and national leaders to vary processes and outcomes best to suit the situation we find ourselves in.

5. Integration of Services: There is no doubt that the British justice system is already putting many resources into integrating services. For example, gaps in the system have triggered extensive moves towards “multi-agency working,” “local partnerships” and “end-to-end offender management.”⁵ Whether or not these changes will provide safer environments for victims and offenders to tell their stories remains to be seen. Traditional systems indicate that integrated services provide a safe context in which to tell stories, but they unfortunately cannot show us how to manage the process of integration. Let us heed their warning that change should occur in the context of good relationships and trust and hope that despite the many difficulties with the process, current changes in Britain will result in foundations for peace in its fullest sense.

Conclusion

This is a significant time in the development of transitional and conventional justice alike. Narrative is slowly gaining its rightful place as a key to mediation, dealing with trauma, creating common histories and redressing crime. Traditional peacebuilding systems are also attracting much attention for their potential role in transitions. Not only do these developments overlap but, as this article emphasizes, *there is added value in the simultaneous study of narrative and traditional peacebuilding systems.*

This article has demonstrated that the potential power of traditional systems to elicit narrative is quite remarkable. Harnessing that power, in the context of historical influences and changes in contemporary society, will require coordinated academic research, creative planning and cooperation for implementation. There is no need to pretend that we are drawing upon an *unspoiled* ancient resource; restoration and adaptation are necessary to maximize their potential. Africa has already begun the process, but it will take dedicated individuals, willing communities and committed nations to see it through.

Similarly, countries not facing a transitional period, such as Britain, can also learn from traditional peacebuilding systems’ integrated, holistic strategies. Britain is currently exploring “community justice” and is going through some significant changes. In this context, we have an exceptional opportunity to draw upon our own history and the richness of our multi-cultural society to create an integrated justice system that is participatory, culturally relevant, flexible, and focused upon relationships.

Recourse to traditional peacebuilding systems is not a panacea. On the contrary, this article contends that traditional systems offer a specific solution to a specific problem – that of the need to reveal truth and facilitate reconciliation through narrative. While formal justice systems aim to strip narrative of all but bare bones, traditional systems nurture and feed them. While vulnerable narratives delivered into legal contexts are attacked before they are fully formed, traditional systems cradle and support them. The result? A step toward truth and a foundation for peace.

Acknowledgements

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End Notes

- ¹ The following definition is taken from Batchelor (2006). I write as a firm believer in “home-grown solutions”, and in the fact that systems should be developed in a local context rather than imported. As a Westerner myself, however, I cannot escape viewing African traditions through Western lenses, using Western words and concepts to describe them and comparing them to formal Western initiatives.
- ² For a discussion of the problems presented by “unfamiliar” formal justice systems see Stevens (2001).
- ³ Such goals were most dramatically underscored by the launch of the Commission of Integration and Cohesion in August 2006.
- ⁴ For example the introduction of Neighbourhood Action Groups (NAGS), Youth Offender Panels and an emphasis on building relationships with children and families of prisoners as one of the seven pathways to reducing re-offending outlined by the National Reducing Re-offending Delivery Plan.
- ⁵ For example through Local Strategic Partnerships (LSPs), Local Area Agreements (LAAs) and the National Offender Management Service (NOMS).

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DOING SOMETHING ABOUT IT: A FOLLOW-UP STUDY OF SEX OFFENDERS PARTICIPATING IN THAMES VALLEY CIRCLES OF SUPPORT AND ACCOUNTABILITY

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Abstract

The paper describes the establishment and first four years of operation of Thames Valley Circles of Support and Accountability (TVCOSA), an organisation which recruits and trains public volunteers into support groups for sex offenders released from prison back into the community. The paper examines the literature around the evaluation of sex offender treatment methods and discusses the problems in demonstrating the effectiveness of interventions in this area of criminal justice. Due to low numbers involved in the intervention at the point of study (14) a qualitative approach is used and the focus of the paper is on analysing incidents of recidivism (e.g. any further instance of offence-connected behaviour) displayed in the men accommodated by the programme and subsequent actions taken by TVCOSA and other Public Protection Agencies to manage risk. Thus far none of the sex offenders involved has been reconvicted for a sexual offence. An account is given of the rehabilitation undertaken with each sex offender undergoing the programme and some key statistics relating to the group are summarised. The paper concludes with some detailed proposals for further evaluation of the TVCOSA initiative.

Key words: sex offenders, public protection, social exclusion, volunteer support.

Introduction

Thames Valley Circles of Support and Accountability (TVCOSA) was set up in 2002 with a view to providing public volunteer support to high-risk sex offenders released back into the local community from prison. Details of the establishment and maintenance of a 'circle' are available elsewhere (Wilson, 2003). In essence the process involves the recruitment of volunteer members of the public who then undergo training and are formed

into groups who meet regularly with a 'core member' who is a sex offender identified as having needs related to social exclusion. The circle works with the core member (CM) in a variety of ways offering social and emotional support and practical assistance in areas such as accommodation, education and employment, family and relationships. Each circle is maintained by means of consultancy and hands-on support by a practitioner staff team originally of two in 2002, rising to four in 2005. The team members all have prior experience of working with sex offenders in both treatment and hostel settings.

Research which evaluated the original implementation of COSA in Canada (Wilson, Picheca and Prinzo, 2005) took the form of a reconviction study whereby a cohort of 60 sex offenders who had participated in COSA was compared with a sample matched on level of risk, length of time in the community (average follow-up time was 4.5 years) and prior involvement in specific sex offender treatment. A markedly positive outcome was observed for the COSA intervention group using measures of reconviction across three categories of sexual, violent and any kind of further offending. The COSA group were sexually reconvicted at a rate of 5% as opposed to 16.7% in the control sample – overall a reduction of 70%. Reconvictions for sexual and violent offending included together occurred at a rate of 15% vs. 35% respectively and reconvictions of any kind were recorded at 28.3% vs. 43.4%. For the purposes of the research "reconviction" included new offences and breach or revocations of parole licence conditions resulting in a return to prison.

This following paper seeks to describe and in some ways evaluate the first four years (2002-6) of COSA operation in the Thames Valley (covering the counties of Oxfordshire, Buckinghamshire and Berkshire) of the United Kingdom. However, a reconviction study replicating the Canadian research is not the methodology employed here for a number of reasons. First, the time at large in the community of any of the COSA core members was a maximum of 3.5 years, which was not considered a sufficient length of time to achieve any meaningful reconviction data. Studies which focus on the reconviction of sexual offenders for further sexual crimes ordinarily require a follow-up period of at least ten years (Marshall, 1988) in order to yield statistically significant results. In addition to this, in the UK the base-rate for sexual reconviction is generally low (Friendship and Thornton, 2001) and this has created some difficulty in the meaningful evaluation of sex offender interventions. With a low base-rate for reconviction (Friendship and Thornton's literature review of a number of UK studies identifies between 3% and 12% reconviction over periods of 2-4 years) achieving statistically significant differences between treated and untreated populations becomes problematic as there is effectively only a small number to reduce from in the first place. With the relatively small numbers of sex offenders (sixteen total) participating in COSA during the period under analysis as well as the short follow-up period involved, this problem would be compounded and a meaningful depiction of the effectiveness of the work of COSA difficult to achieve.

For the above reasons, analysis of what is known as 'recidivism' in the sexual offender literature forms the focus of this evaluation. Terms relating to the follow-up behaviour of

sex offenders after release from custodial or community sentences have been used somewhat interchangeably in the past. Recidivism, re-offending and reconviction have all been taken to mean the same thing e.g. further convictions for sexual offences. Maltz (1984) more usefully defines recidivism instead as “lapsing into previous patterns of criminal behaviour”. Further recent research (Falshaw et al, 2003, p.209) provides additional clarification of terminology. “Reconviction can be defined as a subsequent conviction for another (sexual) offence... Re-offending refers to an illegal act committed by an individual who is already guilty of previous criminal activity... i.e. reconvictions, but also... offending not detected by the police. Recidivism does not only refer to behaviour that breaks the law, but can include a conduct that is indicative of previous offence patterns... A specific example of this may be a convicted child molester loitering outside a primary school”.

In the past, as in the recent Canadian COSA evaluation, reconviction studies have been used to provide evidence of the effectiveness or otherwise of interventions with sexual offenders. Despite the problems associated with this process described above (lengthy follow-up times, low base-rates etc.) reconviction data, one might imagine, would provide hard formal evidence of the behaviour of sex offenders following treatments of various kinds. In fact, research by Friendship et al. (2001) has shown that the research methodology utilised by reconviction studies may be flawed as the official sources of information about criminal convictions (the Offenders Index and National Identification Service in the UK) were shown to have discrepancies in their data. The research concluded that “... in the future, when researchers have access to both sources of data, it is recommended that they use a combination of data sets for accessing past criminal history” (Friendship et al, 2001, p.121). Thus even the “hard evidence” of reconviction can be seen to be potentially flawed as a follow-up measure. In addition to this, a significant proportion of sexual offences which are committed are not even reported (Mayhew, Elliott and Dowds (1989) estimate as much as 80%), and of that original amount a diminishing number go on to prosecution and still less to eventual conviction. Writing about general offending Lloyd et al. (1994) suggested that “only 50% of offences are reported to the police, only 30% are reported by the police as a crime, 7% crimes are cleared up; and 3% result in a caution or conviction.” Thus, even after lengthy periods of study, figures for reconviction are likely to be a significant under-estimate of the true nature of sex offenders’ follow-up behaviour

Studies focussing on recidivism by sex offenders are at some advantage here. This kind of data can be gathered after relatively short periods so long as detailed information on the behaviour of sex offenders is recorded and is available for analysis. In the early 21st century the rise of sex offender treatment programmes run by the UK Prison (Beech and Mann, 2002) and Probation services (Beckett, 1998; Bates, 2004) mean there is a much greater amount of recorded information available on the activities of individual sex offenders than has previously been the case. This includes demographic and psychometric data as well as information about attitudes recorded during the treatment process through behavioural observation. The expansion in the work of various other agencies involved

with sex offenders (in particular children and families Social Services departments and police Public Protection offices implementing the Sex Offender Register, which became active in 1997) has created still greater amounts of recorded information. Such data sources provide a much richer source of information about sex offenders' behaviour than simple reconviction records.

However, perhaps nowhere is this kind of detailed 'soft data' about sex offenders more available than within the file information and local knowledge held by professional and volunteer staff working with COSA. The level of detail in this information goes way beyond that held even by statutory agencies such as treatment providers (Prison, Probation) and Police and Social Services. COSA have detailed knowledge about the attitudes and behaviours of sex offenders which arise from regular contact with them in formal and informal group and individual settings within the context of COSA activity. The core members (i.e. the released prisoner) will often form closer relationships with those involved in COSA than with any others in society and the accountability aspect of the COSA role provides unique access to a questioning and understanding of the process of successful rehabilitation (or the lack of it) for the core member. It seems very likely that COSA is able to provide more information about sex offenders' attitudes and behaviour in the community than any other agency working in this field.

In the current climate of public protection in the UK (Kemshall and McGuire, 2001) the theory and practice behind COSA holds a central position. No longer is the criminal justice process just a matter of identifying and convicting those who have committed crimes. In the 21st century UK society has set itself the significant challenge of stopping sexual crime, in particular, before it even happens. Such a task can only be attempted by very close co-working between a large number of agencies which are all involved in the management of sexual offenders in some respect and this is what lies behind the Multi Agency Public Protection Arrangements (MAPPAs). Information shared by a number of agencies will assist in understanding the attitudes and behaviours of sexual offenders and this in turn will lead to a greater degree of possible intervention and control over such unacceptable and damaging behaviour. Ultimately the purpose of the MAPPAs, as with other criminal justice initiatives, is to reduce offending and conviction but this can only be achieved by increasing our knowledge about how sex offenders live in society and what factors assist or impede them in their rehabilitation. The activities of COSA, which take place in the very grass-roots of societal functioning, provide us with a unique opportunity to learn more on this subject in order to better protect the potential victims of sexual crime both now and in the future.

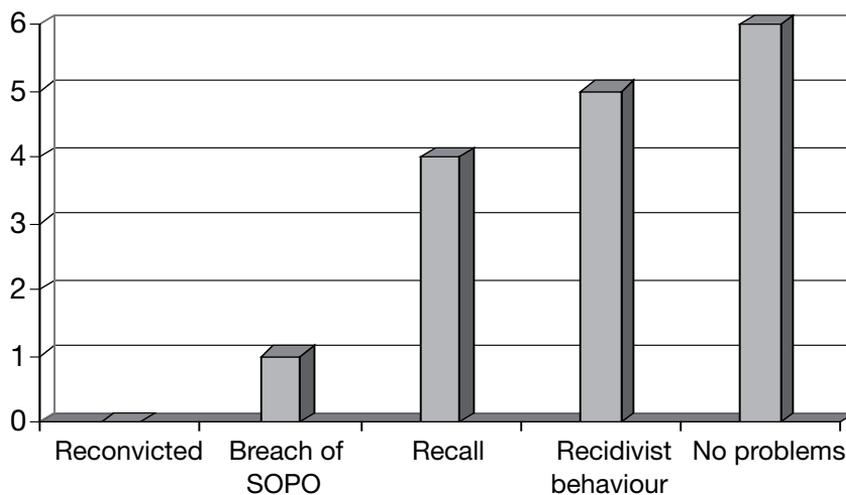
Method

Case files kept on the sixteen core members registered with COSA between November 2002 and May 2006 were examined in detail. COSA staff were interviewed for their professional opinions and recollections about each case. Relevant information about any incidents of reconviction or recidivism by Core Members (CMs) was identified together

with other significant information which is presented in the graphs and outline case studies below.

Results

- No core member was reconvicted of a sexual offence.
- One CM was convicted for breach of a Sex Offence Prevention Order and thereafter made subject to a three-year Community Rehabilitation Order.
- Four CMs were recalled to prison for breaching the conditions of their parole licence.
- Five CMs were identified as exhibiting some kind of recidivist behaviour.
- Six CMs had no further problematic behaviours identified in their management by COSA.



Graph 1. Behavioural Outcomes for Core Members

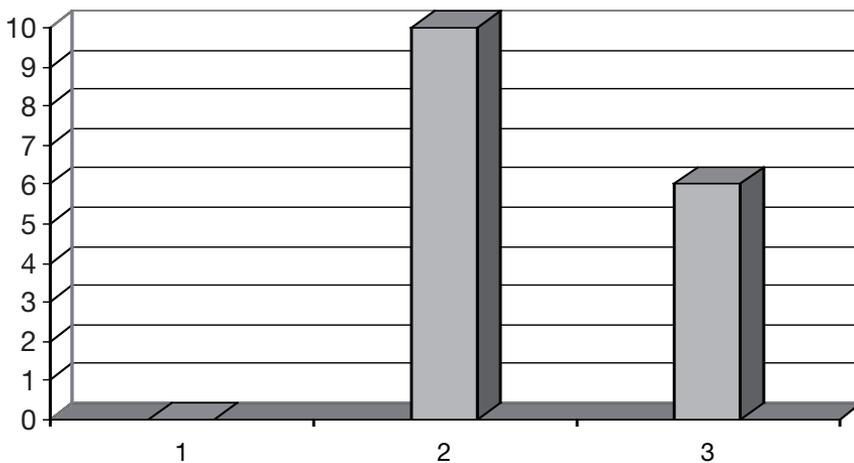
Explanation of Key Terms and Concepts Used

1. MAPPA Levels

All registered sex offenders come under the remit of the Multi-Agency Public Protection Arrangements, together with offenders who have served at least a twelve-month custodial sentence for a violent crime according to specific definitions or any other offender who can be formally identified as presenting a high risk of committing further serious harm. MAPPA offenders are registered as such with a central administrative body and their management in the community has to be agreed at Multi-Agency Risk Management Meetings (MARMMs) held monthly in nine separate districts across the Thames Valley Area. Each case is allocated a MAPPA 'level' in order to most efficiently apply resources to levels of risk and complexity of case management. These levels do not simply apply to risk assessment alone (see below). MAPPA levels can change as cases become more or less stable in the community. The data featured in graph 2 refers to the original MAPPA level of the CM as set in release from prison/entry into the Thames Valley community.

The meaning of each MAPPA levels is as follows:

- Level One:** Management of case by single agency.
- Level Two:** Case presents high risk of serious further harm and requires management by more than one agency
- Level Three:** Case presents imminent risk of further serious harm which can only be managed by application of additional resources from public protection agencies which would require senior management authorisation. This can also include cases of very high media interest where press disclosure could result in significant unrest and destabilisation both for the individual and agencies working with him e.g. in a probation hostel.



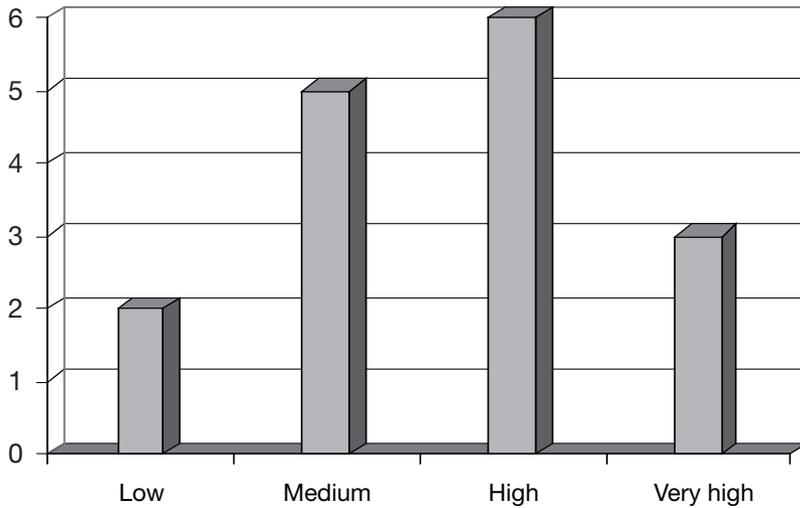
Graph 2. MAPPA Levels of TVCOSA Core Members

2. Risk Matrix 2000 Levels

Risk Matrix 2000 (Hanson and Thornton, 2000; Thornton, 2002; Beech, Fisher and Thornton, 2003) is the method used most widely in the UK for calculating risk of future reconviction in sex offenders. The algorithm uses factors identified from a sex offender's history as identified from research into the past behaviour of sex offenders released from prison. These include age at time of assessment, number of previous sexual and other convictions, nature of offending history and past experience of relationships. The process identifies four different levels of risk:

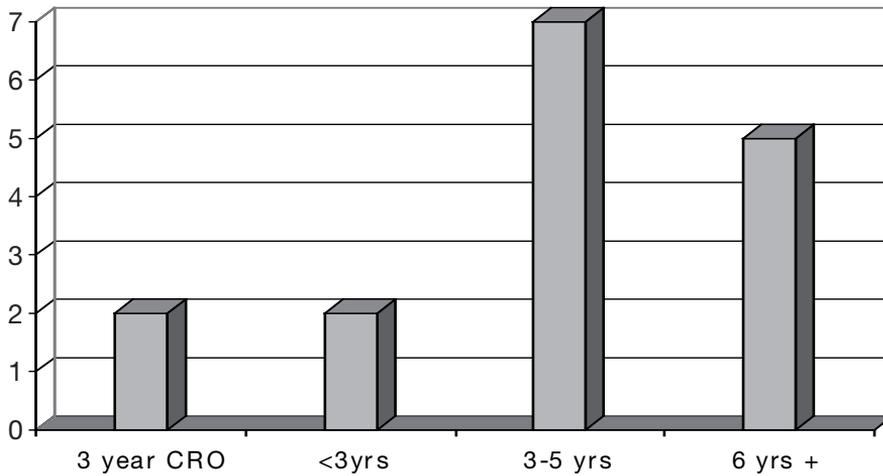
- Low risk = 7%
- Medium risk = 19%
- High risk = 36%
- Very high risk = 59%

Each percentage refers to the likelihood of further sexual conviction over a twenty-year period.



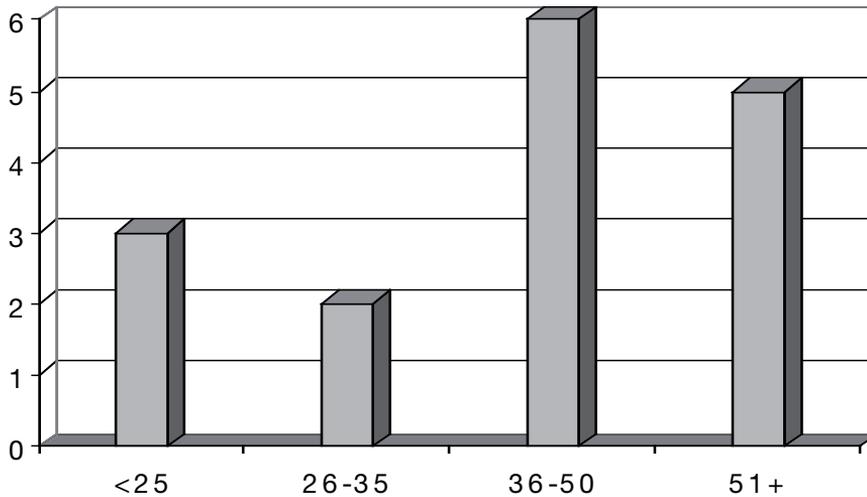
Graph 3. Risk Assessment Levels of Core Members using Risk Matrix 2000

Graph 3 indicates the generally elevated risk levels exhibited by TVCOSA CMs featuring in this study. Given this finding, the fact that none was reconvicted for a sexual offence even during the relatively brief follow-up period is of note.



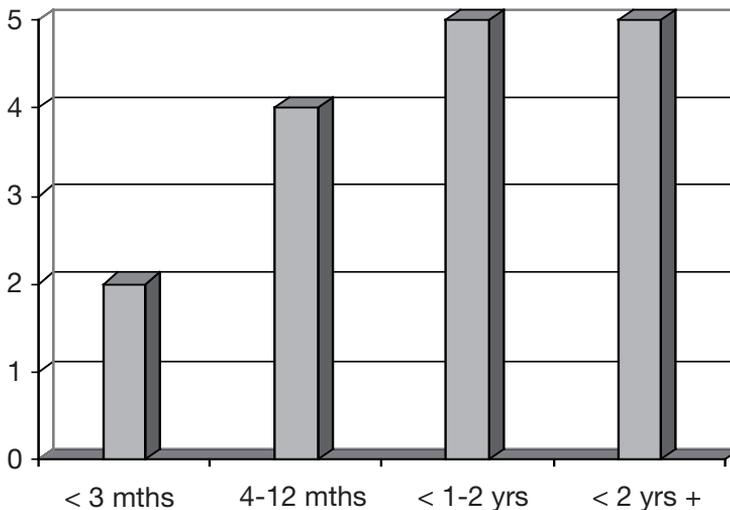
Graph 4. Sentence Length (current offence) of Core Members

Graph 4 illustrates the serious nature of the offending committed by CMs. Three quarters had served prison sentences of three years or more for sexual offences. Only two CMs had been made subject to community penalties. CRO=Community Rehabilitation Order, awarded by the court.



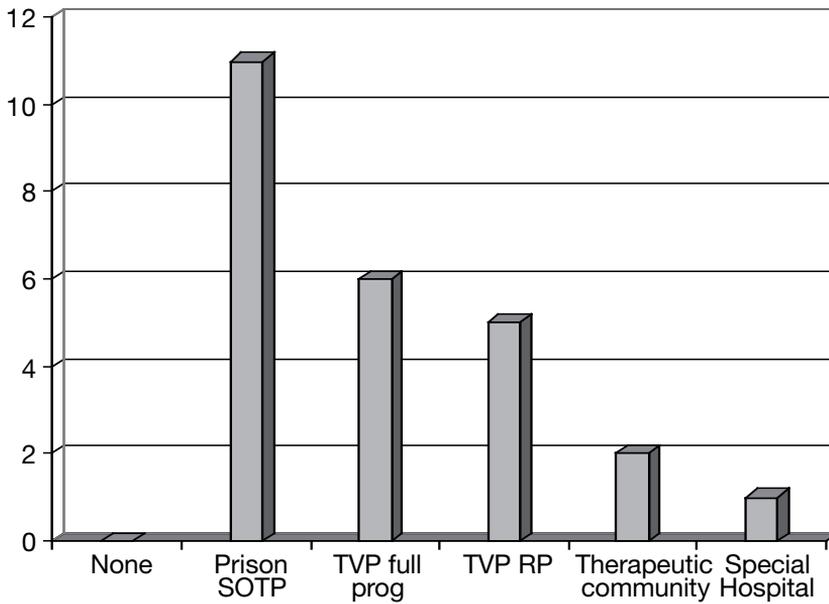
Graph 5: Ages of Core Members (in years)

Notes: Graph 5 shows that the majority of CMs were aged 36+. High levels of social exclusion were identified in this older group of sex offenders who were often rated as high risk (see graph 3) due to their offending history even though the risk indicators of younger age were not present.



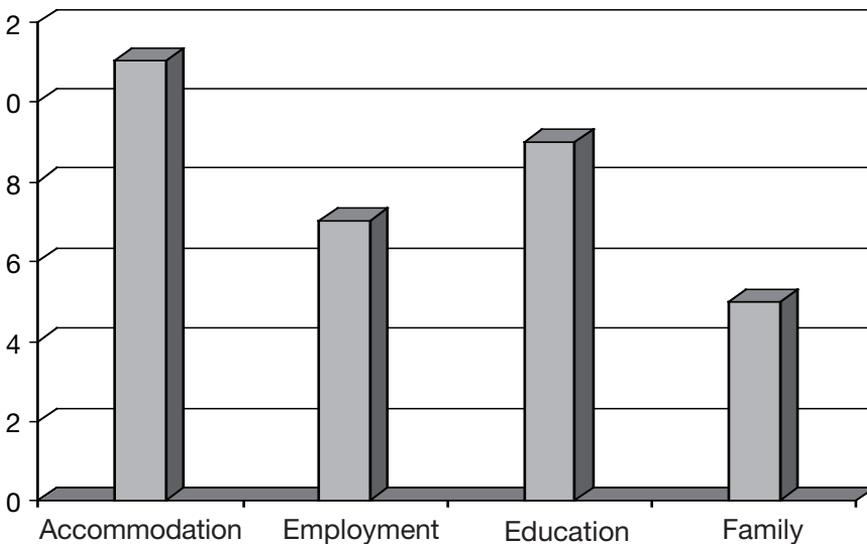
Graph 6. Lifespan of Circles

Note: Graph 6 evidences the longevity of many circles in COSA once established. Ten out of sixteen lasted more than a year, indicative of the levels of commitment of members of the public involved.



Graph 7. Treatment History of Core Members

Note: Graph 7 illustrates the fact that almost all CMs have undertaken treatment – some have been involved in different programmes hence the larger total number than 16. Future research might compare untreated and treated sex offenders who are and are not involved in COSA in order to determine if there is a specific effect of circles involvement as opposed to treatment alone.



Graph 8. Roles of circle in resettlement process of all CMs

Note: It is very difficult to quantify the precise nature of the support and resettlement assistance that any one circle provides to its CM. Their work means that social and emotional support is made available to individuals who are among the most excluded and isolated in society. Such support does much to reduce the high levels of risk to the public that have been identified in this study. Graph 8 outlines four key areas in which Circles have provided community assistance to vital aspects of their CM's life.

Detailed Breakdown of Information Pertaining to Each File Examined

CM1:

- Age of core member: 58 years
- Current offence: Breach of Sex Offence Prevention Order (SOPO)
- Sentence: 3 years
- Number of previous sexual convictions: 5
- RM2000 risk assessment level: Very high
- MAPPA level: 3
- Treatment history: None undertaken due to low IQ (full scale score=68)
- Location of circle: Oxford
- Lifespan of circle(s): November 2002-January 2005, January-May 2006
- Role of circle in resettlement progress:
 - o Accommodation: Circle staff and volunteer with housing experience provided risk assessment, monitoring and support action plan and training to housing providers, which secured accommodation. Subsequently circles staff and volunteer worked with Public Protection Officer (PPO) to encourage CM to move back to probation hostel following breach of SOPO due to inappropriate proximity to children.
 - o Employment: Volunteers assisted in attending at job centres and preparing for interviews, assisting CM in process of disclosure of offences to prospective employers.
 - o Family and relationships: Circle volunteer assisted in making appropriate contact with family members.
- Nature of recidivist behaviour if any: Secretly purchased a car, which had been part of his modus operandi for his previous sexual offence of abduction. Used car to travel to visit a previous associate involved with him in grooming of children. Two girls aged 6 and 14 were found in his flat by housing warden.
- Role of circle in detection/management of recidivism: Circle volunteers gained knowledge of car and reported this to PPO, circle staff and volunteers visited CM when children were present in his flat; Housing warden had been trained by and was included in circle, volunteers acted as appropriate adults during investigation by police into breach of SOPO.
- Outcome: Breach of SOPO and imposition of a new Community Rehabilitation Order. Under these auspices he was accommodated in reformed circle.

CM2:

- Age of core member: 33 years
- Current offence: Indecent assault of adult female
- Sentence: 4 years
- Number of previous sexual convictions: Two
- RM2000 risk assessment level: Very high
- MAPPA level: 3
- Treatment history: Undertook prison Sex Offender Treatment Programme on previous sentence, undertook Thames Valley-Sex Offender Groupwork Programme (TV-SOGP -community treatment programme) on release and prison SOTP again when reconvicted, then undertook 2nd TV-SOGP Relapse Prevention group.
- Location of circle: Milton Keynes
- Time involved with circle: March 2003-December 2004
- Role of circle in resettlement progress:
- Circle volunteers supported CM through time in hostel and assisted with anger management problems, circle was identified as integral part of RP plan, probation officer attended circle on various occasions to share information about risk management.
 - Accommodation: circle volunteers assisted with move to independent accommodation including purchase of furniture etc.
 - Employment: circle volunteers assisted with attending job centres, conducting 'mock interviews' to assist with gaining employment.
 - Family and relationships: Circle assisted CM to come to terms with his brother's death through discussion.
- Nature of recidivist behaviour if any: Arrested for attempted burglary following the modus operandi used in the past to access adult female victims for sexual assault. Had identified that victim of burglary was lone female he had met in pub.
- Role of circle in detection/management of recidivism: CM was secretive and deceptive with circle, admitted high levels of alcohol consumption to circle volunteer but only after arrest, Circle fed back to MAPPA panel available information about CM but this was limited due to his high levels of deception and maintained pro-offending attitudes.
- Outcome: Recalled to prison.

CM3:

- Age of core member: 42
- Current offence: Indecent assault on male child, attempted buggery
- Sentence: 4 years
- Number of previous sexual convictions: One
- RM2000 risk assessment level: Medium
- MAPPA level: 2
- Treatment history: SOTP plus TV-SOGP RP
- Location of circle: Reading

- Time involved with circle(s): Jan 2003-February 2005, August 2005-May 2006
- Role of circle in resettlement progress:
 - Accommodation: Circle staff provided risk assessment, monitoring and support action plan and training to housing providers, which secured accommodation. Circle volunteers assisted him in moving to independent accommodation.
 - Employment: Circle volunteers assisted in facilitating access to education facilities. (CM medically unable to work).
 - Family and relationships: Volunteers accessed wider support in community, including British Gay and Lesbian Society.
- Nature of recidivist behaviour if any: CM developed a relationship with the 11 year-old nephew of a neighbour.
- Role of circle in detection/management of recidivism: Circle volunteer had information about the relationship with the child, informed circles staff and attempted to get CM to change his behaviour. However, the Public Protection Officer (PPO) was not informed. CM was caught with child in his flat during police visit pertaining to restriction of movement by Registered Sex Offenders. Major lessons learned here about need for clearer communication and information sharing with PPO staff. Circles co-ordinators pursued discussion with police and systems of communication were reviewed and improved.
- Outcome: Recalled to prison. Now released and accommodated in new circle.

CM4:

- Age of core member: 26 years
- Current offence: Rape of thirteen year-old female
- Sentence: 6 years
- Number of previous sexual convictions: None
- RM2000 risk assessment level: Medium
- MAPPA level: 2
- Treatment history: Time in prison therapeutic community (HMP Grendon 2-3 years), due to undertake TV-SOGP Relapse Prevention Programme
- Location of circle: Reading
- Time involved with circle: June-August 2003
- Role of circle in resettlement progress:
 - Accommodation: None (living in probation hostel)
 - Employment: Circles volunteers assisted in accessing education facilities.
 - Family and relationships: Volunteers assisted in gaining information about access to his children and contact with mother. Volunteers were involved in discussing and monitoring contacts he made with females on the internet with the knowledge of local PPO.
- Nature of recidivist behaviour if any: CM found to be grooming girls under 16 in Internet Chat Rooms.

- Role of circle in detection/management of recidivism: CM informed volunteer that he had met with female child and drunk alcohol with her. Volunteer informed the police and probation of this matter but supported CM through this process, which led to recall.
- Outcome: Recalled to prison for breach of licence. Now accommodated in new circle.

CM5:

- Age of core member: 20 years
- Current offence: Indecent assault of female child
- Sentence: 2 years
- Number of previous sexual convictions: None.
- RM2000 risk assessment level: Medium
- MAPPA level: 3
- Treatment history: SOTP at HMYOI
- Location of circle: Oxford
- Time involved with circle: April 2005
- Role of circle in resettlement progress:
 - Accommodation: None (living in probation hostel)
 - Employment/education: Volunteers encouraged CM's skills in artwork.
 - Family and relationships: Volunteers involved in working on appropriate sexual relationships due to CM's inappropriate sexual relationship with fellow hostel resident.
- Nature of recidivist behaviour if any: Breach of hostel restrictions due to use of alcohol and drugs plus pornography found on mobile phone.
- Role of circle in detection/management of recidivism: None – recidivist behaviour identified by probation hostel staff.
- Outcome: Recalled to prison. Due new circle on re-release from prison.

CM6:

- Age of core member: 36 years
- Current offence: Indecent assault female child
- Sentence: 3 year Community Rehabilitation Order
- Number of previous sexual convictions: None
- RM2000 risk assessment level: High
- MAPPA level: 2
- Treatment history: TV-SOGP full programme
- Location of circle: Oxford
- Lifespan of circle: February 2003-August 2004, November 2004-January 2005.
- Role of circle in resettlement progress:
 - Volunteers supported CM through attendance at Alcohol treatment agency.

- o Accommodation: Volunteers acted as advocates in move on from probation hostel to other hostel accommodation.
- o Employment: Volunteers assisted with process of job applications/interviews.
- o Family and relationships: No specific work undertaken.
- Nature of recidivist behaviour if any: CM developed a relationship and moved in with a single mother with three children aged under 16. CM breached contact with circle and statutory agencies on a number of occasions but was not recalled (MAPPA decision).
- Role of circle in detection/management of recidivism: Volunteers aware of relationship with single mother. When CM began to miss meetings this information was passed onto PPO and social services.
- Outcome: Social services re-opened case and conducted assessment of woman. CM suspended from circle for six months – suspension lifted after three. Ongoing contact for CM with experienced volunteer during suspension period. Reinvolvement of circles ceased January 2005 on end of parole licence.

CM7:

- Age of core member: 60 years
- Current offence: Indecent assault and gross indecency of male and female children
- Sentence: 5 years
- Number of previous sexual convictions: One
- RM2000 risk assessment level: High
- MAPPA level: 2
- Treatment history: SOTP, HMP Grendon, TV-SOGP RP
- Location of circle: Reading
- Lifespan circle: May 2004-May 2006
- Role of circle in resettlement progress:
 - o Accommodation: Circle staff provided risk assessment, monitoring and support action plan, which secured accommodation. Volunteers assisted in CM moving into independent accommodation, decorate flat etc.
 - o Employment: CM received incapacity benefits so could not work. Volunteers assisting in organising further education programme.
 - o Family and relationships: Volunteers supported CM in re-achieving family contact.
- Nature of recidivist behaviour if any: CM lent pornographic video to volunteer and practised evident manipulation of volunteers. Information reported to case manager and PPO who attended circle to circumvent secrecy and manipulation. Additional consultancy/training around these areas of volunteers from circles staff.
- Role of circle in detection/management of recidivism: Recidivism acted out within the context of the circle.
- Outcome: Contained within circle.

CM8:

- Age of core member: 63 years
- Current offence: Indecent assault of female children.
- Sentence: 4 years
- Number of previous sexual convictions: None.
- RM2000 risk assessment level: Low
- MAPPA level: 2
- Treatment history: SOTP and TV-SOGP (whole programme)
- Location of circle: Oxford
- Lifespan of circle: August 2003-April 2005
- Role of circle in resettlement progress:
 - o Accommodation: Circle staff provided risk assessment, monitoring and support action plan to housing providers.
 - o Employment: Volunteers attempted to facilitate voluntary work but this ceased after MAPPA panel required disclosure. Volunteers assisted in getting him a place on a creative writing course.
 - o Family and relationships: Volunteers facilitated and supported face-to-face contact with daughters with knowledge of case manager. Volunteers assisted in improving communication with ex-wife, which led to CM taking more appropriate responsibility in his role as father.
- Nature of recidivist behaviour if any: CM was identified as keeping a diary account of his offending behaviour that he regularly edited and updated. CM kept photographs of his victims around his bed and videos of victim with his daughter.
- Role of circle in detection/management of recidivism: Volunteers discovered this information and reported it to PPO.
- Outcome: Video was destroyed. PPO and case manager invited into circle where CM was challenged on this behaviour with positive changes observed (e.g. photos of victim replaced by those of his own children). Contained within circle.

CM9:

- Age of core member: 54 years
- Current offence: Indecent assault on male child.
- Sentence: 3 year CRO
- Number of previous sexual convictions: Three.
- RM2000 risk assessment level: High
- MAPPA level: 2
- Treatment history: TV-SOGP full programme (dropped out of Relapse Prevention Programme)
- Location of circle: Oxford
- Lifespan of circle: January 2004-June 2005
- Role of circle in resettlement progress:

- o Accommodation: Circle staff provided risk assessment, monitoring and support action plan, which secured accommodation. Volunteers assisted in CM moving into independent accommodation, decorate flat etc.
- o Employment: Encouragement of voluntary work.
- o Family and relationships: Volunteers supported and assisted CM in regaining contact and appropriate relationship with son and ex-wife.
- Nature of recidivist behaviour if any:
 - o Core member dropped out of Relapse Prevention group and was interviewed by the police for inappropriate sexual behaviour with a fellow hostel resident.
 - o Also was party to illegal use of vehicle and inappropriate relations with another CM.
- Role of circle in detection/management of recidivism:
 - o This recidivism not identified within the context of Circle activity (identified by hostel staff).
 - o Illegal use of car/inappropriate contact with fellow CM was identified by circle volunteers. CM9 disclosed recidivist behaviour fully to circles staff and volunteers. Circle confronted his behaviour with assistance of Case Manager.
- Outcome: Contained within circle.

CM10:

- Age of core member: 44 years
- Current offence: Indecent Assault, Gross Indecency on female child
- Sentence: 6 years
- Number of previous sexual convictions: None
- RM2000 risk assessment level: Low
- MAPPA level: 2
- Treatment history: SOTP, TV-SOGP full programme
- Location of circle: Oxford
- Time involved with circle: Feb 2003 – May 2006
- Role of circle in resettlement progress:
 - o Accommodation: Independent accommodation secured by hostel staff with support of Circles. Volunteers helped move and furnish flat.
 - o Employment: Initially focused on education - attending local College and securing a place at University. Has now deferred university place and is currently manager for a local bookshop. All of the above secured from the CM's own initiative but with support and preparation from the circle.
 - o Family and relationships: Circle provided emotional support for CM to make contact with his sisters after a long period of no contact.
- Nature of recidivist behaviour if any: Entering a relationship with a woman known to have grandchildren without prior knowledge of case manager.

- Role of circle in detection/management of recidivism: CM disclosed relationship to circle and this information was reported to PPO. Joint meeting took place to ensure disclosure made to partner by PPO and circle staff. Volunteers involved in disclosure and continued monitoring of situation.
- Outcome: Contained in circle

CM11:

- Age of core member: 40
- Current offence: Buggery and Abduction of a male child
- Sentence: 6 Years (12 months for abduction to run concurrent)
- Number of previous sexual convictions: None
- RM2000 risk assessment level: Medium
- MAPPA level: 2
- Treatment history: Pre-accredited SOTP
- Location of circle: Reading
- Lifespan of circle: Feb 2004 – May 2006
- Role of circle in resettlement progress:
 - Accommodation: No input. CM secured accommodation prior to circle
 - Employment: No input. Already in employment prior to circle
 - Family and relationships: CM in a long term relationship with partner. Circle has focused on improving relationships between CM and PPO.
- Nature of recidivist behaviour if any: None.

CM12:

- Age of core member: 19
- Current offence: Attempt to procure a child for purposes of Unlawful Sexual Intercourse and possession of an imitation firearm.
- Sentence: 3 years
- Number of previous sexual convictions: none
- RM2000 risk assessment level: High
- MAPPA level: 3
- Treatment history: Some individual work (Fantasy Modification)
- Location of circle: Oxford
- Lifespan of circle: August 2004—Jan 2005
- Role of circle in resettlement progress:
 - Accommodation: Circle provided recommendation for resettlement and support package required by CM. However, he was moved out of area.
 - Employment: Not suitable for employment. However, circle facilitated voluntary work and social activities.
 - Family and relationships: Circle assisted with regular contact with mother
- Nature of recidivist behaviour if any: None.

CM13:

- Age of core member: 51
- Current offence: Indecent Assault, Gross Indecency, Indecent Exposure
- Sentence: 4.5 years
- Number of previous sexual convictions: One
- RM2000 risk assessment level: Very High
- MAPPA level: 2
- Treatment history: Rampton Hospital, pre-accredited SOTP, TV-SOGP full programme
- Location of circle: Maidenhead
- Lifespan of circle: July 2005 – May 2006
- Role of circle in resettlement progress:
 - o Accommodation: Housing very problematic, circles provided risk assessment and resettlement package as well as attending a considerable number of meetings to support the housing process.
 - o Employment: None, but Circle is engaging with him exploring voluntary work.
 - o Family and relationships: No contact with any family, circle is social network.
- Nature of recidivist behaviour if any: None.

CM14:

- Age of core member: 21
- Current offence: Indecent Assault x 3
- Sentence: 30 months imprisonment
- Number of previous sexual convictions: one
- RM2000 risk assessment level: High
- MAPPA level: 3
- Treatment history: SOTP, further individual work in the community with psychologist visiting probation hostel
- Location of circle: Oxford
- Lifespan of circle: July 2005 – May 2006
- Role of circle in resettlement progress:
 - o Accommodation: MAPPA coordinated move to independent accommodation on the strength of CM engaging with circles. Resettlement package provided by Circles staff.
 - o Employment: Secured work with local supermarket, circle and PPO contributed to disclosure process.
 - o Family and relationships: Developing social networks with support of circle. Good relationship with mother.
- Nature of recidivist behaviour if any: None.

CM15:

- Age of core member: 47
- Current offence: Buggery x 2, Indecency with a child x 2, Indecent Assault x 5, Aiding and abetting Incest
- Sentence: 10 years
- Number of previous sexual convictions: None
- RM2000 risk assessment level: Medium
- MAPPA level: 2
- Treatment history: SOTP, TV-SOGP RP Block
- Location of circle: Reading
- Lifespan of circle: July 2005 – May 2006
- Role of circle in resettlement progress:
 - Accommodation: Supported move into private rented accommodation. Liaison with housing agencies and MAPPA.
 - Employment: CM secured employment at local supermarket prior to commencement of the circle.
 - Family and relationships: Circle staff and volunteers are involved in child protection conferences and contact with children (his victims). Circle supporting both CM and social services over difficulties relating to contact issues with children.
- Nature of recidivist behaviour if any: None.

CM16:

- Age of core member: 47
- Current offence: Indecent Assault x 10, Taking Indecent Photographs, Attempting to Pervert the Course of Justice
- Sentence: 7 years
- Number of previous sexual convictions: none
- RM2000 risk assessment level: High
- MAPPA level: 3
- Treatment history: SOTP, TV-SOGP RP Block
- Location of circle: Oxford
- Lifespan of circle: April 2005 – May 2006
- Role of circle in resettlement progress:
 - Accommodation: CM secured independent accommodation. Circle and hostel key in securing MAPPA agreement for this move-on.
 - Employment: CM found employment, circle volunteers and hostel worked with PPO to ensure appropriate disclosure had taken place.
 - Family and relationships: Circle is support network.
- Nature of recidivist behaviour if any: None.

Discussion

During the time covered by this study no core member involved in COSA has been reconvicted of a sexual offence, despite the fact that the majority were statistically assessed as having a high or very high level of risk of reconviction. Having said this, the period of the follow-up (less than four years) is not long enough for a formal reconviction study. Longer-term analysis of core members' behaviour in the community would be required to achieve this objective (see Wilson et al, 2005).

A large number of recidivist behaviours have been identified in this study, some of which led to action taken by Probation and Public Protection Officers and the subsequent recall of core members to prison under conditions of their parole licences. Perhaps at some odds with the evaluation of the Canadian COSA these incidents of recidivism where they lead to breach of parole license and return to prison are not necessarily regarded as a 'failure' in the way that reconviction for a new sexual offence and the creation of another victim would have to be. In this study we have taken the perspective that high-risk offenders are, by definition, likely to behave in the future in pro-offending and dangerous ways. The purpose of the public protection system in the UK is to identify this kind of behaviour before it has led to re-offence. The fact that four core members have been recalled to prison can be seen as evidence of the effectiveness of current public protection procedures of which COSA forms an active part. It is important also to recognise that three of these four have retained contact with COSA and have been or will be accommodated in further circles intervention. This fact illustrates the ongoing nature of the public protection challenge – that sex offenders will almost always be released into the community where they will require support, monitoring and maintenance and that COSA has consistently been flexible and effective in meeting this challenge.

Multi-Agency Public Protection Arrangements (MAPPA) have undergone significant developments since the inception of the Sex Offenders' Register in 1997 and the establishment of additional agency responsibilities in the field of offender management. This included the introduction within police areas of Public Protection Officers to monitor those on the Sex Offenders' Register and the development of formal protocols to which various relevant agencies have signed up either on a statutory basis (the Police, Prison and Probation services) or under a 'duty to co-operate' (e.g. Youth Offending Teams, Health and Social Services and local housing authorities). In evaluating the work of COSA we must recognise that other factors will be key in influencing the management of sex offenders living in the community. Yet in many cases here we have been able to specify how breaches in parole licence and other legislative procedures that may have prevented further re-offending came about as a direct result of COSA activity.

No system created to manage high-risk sex offenders in the community will ever be wholly effective. However, the work of COSA has allowed for a degree of knowledge and understanding about the ways in which sex offenders released from prison live their lives in the community beyond that achieved by any other agency. This is because it provides a community support network which goes beyond statutory contact such as provided by the probation service. COSA operates under the principles of civil renewal, restorative justice and social inclusion. It invites the community to take some responsibility for what is essentially a community issue. It trains and assists informed volunteers from diverse backgrounds in supporting and holding accountable sex offenders with whom they work closely in everyday community settings. Part of the reward for those volunteers might be the sense of fulfilment gained in achieving a constructive rehabilitation for this group of particularly isolated offenders which also addresses the needs of potential victims and the wider community. However, if needs be, they are also actively assisting public protection by informing relevant agencies when formal intervention is required.

The study has identified that COSA have not always got this process right. In one of the cases (CM3) circle volunteers had knowledge about a Core Member that was not shared with Public Protection Officers until routine police enquiries had independently identified the problem issue. This led to an internal review of communications procedures and the establishment of a more formal exchange of relevant information between COSA and partnership agencies. However, in three of the six cases where action was taken against core members either in the form of recall to prison, breach of SOPO or social services involvement COSA can be clearly identified as contributing to this process. Further to this, in four other cases COSA alone had identified recidivist behaviour in the core member and acted in consultation with public protection and probation officers to resolve problem issues. This highly innovative and socially responsible initiative has required constant organisational modification as it has progressed through four years of existence so that challenges were addressed constructively and not repeated in the future. At a time when the reactions to many issues within the criminal justice system in both media and political arenas have been alarmist and quick to apportion blame COSA have been required to keep a focussed and realistic view of their task in order to demonstrate the positive results described above.

Future Evaluation Recommendations

One criticism that might be levelled at COSA is the fact that no evaluative methodology was built-in to the initiative from its inception. The current study provides a retrospective analysis of the work but formal evaluative procedures should be integral to any correctional or rehabilitative programme. The employment of a psychologist or other researcher as part of the programme staff might therefore be recommended. Herewith, some future research proposals are outlined:

1. Psychometric Evaluation

Psychometric tests can be used to undertake useful short-term evaluation. In particular, the socio-affective measures which form part of the Home Office-accredited psychometrics used to assess sex offenders across the UK (Beech, 1998; Beckett, 1998) could be usefully applied at regular intervals to Core Members in order to assess aspects of their functioning relevant to circles objectives e.g. levels of self-esteem, emotional loneliness, assertiveness and locus of control. These results might be directly fed back to circles volunteers to assist them with an objective assessment of the individual they are working with and inform strategies and tactics for the circle operation. Over time movements on the relevant scales identified from psychometric testing could be studied to provide feedback about core members' progress within COSA. Questionnaires measuring offence-specific attitudes (e.g. victim empathy, sexualised attitudes to children, levels of honesty and denial regarding offending behaviour) are less relevant to COSA objectives than to those of accredited treatment programmes. However, an additional research project might use these measures to identify if changes achieved after treatment have been maintained over the time that Core Members are involved in COSA.

2. Control-group Reconviction Studies

It would be very useful to be able to conduct evaluative research similar to that carried out in Canada to evaluate COSA. This would require identification of matched experimental groups (e.g. similar in terms of age, risk levels, prison sentence and other specified variables) who could then be followed up over a period of time (five years minimum). Comparing sex offenders who have undertaken prison or community SOTP alone, or COSA alone or a combination of the two would allow for an evaluation of the effects of each intervention. However, researchers would need to bear in mind the limitations of reconviction studies as outlined in the introduction to this paper. Such an undertaking would be a long term proposition which would not be viable unless a long-term commitment to the funding of COSA was achieved.

3. More Formal Gathering of Recidivism Data

While it would be important not to overload members of the public with additional paperwork which might deter them from volunteering for COSA in the first place, it would be useful to find ways of recording the process of the Circle interaction in more detail. Currently these minutes are rather vague in what they require for completion after each meeting. It would be useful to design a feedback-form specifically focussing on the identification and/or resolution of issues pertaining to recidivist behaviour. This information could then be kept on an expanded central database allowing for more ready access at any time to information relevant to future evaluations. A more routine recording of other demographic variables appertaining to each core member would also be useful for this purpose – routinely recording offence and treatment history and formal risk assessment levels, for instance.

4. Qualitative Research into the Experiences of Circles Volunteers and Core Members

One significant failing of the current study, despite the restrictions of its scope and purpose, is that fact that it scarcely identifies the thoughts, practice and considerations of the volunteer members of the public who are at the heart of COSA and without whom none of this work would have been achieved. It seems that any procedure of evaluation and research which ignores the volunteers would be flying in the face of the ethos of the whole initiative and would be excluding vital information about the process and content of a circle. Qualitative research garnering the opinions of circle volunteers both as individuals and within the groups themselves would be a valuable requirement in any evaluation of this initiative. This is not an area addressed in the current study as we have focussed instead on the impact of COSA on the public protection arena. The fact remains, however, that COSA will live or die by their volunteers and the need to correctly recruit, train and support them in their role is utterly vital. Much more research is needed about how and why members of the public volunteer for this task and how their roles could be maintained and enhanced in the future. The identification from this work of methods of recruiting more volunteers from across perhaps a still wider range of professional and social strata is required. Similarly, qualitative information from core members achieved by means of structured interviews could prove very useful in identifying how this most impressive and socially responsible public protection initiative is successful, and might become still more successful and significant in years to come.

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MORAL AMBIGUITY, THE SCHIZOPHRENIA OF CRIME AND COMMUNITY JUSTICE

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Introduction

In his editorial to the inaugural edition of the *British Journal of Community Justice* Brian Williams professes the aims of the journal 'to encourage debate about the contested meanings of the concept of community justice, with a view to clarifying the issues policy-makers, practitioners and academics alike' (Williams, 2004:1). This paper enters that debate with the suggestion that the parameters of discussion be extended to encompass observations about the nature of community, crime and criminology in contemporary fragmented societies.

Discussions about the concept of community justice note the political nature of the debate and conflict between the conservative and liberal approaches (Altschuler, 2001) and democratic and authoritarian models (Wright, 2000) but all discussants appear aware of the obvious links to communitarianism. The latter emerged in the USA during the 1980s as a response to what its proponents perceived to be the limits of liberal theory and practice and significantly incorporate diverse strands in social, political and moral thought from very different locations on the political spectrum such as Marxism (Ross, 2003) and traditional 'one-nation' conservatism (Scruton, 2001). Its dominant themes are that the individual rights vigorously promoted by traditional liberals need to be balanced with social responsibilities, and that, moreover, autonomous individual selves do not exist in isolation but are shaped by the values and culture of communities.

All variants of communitarianism seem to share a conception of community with its theoretical foundations in the nineteenth century German sociology of Ferdinand Tönnies who differentiated between the notion of *Gemeinschaft* or close knit community relationships which were said to characterise a more simple pre-urban existence and which are widely perceived idyllic and *Gesellschaft* which distinguishes more fragmented contemporary industrial or post industrial societies from their predecessors and which followers of this perspective consider to be superficial, negative and absent of any meaningful relationships among its citizenry (Tönnies, 1957). It is this notion of community with widespread popular, political and academic rejoinders to rediscover it

that dominates conceptions of what it is. Yet, E.P. Thompson cited by Williams (2004) rightly recognises the negative aspects of traditional notions of community in its promotion of and maintenance of colonialism, while its survival is also be closely-linked to pervasive and invisible child abuse (Hopkins Burke, 1996) and hate crime proliferation (Hopkins Burke and Pollock, 2004) among other negative social factors. This paper is founded on a rather different variant of the notion of community to be found in the work of the French sociologist Emile Durkheim.

Most introductory sociology textbooks consider the notion of community found in the work of Durkheim to be very similar to that promoted by Tönnies, simply substitute *mechanical solidarity for gemeinschaft* and *organic solidarity for gesellschaft*. But this interpretation of Durkheim is quite simply wrong as I have argued elsewhere (Hopkins Burke, 2005). Durkheim (1933) explains that societies with high levels of mechanical solidarity are characterised by the conformity of the group. There is a likeness and a similarity between individuals and they hold common attitudes and beliefs that bind one person to another. Now he agrees that this is a form of social solidarity that may at first sight appear attractive – suggesting the popular notions of the close-knit community alluded to above – but at the same time recognises that such societies place severe restrictions on the ability of an individual to develop any sense of personal identity or uniqueness. Thus, co-operation between individual members of the group is restricted to what can be achieved through the close conformity of each member to a single stereotype.

Durkheim argues that with greater industrialisation societies develop greater levels of organic solidarity, there is a more developed division of labour and different groups become inter-dependent on each other for their existence. Social solidarity is now less dependent on the maintenance of uniformity between individuals, and more on the management of the diverse functions of different groups. For Ferdinand Tönnies, it was precisely this increasing fragmentation of communal beliefs and values that is the problem. Thus, the proposed solution for the proponents of that perspective lies in re-establishing the moral certainties of a society with high levels of mechanical solidarity. In contrast, for Durkheim, the division of labour is a progressive phenomenon. Its appearance signals not the inevitable collapse of morality, but the emergence of a new *content* for the collective conscience. The focus is now on the obligation of society to the individual person whereas previously with mechanical solidarity the emphasis had been on the obligation of the individual to society.

Now to give the maximum possible encouragement to individual rights does not mean that altruism – that is, self-sacrifice for others – will disappear. On the contrary, moral individualism is *not* unregulated self-interest but the imposition of a set of reciprocal obligations binding individuals together (Durkheim, 1933). Here lies the essential originality of Durkheim's interpretation of the division of labour. It is a progressive phenomenon and provides us with of a contemporary perception of community and criminality to which we will return in the discussion at the end of this paper which considers the present state of criminality, criminology, the future of both and the wider fragmented socio-political world they inhabit.

This is without doubt a problematic enterprise. The world of practical and academic criminology is as fragmented and diverse as contemporary society itself with different disciplines and schools of thought that not just have their own perspective on the criminological enterprise but invariably profess theirs to be the own true crime discourse and others mere pretenders.

It is a situation that sometimes appears practically motivated with the intention of promoting a particular discipline in order to get a professional snout into the burgeoning trough of government crime prevention funds. Thus, one finds a whole range of disciplines - from accountancy to zoology via computer science - on occasion promoting their group or body as having *the* solution to the crime problem often unaware not just of other crime discourses but of academic criminology itself.

Sometimes, the situation is theoretically - or even politically - motivated, thus for example, zemiologists will argue that crime is only one, relatively unimportant, social harm confronting humanity and the criminological enterprise should be expanded to encompass these far more pressing concerns. Promoters of this perspective – and others for that matter - invariably propose that only politics and sometimes sociology can offer a legitimate and successful solution.

Sometimes, practical and theoretical/political motivations are blurred. Thus, one reviewer of the first edition of 'An Introduction to Criminological Theory' (Hopkins Burke, 2005) - a member of an eminent academic criminological institute with an impressive record of obtaining government crime prevention grants – was sneeringly dismissive of much of the book on the grounds that these many different ways of conceptualising crime and criminality have all been theoretically superseded by situational crime prevention. Others, who consider themselves to be critical criminologists refer to 'practical' crime prevention as administrative criminology and can barely bring themselves to mention the word *administrative* without pronouncing it with a perceptible hissing sound.

Others, well this author for a start and - in my view at least - any self-respecting moral ambigutarian, recognise not just the complex nature of a fragmented social world and a parallel equally divided and sometimes divisive criminological enterprise, and propose that most if not all of these different disciplines have at the appropriate time and place sometime legitimate to say about the morally ambiguous social condition that has come to be called 'the crime problem'.

This paper thus considers recent developments in criminological theory that offer us enlightenment on the complexities of contemporary criminality, actual and proposed criminal justice interventions mooted as solutions to this ambiguous social condition and concludes with a proposal that any legitimate community justice needs to be located in the context of a wider 'new liberalism' which considers equally both the rights and responsibilities of individuals and societies: a neo-communitarianism with its foundations in the work of the aforesaid Emile Durkheim. The discussion commences with a

consideration of the issue of moral ambiguity in the context of what some have termed the postmodern condition.

Moral Ambiguity and the Postmodern Condition

Notions of moral ambiguity and the postmodern condition are closely associated. Modern society had been mass society characterised by mass production and consumption, corporate capital and organised labour; economically organising interventionist states with aspirations to full employment, demand management and public investment in health education and welfare (Harvey, 1989; Hopkins Burke, 1998). In such societies different political groups – conservatives, liberals, socialists, all in their different variants and mutations - had sought to develop programmes to satisfy different group or social class interests. This had been at least partially achieved through the facilitation of economic conditions to enhance the reproduction of capitalist development while at the same time providing ‘cradle to grave’ welfare provisions for the workers.

The period of high modernity – approximately between 1945 and 1975 – had been characterised by moral certainty: there was thus confidence and belief in the superiority and infallibility of natural science that had filtered through into the social sciences, a confidence in the explanatory power of grand explanatory theories to solve the problems of humanity, and while there may have been competing theories the devotees of each had confidence in the fundamental capacity of their doctrine to solve essential social problems.

In the last decades of the twentieth century there came increasing doubts about the sustainability of the modernist project in an increasingly fragmented and diverse social world with the traditional political groupings of the ‘left’ and ‘right’ proving increasingly inadequate to the task of representing myriad interest groups as diverse as major industrialists and financiers, small business proprietors, the unemployed and dispossessed, wide ranging gender and sexual preference interests, environmentalists, the homeless and the socially excluded (Giddens, 1994). It is a situation that some influential scholars have termed the postmodern condition (See Lyotard, 1984; but also Baudrillard 1988; Bauman, 1989, 1991, 1993).¹

Three significant characteristics can be identified that distinguish the postmodern condition from the self-confident moral certainty of high modernism. First, there was an increasing aversion to the grand self-legitimizing theories closely linked with the intellectual sterility and political oppression of the twentieth century. Second, there was a growing awareness of the indeterminacy of knowledge and the impossibility of absolute objective truth. Third, there was increasing celebration of eclecticism and difference. In short, the postmodern condition has involved substantial challenges to the legitimacy of the modernist project (Hopkins Burke, 1998).

Societies permeated with the postmodern condition are thus characterised by moral ambiguity and an effectively terminal loss of certainty. Such societies are complex and

fragmented with a range of different discourses that are legitimate and hence right for different people, at different times, in different contexts. It is therefore a perspective founded on cultural relativism, the notion that there are a series of legitimate discourses on a particular issue and that it is difficult, if not impossible, to objectively choose between them. In short, the objective truth, or competing objective realities of high modernity, has been replaced by multiple realities and moral ambiguities. This ambiguity is no more apparent than in our varied and contradictory perceptions of the varied discourses that in their totality have come to constitute the 'crime problem'. A good starting point for understanding moral ambiguity in the context of contemporary criminality is the notion of 'the schizophrenia of crime' (Hopkins Burke, 2005).

The Schizophrenia of Crime

I have conceived the term 'the schizophrenia of crime' to refer to the apparently contradictory duality of attitude to criminal behaviour that has become endemic in contemporary societies characterised by the postmodern condition. Thus, on the one hand, it is possible to observe widespread public demand for a rigorous intervention against criminality that has made the 'war against crime' a major political issue. Indeed, it is in this context that we can observe an extensive expansion in situational crime prevention strategies epitomised by the ubiquitous existence of closed-circuit television cameras (Hopkins Burke, 2004b), a whole raft of crime control legislation that has placed increasing restrictions on our civil liberties and human rights (Hopkins Burke, 2004c), and the introduction of rigorous 'zero-tolerance-style' policing interventions (see Hopkins Burke, 1998; 2002, 2004a) that have occurred not, as I have observed elsewhere (Hopkins Burke, 2004b, 2005), as the outcome of the coercive strategies of a totalitarian regime but in response to overwhelming public demand in a liberal democratic society. *We want it, we demand it, and we get it* (Hopkins Burke, 2005) even though we as individuals are invariably unaware of the ultimate implications for our freedom. I have also developed elsewhere a left realist historical perspective to incorporate both the embourgeoisement thesis of John Goldthorpe (1968-9) and the 'civilising process' of Norbert Elias (1978, 1982) in order to explain how increasing demands for improved social conditions and material rewards among the respectable working classes – or more recently the new middle-classes - have occurred alongside a fast declining tolerance for the very visible criminality and incivilities in our midst.

On the other hand, criminality has become widespread to the virtual point of universality. Many people have consequently committed criminal offences at some stage in their life and a great many continue to do so. There is increasing empirical evidence to show that white-collar, corporate and business crime is extremely widespread (see Clinard and Yeager, 1980; Braithwaite, 1984; Kramer, 1984; Croall, 1992, 2001) and when one considers, for example, recreational drug use (far from the sole prerogative of an unemployed underclass) (see Winlow and Hall, 2006), crimes of disorder and incivility associated with alcohol use (extremely extensive in any location urban or rural in the UK, particularly during weekend evenings) (Hobbs, Hadfield, Lister and Winlow, 2000; Hobbs, Winlow, Lister and Hadfield, 2005) and driving cars beyond the legal speed limit (virtually compulsory through peer

group pressure on motorways) (Hopkins Burke, 2005) the notion of the virtual universality of criminality is not as implausible as it may at first seem².

There are a wide range of criminal offences with murder at one end of a spectrum of seriousness and parking in a prohibited area, for example, at the other end. Surely, it is inappropriate you might think to compare such disparate acts in terms of equity. Murder and inconsiderate parking are without doubt very different actions and the motivations for undertaking them must be so very different and thus incomparable. Yet even with these two apparently extreme examples there are crucial similarities. Thus, murder and improper parking can both be impetuous or even careless yet can also be the outcome of rational calculation. In those areas of the UK where it is possible to hire a contract killer for £50 the perpetrators might well consider this to be a simple straightforward and not to important an event, not requiring much more forethought than parking your car. Not convinced?

It is not the purpose of this paper to discuss this point at length but we might observe that both biological and psychological positivists have sought to establish that criminals are different to non criminals. We thus have had different and increasingly sophisticated variants of this thesis proposing that some predisposing factor – whether, biological or psychological – has propelled the individual into criminality (see Hopkins Burke, 2005). Two crucial arguments have nevertheless terminally damaged that proposition. First, there is the law is a social construction argument and second - and this is far more interesting in the context of this paper – the ‘what exactly is the factor supposed to be’ argument. Thus, for example, Eysenck (1959; 1963; 1970; 1977) famously measured personality factors such as neuroticism, extrovertism and aggression that do not appear properly defined in a criminological context. Thus, what exactly is aggression and how does it cause – or contribute to – criminality and in what circumstances? The answer given is that it is some – again biological or psychological – predisposition that is actualised in very different ways depending on the differential socialisation and environmental experiences of the individual. Various sociologically-based criminological theories - most usefully subcultural theories (see Hopkins Burke and Sunley, 1996; 1998) and latterly social control theories (see Hopkins Burke, 2005) - have discussed those differential experiences at length while socio-biological theories have brought together the different criminological traditions into a singular explanatory model (Jeffery, 1979; Mednick, 1977; Wilson and Herrnstein, 1985). Thus, the predisposing factors that encourage a person to park their car illegally – even though they might clearly be contributing to a dangerous situation while doing so – might help initiate a very different behaviour if that person had experienced a different socialisation or more recent re-socialisation.

In short, there is - as Jock Young (1999, 2001) has observed - a considerable ‘blurring of boundaries’ between the criminal and the legal and, significantly, in our perceptions of these supposedly polarised opposite behaviours that enable us to make some sense of ‘the schizophrenia of crime’.

The 'carnival of crime' – a cornerstone of recent cultural criminology – is a further useful explanatory concept. Mikhail Bakhtin (1984) had previously observed that the very structure and imagery of the traditional carnival sought to legitimate the behaviour of its participants making it a period of 'licensed' misrule. An essential characteristic of such misbehaviour was open defiance of dominant authority and its values thus putting the transgressor in a position of unaccustomed power. Carnival was thus a periodic and seriously time-limited cathartic release from the prevailing harsh authoritarianism and brutal social inequality. Cultural criminologists – such as Jack Katz (1988) and Mike Presdee (2000) – have reconsidered these notions and examined the pleasures and moral ambiguities to be enjoyed from engaging in deviant and criminal activities and propose that carnival functions as a playful and pleasurable resistance to authority where those normally excluded from the exercise of power celebrate their anger at this exclusion. Presdee (2000) argues that the outcome of living in a world dominated by scientific rationality and social control has been the fragmentation of organised carnival with its fragments distributed far and wide in acts of transgression and crime. Lyng (1990) describes such performances as 'edgework', that is, intense and often ritualised moments of pleasure and excitement which accompany the risk, danger and skill of transgression and which come to play a key part in the construction of shared subcultural meaning.

Cultural criminologists thus propose that many pleasurable activities such as rave culture, drug taking, body modification, Internet use, joy riding, and sado-masochist activities contain many elements of the carnivalesque and crime; not least, we might observe, the much reported and discussed deviant activity of the past thirty years, football hooliganism. From a cultural criminological perspective involvement is simply pleasurable fun. There are numerous often best selling memoirs by ex-'hoolies' which provide nostalgic testimonies to the pleasures of a 'ruck' on a Saturday afternoon with other consenting adults.

A cultural criminology concept virtually synonymous with the carnival of crime - and particularly useful in helping to explain the schizophrenia of crime - is that of 'second lives' (Presdee, 2000). Thus, those of us who belong often precariously to the 'central core' (Young, 1999) of the population enjoying full-time work, career structures, apparently secure lives and social commitments embedded in the social fabric of respectability, on the one hand, demand protection for ourselves and families from the criminal and uncivil, but are otherwise attracted to the activities and the pleasures provided by the deviant and illicit even though that enjoyment may only be experienced through the surrogate media of film or rap music. Thus, again the boundaries between respectability and non respectability are blurred. Members of the core group in society can therefore enjoy 'second lives' where in order to escape the sterility of scientific rationality – or the stultifying boredom of what Max Weber (1975) refers to as the rule-bound 'iron cage of bureaucracy' that governs and controls their normal existence - they may engage in a whole variety of deviant activities ranging from excess binge alcohol consumption, to recreational illegal drug use to a good ruck with a rival football 'firm', and beyond. It seems that these activities are common throughout the social structure and leave no occupation group untouched.

Thus, Robinson and Zaitzow (1999) conducted a self-report study of criminologists and criminal justice practitioners and found 66 per cent reported driving under the influence of alcohol at some time with 35 per cent during the previous twelve months. Sixty per cent admitted to the use of illegal drugs at some time, with 27 per cent reporting recent use; one-third had bought drugs and 11 per cent admitted to selling them. From the cultural criminology perspective, crime is simply normal and non pathological.

Crime as Normal and non Pathological

For many years the crime-rate rose ever upwards, although it has come down recently in the UK, and more so in the USA, but that fall has been from unprecedented high levels and crime rates remain historically high. These recent reductions are nonetheless significant and will be revisited later in this paper. The issue here – as David Garland (1996) has observed – is that as crime came to be more frequent it ceased to be an exceptional or pathological event and became a standard, normal, background feature of our lives.

This increasing blurring of boundaries has become no more apparent than in the realms of organised crime, corporate crime and legitimate business. As Ruggiero (2000) observes, organised crime has become a branch of big business and is simply the illegal sector of capital. Castells (1998) notes that by the middle of the 1990s the ‘gross criminal product’ of organised crime made it the 20th richest organisation in the world and richer than 150 sovereign states; while De Brie (2000) notes the total world gross criminal product is estimated at 20 per cent of world trade.

Carter (1997) proposes that the structure of criminal enterprise is no-longer characterised by archaic forms of ‘family’ organisation typified by the old Sicilian Mafia and observes that newer flexible forms of ‘entrepreneurial’ criminal organisation and methods of operation are highly adaptive to fast moving global networks and achieve increasing integration into the legitimate economy through sophisticated money laundering techniques. The use of encrypted electronic mail, anonymous Web sites and the myriad of instantaneous transactions which constitute the Internet in general and financial markets in particular, render the legal and the illegal increasingly indistinguishable and where distinguished, beyond the reach of national law enforcement agencies. As both van Duyne (1997) and Castells (1998) note criminality is thus normalised by these networks.

Ruggiero (1997) further observes that legitimate business both actively seeks relations with criminal organisations and adopts methods akin to those of organised crime. Thus, immigrant smuggling eases labour supply problems in a variety of manufacturing sectors such as clothing and food, construction and agriculture and in ‘dirty economies’ where semi-legal employment is interspersed with employment in more directly criminal activity. Moreover, as De Brie (2000) notes, the global sphere of multinational corporations enables the export of the most brutal aspects of cheap labour to convenient locations in the southern hemisphere.

Meanwhile, the legal financial sector may go out of its way to attract criminal investments. Kochan and Whittington (1991) note that the closure of the Bank of Credit and Commerce International in 1991 showed how private banks and investment traders openly tout for legal and illegal funds without being too concerned about the distinction between the two. Moreover, legitimate capital has started to use the same tactics as organised crime: thus, while drugs cartels launder their profits through 'offshore' banking facilities, legitimate capital enhances its power over governments to reduce tax burdens not only with the threat to relocate employment but also by adopting some of the tactics and resources of organised crime (Shelley, 1998). At the same time, for many states criminality acts as a buffer against poverty and economic collapse. Cocaine production, for example, acts as a counter to the impoverishment of thousands of Latin American peasant farmers, reducing the impact of falling world prices for agricultural products and raw materials in these areas. Thus, in a world where the boundaries between criminals and non criminals and legal and illegal activities become increasingly difficult to disentangle, the classic crime control methods of modernity become increasingly more problematic and new modes of governance are developed.

New Modes of Governance

For most of the twentieth century crime control was dominated by the 'treatment model' - prescribed by the pre-destined actor model of crime and criminal behaviour (Hopkins Burke, 2005) - and was closely aligned to the powerful and benevolent state which was obliged to intervene in the lives of individual offenders and seek to diagnose and cure their criminal behaviour. It was the apparent failure of that interventionist modernist project epitomised by chronically high crime rates and the failure of criminal justice intervention that led to new modes of governance.

This new governmental style is organised around economic forms of reasoning and is reflected in those contemporary rational actor theories which view crime as a matter of opportunity and involvement requires no special disposition or abnormality. The outcome has thus been a shift in policies directed at the individual offender to those directed at 'criminogenic situations' which include - to quote Garland (1999: 19) - 'unsupervised car parks, town squares late at night, deserted neighbourhoods, poorly lit streets, shopping malls, football games, bus stops, subway stations and so on'.

Feeley and Simon (1994) have influentially proposed these changes to be part of a paradigm shift in the criminal process from the 'old penology' with its central concern of identifying the individual criminal for the purpose of ascribing guilt and blame, the imposition of punishment and treatment; to the 'new penology' and concerns with developing techniques for identifying, classifying and managing groups assorted by levels of dangerousness based not on individualised suspicion, but on the probability that an individual may be an offender. Feeley and Simon observe that justice is thus becoming 'actuarial', its interventions increasingly based on risk assessment, rather than the identification of specific criminal behaviour. We are therefore witnessing an increase in -

and the legal sanction of - such actuarial practices as preventive detention, offender profiling and mass surveillance (Norris and Armstrong, 1999).

The past twenty years has witnessed an ever-increasing use of surveillance technologies designed to regulate groups as a part of a strategy of managing danger. These strategies include the ubiquitous city centre surveillance systems referred to above, testing employees for the use of drugs (Gilliom, 1993) and the introduction of the blanket DNA testing of entire communities (Nelken and Andrews, 1999). The introduction of these new technologies often tends to be justified in terms of their ability to monitor 'risk' groups who pose a serious threat to society; however, once introduced, the concept of dangerousness is broadened to include a much wider range of offenders and suspects (see Pratt, 1999). Thus, the National DNA Database was originally established in the UK as a forensic source to help identify those involved in serious crimes, such as, murder and rape, but an amendment to the Criminal Justice and Public Order Act 1994 allows samples to be taken without consent from any person convicted or suspected of a recordable offence (Home Office, 1999).

For some – following Ulric Beck (1992) - these trends are indicative of a broader transition in structural formation from industrial society towards risk society. Ericson and Haggerty (1997) accordingly argue that in the sphere of criminal justice we are witnessing a transformation of legal forms and policing strategies that reflect the transition to the latter social formation.

In these circumstances, policing becomes increasingly more proactive rather than reactive and, given that risk assessment is probabilistic rather than determinist, it requires the assignment of individuals and events to classificatory schemes which provide differentiated assessment of risk and calls for management strategies. Returning to the predestined actor model tradition established by Lombroso and his acolytes, offenders are now classified as 'prolific' rather than merely opportunistic; and once having been designated as prolific, the individual becomes a candidate for targeting by more intensive forms of surveillance. The emphasis on risk makes everyone a legitimate target for surveillance and - as Norris and Armstrong (1999) pithily observe - 'everyone is assumed guilty until the risk profile assumes otherwise'.

Developments in the contemporary youth justice system reflect these wider trends. Social policy thus focuses on children 'at risk' and the management of that risk pervades every sphere of activity within the contemporary youth justice system. The commencement of intervention itself is regulated through a detailed assessment of risk through the Asset profile form, which contains a scoring system that predicts the likelihood of offending and will determine the level of intervention and surveillance the young person will experience (Youth Justice Board, 2002).

Significantly, many of the programmes of practical action which flow from strategies of 'risk management' are increasingly addressed not by central-state agencies such as the

police, but to quote Garland (1996: 451) 'beyond the state apparatus, to the organisations, institutions and individuals in civil society' (see also O'Malley, 1992, Fyfe, 1995). Thus, following the demise of the interventionist welfare state that had been the cornerstone of high modernity (Hopkins Burke, 1999a), there was to be an emphasis on individuals managing their own risk and this approach was to find converts from all parts of the political spectrum (Barry, Osborne and Rose, 1996).

Pat O'Malley (1992) thus observes the emergence of a new form of 'prudentialism' where insurance against future risks becomes a private obligation of the active citizen. Responsibilisation strategies are also designed to off-load the responsibility for risk management from central government on to the local state and non-state agencies, hence the increasing emphasis on public/private partnerships, inter-agency co-operation, inter-governmental forums and the rapid growth of non-elected government agencies. The composition of such networks allows the state to 'govern-at-a-distance' – to utilise the norms and control strategies of those formerly autonomous institutions identified by Foucault (1971, 1976) - while leaving, to quote Garland (1996: 454) 'the centralised state machine more powerful than before, with an extended capacity for action and influence'.

I have previously drawn attention not only to the increasing pervasiveness of policing in its various disguises in society but also significantly to our own contribution to the legitimisation of this state of affairs (Hopkins Burke, 2004). The theoretical perspective that linked the contributions to *Hard Cop/Soft Cop* was a neo-Foucauldian left realist variation on the carceral surveillance society debate (see: Foucault, 1980; Donzelot, 1978; Cohen, 1985; Garland, 2001) which, while recognising, in line with Foucauldian orthodoxy, that particular areas of the social world are colonised and defined by the norms and control strategies devised by a variety of institutions and experts who are often completely unaware of the totality of the power matrix to which they are contributing, nevertheless, went beyond that theme and proposed that in our complex fragmented and dangerous society it is we the general public - regardless of class location, gender or ethnic origin – that have a material interest in the development of that surveillance matrix.

There is indeed no greater manifestation of the 'schizophrenia of crime' than in the constant tension between, on the one hand, a demand for human rights - and in many cases this stretches from, on one hand, a requirement for minimal intervention in our often hedonistic and sometimes, at least technically in the case of recreational drug-use, criminal lifestyles and, on the other hand, a demand for a peaceful and secure existence which we expect governments and their agents to deliver. It is clear that these two demands cannot be easily reconciled. What does become increasingly clear, however, is that the incremental development of pervasive generic policing throughout society – with an oft confused ambiguity between 'hard' and 'soft' multi-agency policing strategies - has come about with at least our implicit agreement.

I have again previously outlined a whole raft of legislation introduced in recent years that has individually impacted considerably on our freedoms of action (Hopkins Burke, 2004).

It was legislation that significantly received not only widespread public support on its introduction but which it seemed difficult for 'any right-thinking' person to oppose at the time of implementation. Consider the following two examples.

First, the Football (Disorder) Act 2000 was passed as an almost immediate response to the violence seen during the Euro 2000 football tournament in Holland and Belgium and received virtually universal support. Matthew Robb (2003) of the civil liberties watchdog Magnacartaplus nevertheless observes that the legislation which allows for the withdrawal of passports from hooligans represents a significant restriction of the civil liberties of *all* citizens. He argues that it fails to draw an appropriate balance between law and order and civil liberties, it is rushed, reactive legislation that has used blunt legislative tools and failed to consider other, less draconian options and uses the 'demonisation' of a group – that is, football supporters - to justify powers that would not normally be accorded to the State.

Second, mental health legislation published by the government in 2003 allowed for hundreds of people with dangerous, incurable personality disorders to be locked up indefinitely in secure mental hospitals, without the need for evidence that they have committed a crime. Jacqui Smith, the health minister at the time, said that the legislation would remove a loophole that allowed up to 600 people with dangerous and severe personality disorders to avoid treatment by arguing that they received no benefit from it. The legislation would also permit the compulsory treatment of mentally ill people being cared for in the community and under new powers they could be made to take medication.

Again this plan for the detention of psychopaths who have not committed a crime received considerable public support following outrage at the murder by Michael Stone of Lin Russell and her six-year-old daughter Megan in Kent in 1996. Stone had been left free to commit the crime because his severe personality disorder was considered untreatable and he could not be detained under the Mental Health Act. There are said to be between 2,100 and 2,400 people in the UK with severe personality disorders. The vast majority are in prison or a secure mental hospital, but between 300 and 600 live in the community (Hogg, 2002). Critics nevertheless question the human rights implications of incarcerating people who have committed no criminal offence.

The left realist variation on the panopticon/carceral surveillance society thesis that provides the theoretical underpinnings of 'Hard Cop/Soft Cop' thus proposes that in a complex fragmented contemporary society we all have interests in – or an enthusiasm for – constraints placed on certain activities that restrict the civil liberties or human rights of some individuals or groups as part of the need to manage risk in our lives. Taken together collectively these many individual restrictions constitute the complex social control matrix that constrains us all.

Major military or terrorist assaults on the sovereignty of our particular societies 'and our way' of life, return us to a less complicated more polarised world where moral certainty or

more accurately competing moral certainties return to the foreground. The events of 11th September 2003 when the terrorist group al-Qaeda carried out attacks on the World Trade Center in New York and the Pentagon in Washington causing thousands of casualties provided an inevitable widespread public support for what was to be an extensive authoritarian assault on civil liberties and human rights both in the USA and the UK. Further terrorist attacks on the allies of the USA again involving large numbers of casualties - including those in Bali on 12th October 2002, in Turkey on 20th November 2003 and the UK on the 7th July 2005 – and the almost constant warnings by government of failed attempts and successful interventions by the security forces against terrorists living in our midst has strengthened support for measures to protect society from such attacks. At the same time, there has been considerable popular opposition to such measures and, in particular, military intervention in both Afghanistan and Iraq. The US and UK governments have nonetheless stood firm in what they have termed the ‘war on terrorism’ while at the same time ‘softer’ policing measures have tended to fade into the background as an unambiguously ‘harder’ policing stance has taken precedence with predictable objections from civil liberties and human rights groups.

I have previously speculated on the preconditions necessary to ensure public support for the kind of draconian government measures necessary to successfully fight a war against global warming, noting the impossibility of such a political programme in society as currently constituted (2004c). It was observed in *Hard Cop/Soft Cop* that a major terrorist attack would provide widespread support for any proposed measure. Thus, on the 22nd July 2005 – the day following the failure of terrorists to detonate bombs they were carrying on the London metro system – the police shot dead an innocent Brazilian citizen at Stockwell Underground Station who they had mistaken for a terrorist bomber. An opinion poll conducted almost immediately following the announcement that the man shot had been entirely innocent found that ninety per cent of the public continued to support the police. Now over a year after the event there appears little *widespread* complaint among the general public criticising the police action, Morality seems to be becoming increasingly less ambiguous in such conditions although a new legitimate moral certainty seems to remain a distant and far from welcomed project.

Discussion

It has been observed in this paper that a contemporary fragmented criminological enterprise is located very much in the context of an equally divided social formation. A competitive and divisive criminology is not a necessarily healthy or constructive enterprise but understandable in a situation where it has become impossible to legitimately address the range of complex morally ambiguous activities and behaviours that have come to constitute the crime problem from one criminological perspective. Even the most sophisticated integrated theories have failed to do any such thing (Hopkins Burke, 2005). The postmodern condition is also a deeply flawed state of being and I have observed elsewhere the implausibility of a legitimate postmodern project post 9/11 where all constituent plural groupings are able to co-exist peacefully in social harmony while in a state of moral ambiguity (Hopkins Burke, 2005). Tolerance of others and their way of life

and belief systems has to be reciprocal for genuine and legitimate peaceful plural coexistence. This situation does not exist at this point in time and looks increasingly unlikely for the foreseeable future.

There is nevertheless no legitimate case for a return to the moral certainties and monoculturalism of high modernity. We who might consider ourselves social progressives recognise clearly the need to embrace the considerable positives of difference and eclecticism that contemporary fragmented societies have brought us and, consequently at first sight, there lies the inevitable appeal of postmodernity. Yet, a state of moral ambiguity can never be the basis for a peaceful social solidarity.

I earlier drew attention earlier to the work of Emile Durkheim and the significance of his thinking on fragmented industrialised societies. It is his fundamental proposition that successful organic societies need to be founded on interdependent relationships between plural interests although as I have observed elsewhere, these complex social formations contain intense surviving or indeed relatively recently created mezzo or micro mechanical solidarities (see Hopkins Burke and Pollock, 2004; Hopkins Burke, 2005).³ He further significantly acknowledges that such social configurations can only be legitimate and successful in the absence of widespread inequality or to use the current buzz-term, 'social exclusion'. Durkheim of course uses the term 'forced division of labour' and indeed much criminality in contemporary society can be at least partially explained by his concept of anomie or the normlessness that occurs with rapid social change and the breakdown of existing social norms and relationships. Indeed, it is the crucial component of his argument that the contractual arrangements of interdependency are essentially bound together by a moral component. Refusing to victimise those with whom one has a close moral interdependency - family, friends, neighbours, or simply anyone with whom you can identify - explains this Durkheimian concept in a criminological context. Identification and interdependency are thus crucial components of any successful contemporary manifestation of organic solidarity.

It is the work of Durkheim and his observations on the moral component of the division of labour in society that provides the foundations of a 'new' liberalism which provides the basis of a legitimate social context for community: that is, a political vision which actively promotes both the rights and responsibilities of both individuals and communities *but in the context of an equal division of labour*. It is this latter element of the thesis that deviates significantly from the moral communitarianism promoted by Amitai Etzioni and embraced in the UK New Labour. The latter nevertheless deviate from the teachings of the former although they say otherwise.

Thus, Tony Blair and his sociological guru Anthony Giddens (1998) invoke the communitarian notion of community very deliberately as residing in *civil society*: in lived social relations, and in 'commonsense' notions of our civic obligations. This *Third Way* political thinking is presented as avoiding what its proponents see as the full-on atomistic egotistical individualism entailed by the Thatcherite maxim that 'there is no such thing as

society', and on the other hand the traditional social-democratic recourse to a strong state as the tool by which to realise the aims of social justice, most notably that of economic equality. For Blair, 'the grievous 20th century error of the fundamentalist Left was the belief that the state could replace civil society and thereby advance freedom' (Blair, 1998: 4). The state has a role to play, certainly, but as facilitator, rather than guarantor, of a flourishing community life.

Dissenters nevertheless note that the implementation of the New Labour agenda has in fact taken a rather different course. Its character appears rather more authoritarian - and thus, centred more on the usage of the state apparatus to deliver particular outcomes - than is suggested by the rhetorical appeal to the relatively autonomous powers of civil society to deliver progress and fruition by itself (see Driver and Martell, 1997; Jordan, 1998).

The left realist criminological agenda - which in short, proposes a balance of intervention challenging both criminal behaviour and the conditions which facilitate and nurture it (Hopkins Burke, 2005) - is very much in accordance with the propositions of 'new' liberalism. The theoretical foundations of left realism are of course firmly located in the modernist tradition and as such opposed to the virtual chaos of postmodernism. The construction of a new moral certainty - or even a new teleological project for that matter - would therefore be a satisfactory long-term ambition for many a self respecting left realist. In reality, that ambition is never going to be reached. Outside of a coercively enforced moral certainty instigated by the advent of a major social ruction such as a major terrorist atrocity and the implementation of a subsequent new authoritarianism (Hopkins Burke, 2004c), the best we can hope for in a fragmented social formation is a relatively healthy location on a spectrum somewhere between moral certainty and ambiguity.

This condition of moral *uncertainty* is one of continuous reflection and reconsideration and while there will be inevitable attempts to rediscover the moral certainties of the past this situation is extremely unlikely to be achieved. From this essentially social constructionist standpoint there can never be any permanently objective truth merely 'truths of transition' around which a shifting moral consensus and a legitimate and widely acceptable interdependent division of labour can be built. But these 'truths' will be inevitably transformed with changed circumstances, new information and recognition of the unintended consequences of previous social action.

The baseline for this new social solidarity will essentially involve a substantial reduction in socio-economic inequality and, at the same time, recognition and celebration of the diversity of the postmodern condition; but not the apparent uncontrollable anarchy and unacceptable inequalities of moral ambiguity or, for that matter, the rigid authoritarianism and brutalities of neo-conservatism and the right realist agenda that has been so influential in the criminal justice sphere in recent years, not least in the USA.

It is the central proposition of the right realist/neo-conservative thesis that crime is the result of individual choice and can be prevented or contained by pragmatic means which make the choice of criminal behaviour less likely: reducing the opportunity, increasing the chances of detection, increasing perceptions of detection partly through rigorous policing, especially of disorder, but *most* importantly, unambiguous punishment; the threat of severe, certain and swiftly imposed *punishment*. Imprisonment is seen to be particularly effective in neutralising or incapacitating offenders and frightening others into adopting law abiding lifestyles. And it works, yes prison works.

Incapacitation has had a substantial impact in the USA with the prison population doubling in ten years to two million people in 2002; the biggest prison population in the world with the highest number of inmates as a proportion of its population; bigger even than in the old Soviet Union during the Stalinist era, a situation termed by Jock Young (1999) 'Gulag USA'. One in every 142 people living in the USA is in prison. The inherent forced division of labour in that society is reflected in the ethnic imbalance of the prison population. A report from the US Justice Department has estimated that 12 per cent of black men in their 20s and early 30s were in prison, but only 1.6 per cent of white males in the same age group (BBC News, 2003). Penal incapacitation is nevertheless not restricted to the USA: on 30 January 2004 the prison population in England and Wales stood at 73,688 an increase of approximately 50% over the previous ten years (Prison Reform Trust, 2004).

I did say earlier in this paper that we would revisit the issue of recent falls in the crime figures in both the USA and the UK but instead the incarceration figures will be allowed to speak for themselves. Prison is working in the sense that a substantial number of motivated offenders have been removed, often long-term, from the street. But incapacitation is an extremely expensive criminal justice strategy with both excessive humanitarian and financial costs. There is clearly a case for the rehabilitation - not just of the treatment model - but also some of the more radical variants of the victimised actor model of crime and criminal behaviour. More sophisticated criminal justice policies do appear overdue.

Left realism *implicitly* welcomes as a criminological explanatory project the postmodern abandonment of grand theoretical solutions while *explicitly* welcoming diverse explanatory components. It is thus recognised that most - if not [and lets be a little radical here] *all* - criminological theories have *something* legitimate to say about *some* forms of crime and criminal behaviour in the *appropriate* circumstances. Moreover, a whole range of disciplines and criminological perspectives can make legitimate observations about - and provide the basis of appropriate interventions against - a whole range of activities deemed criminal whether these are at the extra-macro level of the zemiologists or the micro level of the potential or actual crime scene of the crime scientists. Individual crimes need detection, property and lives need protecting but the socio-economic context of criminality requires primary criminological consideration. Let us consider two recent phenomena that illustrate this point clearly.

First, there has been the rise of the new criminal families. Carter (1997) – and cited above - observes that the structure of criminal enterprise is no-longer characterised by archaic forms of ‘family’ organisation but this is not true. He rightly identifies newer flexible forms of ‘entrepreneurial’ criminal organisation and methods of operation but at the same time fails to recognise the rise of a new more traditional form of crime family – little more than welfare cheats, council estate bullies and football hooligans a generation ago, third generation underclass [if you will excuse the pejorative term] - that have emerged from the outer estates of the UK to become major, extremely violent, players in the fast expanding illegal drug markets. Second, - and this point is closely linked to the previous one - there has been the widespread extensive dependency on Class A drugs that has occurred in recent years with the resulting major impact on moral interdependency. Bennett et al (2001), for example, influentially found in a study conducted for the Home Office, that those who used both heroin and crack cocaine regularly spent on average £290 a week or £15,000 a year, were rarely employed and invariably needed to steal to fund their habit. Moral interdependency tends to take a backseat when there is the ‘monkey on the back’ of drugs dependency, in such cases, family, friends, neighbours and simply anyone encountered is a potential legitimate victim and not someone to identify with.

A multitude of criminological perspectives – from, for example, Merton (societal adaptations), to Cloward and Ohlin (criminal opportunity structures), via biological positivism (altered biological states); cognitive learning behaviour to whole raft of early, neo-Marxist and postmodern subculture theories (see Hopkins Burke and Sunley, 1996; 1998) – all shine useful explanatory light on the above two closely interlinked phenomena. These all nonetheless make most sense when located in the context of Durkheim’s anomie or normlessness thesis.

Conclusion

This paper has entered the debate about the contested meanings of the concept of community justice by proposing that the parameters of discussion be extended to encompass observations about the nature of community, crime and criminology in contemporary society. The complexities and ambiguities of criminality and modes of criminological governance in the context of a society permeated with the postmodern condition have been observed and discussed. It has been observed that all criminological theories and perspectives can have something legitimate to say in the appropriate context but essential to this legitimacy is nonetheless the existence of properly socially integrated division of labour in society built on equality and strong moral foundations. Without that fundamental socio-political cornerstone all is lost and the ‘schizophrenia of crime’ is a fully comprehensible phenomena

End Notes

¹. We should note at this juncture that many influential social scientists deny the notion of postmodern society - which for such a social formation to exist would require some substantive rupture with the modernist social formation – and thus emphasising the continuities and following the influential social theorist Anthony Giddens (1990, 1991) use the term late modernity. The term postmodern condition is thus used in this paper, although we might note that the equally distinguished social theorist Norbert Elias (1978, 1982) had previously observed that we live in a period of late barbarism.

². Those many people who consider driving at excess speeds on our roads to be a minor issue and that the police should concentrate their efforts on pursuing ‘proper criminals’ might like to reflect on the following. Figures collated by the Department for Transport show that 3,508 people died in road accidents in England and Wales during 2003 with speed implicated in many cases (BBC, 2004). If one considers the immense and intense moral outrage at terrorist atrocities such as 9/11 (the attacks on the World Trade Centre in New York City in 2001)) and 7/7 (the attacks on the London transport system in 2005) its seems quite remarkable that so many die on our roads each year with in many cases some form of criminal behaviour implicated without barely a murmur of collective public outrage.

³. I have adopted in my recent work (see Hopkins Burke, 2004, 2005; Hopkins Burke and Pollock, 2004) a reconstituted methodological individualist reading of Durkheim - courtesy of Raymond Boudon [1980] - which enables us to avoid some of the predicaments posed by the usual methodological collectivist and functionalist interpretations of his work.

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GATHERING OFFENDER PERCEPTIONS OF PROBATION PROGRAMMES: POTENTIAL, PITFALLS AND LIMITS

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Abstract

This article responds to research carried out in relation to collecting offenders' perceptions of their experience of accredited programmes during a probation order. This paper returns to questions about offender rights and how the practice of gathering 'customer' views about the service they receive is managed. The research team recognised through the design and collection of offender perceptions that different stakeholders valued and used the information for different purposes, but where does this position the 'customer' in this kind of dynamic? This paper seeks to outline the potential, pitfalls and limitations of this kind of practice in probation and other areas of criminal justice.

Key Words: Offender perceptions, probation programmes, consumers

Introduction

The European Excellence Model (EEM) has placed significant importance on the collection and use of customer views (EFQM 1999) and within Probation this includes offenders (Home Office 1999). Self-assessment under the EEM was adopted by the National Probation Service from its inception in 2001 and has been integral to the work of the Inspectorate particularly on accredited programmes but also against the broader EEM criteria (HMIP 2002). 'Customer results', including customers' perceptions of the organisation, have become a central feature of these self-assessments of performance and as a consequence the Probation Service requires clear and structured systems for the collection of such views from offenders. This paper reviews some of the key issues in gathering and using offender perceptions based upon a pilot in one NPS region.

It can be argued that greater insight into the experiential thought processes of offenders, who are among the 'key customers'² of the Probation Service, should enable managers and

practitioners to reduce attrition, improve the levels of offender compliance and enhance the performance of the organisation. Programme attrition in particular has been seen as a pressing issue by the NPD and local areas (Kemshall and Canton 2002; National Probation Directorate 2002). Whilst there are numerous studies relating to the individual supervisory relationship (see for example Rex 1999; Rex and Matravers 1998; Bailey and Ward 1992), and recent emphasis upon pro-social supervision (Trotter 2000), there has been less research on offender perceptions of group work programmes. Offender perceptions of programme requirements, processes and content can assist the Probation Service in making more informed assessments of attrition difficulties and in overcoming them (Kemshall and Canton 2002).

It is important to acknowledge that such data collection has a number of purposes: to provide aggregated data to inform both strategic and operational decisions; to provide accessible local information to inform and correct practice quickly; and to inform the basis of on-going quality assurance systems. The latter can be seen as part of the overall programme quality assurance process providing immediate feedback on programme preparation, experience, and content and informing post-programme work. At a strategic level offender perception data may be able to assist services in the effective management of programme attrition, correct implementation deficits, and increase the potential impact of programmes (Kemshall et al 2004a).

This article is based upon the experience of developing and piloting an offender perception data collection tool in one region of the NPS.

The full results of the pilot and a review of offender perceptions is presented in Kemshall et al 2004b³. This paper will not re-present that material, but rather concentrate on broader issues arising from the collection and use of offender perceptions. In brief, these can be understood as practical and ethical issues arising from the process itself. These concerns extend to the collection of offender views which may imply a degree of rights and entitlements (and indeed influence) on service delivery that in reality may not exist. Such surveys, whilst they employ some of the methodology of customer satisfaction surveys, are carried out in the context of a compulsory service and only certain views are legitimated as relevant for service interest. This paper will explore some of the key drivers that currently influence the framing of offender perception surveys, and the potential impact on offenders of participating in such surveys.

Gathering Views

The collection of offender perceptions has a number of key drivers, not least the increased levels of accountability for performance placed upon the Probation Service throughout the 1990s (Mair 2004 for a full review). This imperative can be placed within the broader context of an increasingly managerialist approach to criminal justice (Kemshall 2003) and the performance measures set by the Crime Reduction Programme (Raynor 2004). Within this context, the Probation Service shifted its emphasis from welfarism and alternatives to custody (Ford et al 1997) to a corrective approach to offenders based on

CBT under the general banner of 'What Works' (Kemshall 2002; Raynor 2004). This also marked a move towards 'evidence-based practice' and a 'results based' culture in criminal justice generally (Maguire 2004; Nutley and Davies 1999). The NPS was placed under pressure to process 60,000 offenders through accredited programmes to completion by 2004 (Maguire 2004: 225), a target which resulted in inappropriate referrals to programmes and high levels of attrition (Stephens 2002; Kemshall and Canton 2002). Within the Probation Service the drive towards accountability and performance measurement has focused attention on evidence of effectiveness and the development of quality assurance mechanisms to ensure that pre-set standards are met (see HMIP 1999 for example on Effective Practice). Consumer views, (in this case offenders') are becoming more evident in performance management although a systematic national tool for gathering perceptions has yet to be implemented (Kemshall et al 2004b).

Previous Studies of Offender Perceptions

These have been largely restricted to offender perceptions of the individual supervisory relationship and the mapping of benefits offenders identify from their contact with probation (e.g. Bailey and Ward 1992). Ford et al (1997) usefully map key studies that investigate the 'perceptions' of people on probation (see Davies, 1979; Sheppherd 1980; Willis 1981; Day 1981; Mair and May 1997 and Bailey and Ward 1992) as part of their research on treating probationers as 'consumers' (1997:45). Ford et al's study collected data from probationers which related to their 'social' characteristics and what they thought about the level of service from officers (1997: 49). They used Bailey and Ward's (1992) framework to address specific aspects of their experience and the probation service's responses to them according to varying categories such as, 'keeping out of trouble', 'probation as an opportunity', 'accommodation' and 'counselling and professional values'. This highlighted how obtaining views/opinions/perceptions of current users can provide evidence to demonstrate the effectiveness of the probation service in responding to the issues probationers face.

These findings were supported by Kemshall et al's later study (2001) in which they found that offenders valued sustained interest from officers, being treated as a person, rigorous challenges to offending behaviour as well as trust, integrity, honesty, listening, being held accountable and non-judgemental treatment. Additional studies have identified the importance of officer and probationer relationship in terms of effectiveness, especially in crime reduction and desistance. Rex (1999) suggested that this partnership should be negotiated with support and encouragement to bring about improved reasoning and decision-making skills. Furthermore, Rex suggested that personal and professional commitment, loyalty and accountability are necessary from officers as well as attention to the personal and social problems of offenders. It was felt that probation officers should reinforce pro-social behaviour and have a genuine interest in the offender's well-being (Rex and Matravers 1998; Rex et al 2004).

Whilst often perceived as 'satisfaction surveys' such studies are concerned with the benefits accruing to an offender from the use of a compulsory service. As such, they are

often over-laid with concerns about what attributes of service delivery contribute to compliance (expressed as continued attendance), and completion of orders/programmes; and in a broader context with those features of supervision that enhance effectiveness (Kemshall and Canton 2002). In the context of high rates of attrition a key concern has been the potential difference between programme completers and non-completers (Wood 2002), and the use of aggregated comparative data to enhance the effectiveness of service delivery on further offending with the attendant social benefit of reducing crime. Whilst the collection of aggregated data satisfies institutional demands for performance management, individual responses can be diluted in the process. The uniqueness of individual experience can be negated, and 'satisfaction surveys' are not necessarily about ensuring greater convergence between 'customer' needs and service delivery, but may be about ensuring feedback loops to practitioners and managers responsible for achieving higher levels of offender compliance with corrective programmes.

However, studies carried out with minority ethnic offenders have highlighted the importance of specific identities to the experience of and subsequent perception of criminal justice services. It was recognised that the views of visible minorities were not documented and that offender views were distorted by aggregation and did not necessarily reflect specific offender identities.

Chigwada-Bailey's (1997) study of black women's experiences of the criminal justice system stresses the need to recognise aspects pertaining to diversity, such as race, gender and class. In addition, access to and distribution of services has been exemplified by evidence of racism and sexism throughout the criminal justice system. The collection of such 'negative' and critical views from service users poses additional problems for service providers especially in terms of resources and dealing with the seriousness of these issues. The Stephen Lawrence Inquiry (Macpherson 1999) significantly contributed towards professional accountability of services delivered in the criminal justice system and symbolically carved out a revived approach to service users of the criminal justice system. For the probation service this emerged in response to the Race Relations Amendment Act (2001) and local schemes throughout the service were established to address these concerns. The service's measurement of 'collective failures' or 'collective successes' have appeared on the landscape of criminal justice services. The NPD has consequently invested in and outlined procedures pertaining to aspects of race. Since 2001 there has been an (re-)appearance of diversity related targets and an injection of commissioned research, evaluations and training particularly in 'improving tutor effectiveness' of offender behaviour programmes. There is however no explicit mention of direct consultation with service users in this literature (Home Office: 2002: 6).

Responses to diversity by the probation service have been driven predominantly by issues of race (including issues of racism and harassment). Additional focus on all aspects of diversity has been placed on strategic and practice agendas, for example gendered and ethnic specific group work programmes in probation (Kemshall, Canton and Bailey 2004) and the increased desire to recruit minority ethnic staff and train staff on aspects on race

equality (NPD Race Equality National Framework 2003). Concerns about diversity have also been evidenced in attrition from group work programmes and breach or orders and applications for bail (Hood 1992; Hucklesby 1997). An example of probation wanting to know how to respond to diverse groups' needs is evidenced in the study carried out by Knight (2004). The service wanted to document the knowledge and perceptions of minority ethnic prisoners in an attempt to provide a culturally responsive service, for instance on health and safety; personal, domestic and religious circumstances; cultural needs; language and communication, and dealing with racism and discrimination. Responses suggested that such surveys are often constructed to satisfy the political and institutional demands of accountability and are not necessarily constructed for the benefit of users. Users can become jaundiced in their views of such surveys, particularly when changes in service delivery are not subsequently made. In the instance of the prisoner study, the responses were used by practitioners to address policy objectives outlined by the Race Relations Amendment Act (2001).

How perceptions are used by services may sometimes be distorted in the rhetoric of target driven discourse. Evidence from perception studies is used to inform practice to some degree. However, it is not necessarily to make the experience of the service more pleasurable or palatable, although this may be the signal given to offenders when their views are sought.

This raises the important question about whom criminal justice services are primarily provided for and the purpose for which offender perceptions are gathered. The emphasis on customer satisfaction driven by models such as the Citizen's Charter (1991) and EEM could perhaps imply users of the criminal justice system that they have choices and rights. Mantle and Moore (2004) argue for 'replacement discourses' in probation rhetoric; they suggest that combining 'userism' and 'strain and rational choice theory' (2004: 304) would achieve success. The authors argue that 'userism' is implicitly linked to citizenship and that 'forging a genuine partnership with people' (307) will 'ensure that the 'lawbreaker becomes aware of their community's censure and desire for them to change, rather than enforce that change' (309). They also suggest that 'the probation service has never been fully at ease with the idea of 'offenders-as-service-users' (2004: 305) despite strategic shoves in that direction, this mixed and convoluted rhetoric of, on one hand compliance and on the other responsiveness to individuals' needs could be hazardous.

In this context the design and implementation of tools cannot be pursued uncritically. It is important that researchers, managers and practitioners recognise these broader issues as they provide a significant back-drop to the collection and use of offender perceptions. Following a brief description of the tool design and implementation within the pilot, the paper will return to this key issue.

Capturing Perceptions - Design and Pilot of Perception Tools⁴

The research team set out to design a tool that would usefully and appropriately gather the perceptions of offenders (this includes views, opinions and attitudes) of the group work programmes at set intervals in their journey through their period of supervision. The tool needed to be transferable to any accredited group work programme such as Think First, ETS, ASRO and DIDS⁵ and was designed in consultation with offenders, probation managers, practitioners (programme tutors and case managers), and local research and information staff.⁶

Designing the perception tool was carried out in three stages:

Stage One

- A mapping exercise to establish existing surveys
- Focus groups with NPS staff to establish relevant issues about routine data collection
- Focus groups with offenders to ask how their views should be collected and what the tools should indicate to the service providers
- Analysis of existing offender interviews (Kemshall et al 2001) on supervision experience and perceptions of effective practice.

Stage Two

- Design and introduction of survey tool(s) in pilot form, evaluation of pilot, analysis and refinement
- Discussions with staff in the field about the practicalities of implementation.

Stage Three

- Design of analytical tool to interrogate data and develop data-inputting template and data management.
- Discussion of practical issues of implementation and relevance.
- Collection and analysis of data, with conclusions and recommendations.

Development of the Tools

Following consultation with offenders and staff, three points in the 'programme journey' of the offender were chosen for perception gathering. These were:

- *Pre-programme* taking place within the first 6 weeks administered by the case manager or via induction personnel.
- *Mid-point* of the group programme administered usually in the relevant group work session by tutors.
- *Post-programme* usually administered 4-6 weeks post programme by case managers.

Practical Issues in Gathering Offender Perceptions

Confidentiality and reassurance

The research team, acting on the comments of both offenders and staff, created a confidentiality statement that was used on all of the survey tools. In this type of situation, confidentiality is implicit and offenders are aware that staff do exchange information about them within the service and sometimes beyond. Complete confidentiality was not seen as either useful or possible, and offenders accepted the notion that some exchange of information, particularly of aggregated data would take place. Confidentiality was not raised by offenders as a major issue, and the parameters drawn were understood, suggesting that offenders were used to such parameters from their existing relationships with probation staff. In some cases offenders had experienced completing similar forms⁷ or being asked for feedback at the end of group sessions and were therefore used to expressing their views in this way. In one group session the completion of the mid-way point form led to a re-discussion and re-negotiation of the group rules and a frank discussion of factors group members found the most irksome. This is an example of quality and process payoffs as well as data collection.

Tracking

The tools have not been designed to 'track' individual offenders over time although there is some natural desire to be able to identify those with negative feedback early and see if this is related to later drop-out or whether such negative views are ameliorated. If services make a case for the tracking of individuals over time there is an important need to maintain user confidentiality. The user should be made aware that the service is gathering this type of information about them during the course of their programmes. It was important that regional position on confidentiality and compliance with the Data Protection Act is adopted.

Usage of Perception Tools

During the pilot phase local managers of programmes found the tools helpful in providing immediate feedback particularly to programme tutors and case managers. Local managers found the tools accessible, easy to interpret, flexible. The analysis of the forms was sufficiently resource lean allowing local staff to be responsive to the legitimate views of service users. The tools were also seen to have a long-term usefulness in terms of providing area wide aggregated data to guide service delivery decisions at a strategic level.

Responses from programme tutors during the pilot also valued the mid and post programme perception tools for their ability to provide immediate feedback on performance of the impact of the programme. Pre-programme tools were considered slightly more difficult to use, since administering them relied to some extent, on case managers for completion. However, the poorest completion rates for the tools were from the post programme stage, as this relied entirely on the case managers and not the programme tutors. The tools were seen as constructive for informing programme tutors about levels of motivation and specific needs, also the tools allowed tutors and case managers to identify offenders who were not ready to start programmes. The pilot

identified how programme staff and managers have been the most involved with gathering offender perceptions, and thus the key challenge will be how best to integrate the collection of relevant offender perceptions into the case management role.

Implications of Gathering Offenders' Perceptions

Gathering offender perceptions is not a value neutral exercise. In the current climate such data collection is policy driven, particularly by the concerns to reduce crime and reduce attrition. Data gathering and use is also framed by differing stakeholders engaged in the process- in this case central policy makers, strategic managers, operational managers, practitioners, users (offenders), and the general public.

In the policy context, customer views under EEM have been seen as a key mechanism for driving up performance and quality in the public sector (EFQM 1999), and to encourage bureaucratic organisations to become more flexible and responsive to users. Customer perceptions are viewed as important evidence of performance- linked to outcome measures of 'what works' and reduction in reconviction rates (Nutley and Davies 1999).

From a strategic perspective gathering offenders' perceptions of services can highlight and indicate effectiveness of key services (such as accredited group work programmes) and enable initiatives to be measured and quantified. They also provide evidence to define benchmarks and targets, allowing services to set future targets on programme take-up and completion. With programme performance indicators closely linked to service budgets the benefits of using offender perceptions to improve service delivery are self-evident. For strategic managers their use of the data is driven by the need to meet central policy targets and centrally driven requirements on monitoring and evaluation. Operational managers appreciate the immediate quality assurance function offered by offender perception data and the ability to take speedy corrective action on service delivery at a local level.

Strategy defines the framework in which practitioners work and the actual practice of probation work would benefit from offenders' views. As studies have shown (see Kemshall et al 2001) the practical issues of running and coordinating group work programmes are improved by insight into the experiences and realities of those who attend group work programmes. If attendance is a problem, tutors and managers can benefit from knowing the reasons for failure to attend, such as cost to travel to the programme and childcare commitments etc. Equipped with this knowledge, practitioners in the field can, in theory, make decisions (where possible) to overcome such difficulties. The benefits for practitioners are that their practice is enhanced and they experience less 'failure'.

There is however, a need to be sensitive and alert to the fact that research of this kind could threaten or weaken confidentiality and assurance between provider (especially for case managers) and user. Interpretations of individual responses, particularly at the pre-programme stage can certainly help in the kinds of responses in order to prepare individuals for the programme. Conversely there could be an underlying process of further surveillance of the probationer which can potentially hinder the supportive aspects of

offender management. In essence, the need to ensure that potential attendees are suitable for group programmes and thus meet programme completion targets, which might weaken compacts of confidentiality.

Data on offender perceptions can also assist practitioners better to understand offender needs (Bailey and Ward 1992). Aubrey and Hough (1997) demonstrated how practitioners' understanding of offender needs can assist in focusing supervision on those needs directly related to offending behaviour. Plotting of needs throughout their supervisory experience can enable practitioners to identify change as these needs are met, and which of them may be directly related to desistance (Farrall, 2002). As Aubrey and Hough suggest it would provide a mechanism for disregarding changes which are unrelated to supervision (1997: 31). However, in this approach only certain needs are legitimated for concern, those deemed to relate directly to offending behaviour. Other offender needs (and presumably the views expressed about them) are de-legitimated. This kind of focus on service would also help practitioners to outline statements of purpose for specific services they deliver. These common objectives and goals driven by local and contemporary issues can be effectively shared throughout regions, as well as nationally.

From a service user perspective the experience of being under probation supervision is varied (see Kemshall 2001). The extent at which individuals on probation comply with orders and attendance group work programmes for example vividly reinforces the issue that the users of the probation service are not choosing to utilize such service, it is a requirement of their order.

Consultation with users of the probation service is still minimal (Morgan 2003: 9). Consultation assumes levels discussion and listening over and above notions of compulsion and enforcement. Consequently the value of voicing opinions via feedback mechanisms could be overstated. The Service's rationale for collecting perceptions needs to be clear to ensure offenders understand the purpose and use of information. The implications of gathering offenders' perceptions could undermine issues pertaining to confidentiality and incidentally how offenders might be managed by their case manager. Secondly, requesting feedback and responses regarding a particular service such as group work programmes could imply that users have 'more' choices about the services they receive, than they actually have. In reality group work programmes are pre-designed and strictly remain fixed in terms of content and ethos and thus choices about the types of programmes on offer are minimal for both offender and service providers alike. Furthermore, the choices and options that offenders are legitimately entitled to, like a request to change their case manager for example should continue to be communicated effectively to all service users, to ensure that any service consultation is not confused with choices and rights that are not legitimate or appropriate for the service. In turn this might powerfully suggest that offenders deserve a 'good' service. It is imperative for service providers to re-state customers' rights that are specific and relevant to the service provision and thus disregard entitlements that are not relevant to their supervision. With respect to trust this is vital in offender management in which choice, rights and power are

inhibited and eroded. Clarification of offenders' rights by the Service is necessary to enhance transparency to enable and facilitate success and opportunities for all stakeholders, rather than being 'tokenistic' (Mantle and Moore, 2004:307).

From the general public's perspective gathering offenders' views is an area which has received only some attention (Allen, 2002; Roberts & Hough, 2002; Wood & Viki, 2004; Maruna & King 2004). It is known that public debate about the penal process recognises both punitive and rehabilitative approaches. The 1991 Criminal Justice Act brought about renewed emphasis on justice, in which the rights of offenders of crime have been questioned, and even considered invalid. A common response might be that offenders are not deserving of a better or 'good' service. Some may take the view that the experience should not accommodate offender needs and should not be a pleasurable experience, likewise some take an indifferent view on these issues. A recent survey of public attitudes towards youth offending by Hough and Roberts (2004) asserts that most people would like to see the youth justice system being 'tougher on young offenders'. It is unsurprising that the views of the general public on the motivation of offenders to attend accredited group work programmes would remain limited unless they have knowledge based on actual experience (MORI 2002: 24). However public discourse does demonstrate concerns about re-offending, fear of crime and victimisation and how this is and could be addressed (MORI 2002). Public expectations of the probation service are limited (MORI 2002). Responses highlighted in this study suggest that the public's expectations of the probation service are based on the belief that it is predominantly responsible for supervising people who have been released from prison (45%) and also the rehabilitation of offenders (42%), whereas the respondents in this study rarely expect the service to punish offenders (2%) and protect the public (2%) (2002: 19). Maruna and King (2004) state that the public are 'probably ambivalent toward non-custodial penalties...the idea that the public is strongly opposed to non-custodial sentencing has little support in the research literature.' (2004: 90-1)

Do all stakeholders have equal weight in the gathering and use of offender perceptions? The simple answer is no. The design and framing of perception gathering tools is structured by NPS concerns and the involuntary participation of offenders in programmes must influence their response to questions to some degree (for example a significant 'halo' effect, Pritchard et al 1998). There is however subtle differences in the drive to collect offender perceptions. This occurs on perhaps two levels; a strategic level and an operational level. The strategic position drives the necessities of the NPS to bring about compliance, rehabilitation and reduce re-offending. From an operational level motivations to collect views are about achieving a better service. The strategic drivers are necessities of the Service's business, but the effectiveness of these are developed, managed and improved via consultation and feedback mechanisms, such as offender perception tools. Some of the dangers, however, might be where only particular views are sought (those relating to impact, compliance and completion), in which this data could be used to further tighten control, compliance and enforcement rather than improving welfare and care. Clearly compliance is a difficult issue to manage and to also understand and as a result the

gathering of perceptions might not be wholly concerned with offenders' well-being or enhancing their rights as citizens as some of the signs of a customer satisfaction survey might imply. However, staff are keen to enhance services for offenders. The movement in discourse towards consumerism could mimic or reflect the concept of being and treating offenders as consumers, depending on whom in the service is asking for offenders' views. The service users in the probation service can be presented as para-consumers in that they are coming to be re-presented as agents with rights, choice and power in areas that are not legitimate to the service they are getting. As a result there is a danger that this consumer rhetoric (in these instances framing the offender as the 'customer') could marginalise and distance some offenders further from their involvement, participation and ultimately gainful outcomes of group work programmes.

This discussion has charted the different investments and motivations of stakeholders in offenders' treatment. The interest and understanding in gathering perceptions has periodically appeared and re-appeared on the criminal justice landscape. The process and mechanics of gathering offenders' perceptions tells us where authority and control is positioned, located, constructed and re-presented in the practice of probation. It is also palpable that authority and control is divided and sliced up between the different numbers of stakeholders in the management of offenders. Greater compliance by offenders could inevitably be a product of using data in such a way to make supervision tighter. Due to this it is therefore important to clarify the purpose and intention of the data collected. Hence there is a real need for a re-newed and revised rhetoric and practice which validates the purpose. These revisions should not mimic rights and entitlements that the probation service is unable and not expected to deliver.

End Notes

¹ With extended thanks to Professor Brian Williams and Dr. Roy Bailey from the Community and Criminal Justice Research Unit at De Montfort University

² The term customer (and other key terms throughout the article) is placed within quotation marks to indicate their contested and problematic nature.

³ Available by contacting kemshall@dmu.ac.uk

⁴ Dominey, Jane, Knight, Victoria and Kemshall, Hazel (2005) The Perception of the Participant on Accredited Programmes in the Probation Service Vista Vol.10 No.2

⁵ This excludes those accredited programmes developed for domestic violence or sex offending, due to the particular nature of these offences and the particular circumstances of the offenders.

⁶ A full description of the methodology can be found in Kemshall et al 2004.

⁷ Sessions 14 and 22 of 'Think First' have reviews 'built in'.

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BURGLARS OR WARDROBE MONSTERS: PRACTICAL AND ETHICAL PROBLEMS IN THE REDUCTION OF CRIME FEAR

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Abstract

The paper argues for the de-emphasis of the reduction of crime fear as a policy objective. The paper rehearses measurement and ethical issues which support such a view. It goes on to report the more nuanced and sophisticated views of community safety practitioners. The paper demonstrates that the abandonment of the reduction of crime fear as an objective would have little effect upon community safety activity.

Key Words: Fear of Crime; Quality of Life; Community Safety;

Introduction

Reducing the fear of crime is included under four of the five priorities of the Government's National Community Safety Strategy 2006-2009 (either directly or under the guise of related concepts of increasing reassurance and creating places where people feel safe and secure). These priorities are reflected in local government where fear of crime forms part of a Quality of Life statutory 'best value' performance indicator. On the basis of these indicators Audit Commission inspections have identified local authorities where safer communities strategies contain no targets to reduce the fear of crime, where fear of crime has been given insufficient priority or where insufficient progress has been made in reducing fear of crime (for examples see Audit Commission, 2005, 2003, 2002).

The paper presents arguments from the literature on crime fear and from a study of New Deal for Communities (NDC) programmes undertaken by the authors, which served to cement our views on the shortcomings of reducing crime fear as a policy issue. The apparent confidence that the fear of crime can and should be reduced, does not entirely reflect academic debate on this issue. A body of research is emerging which questions whether that which is measured as fear of crime is properly called by that name (Girling,

Loader and Sparks, 2000), whether such fear is a social problem of great magnitude (Farrell and Gadd, 2004) and whether fear however measured, is the predominant emotional reaction to crime or the risk of victimisation (Ditton, Farrall, Bannister, Gilchrist, and Pease 1999).

Although the present writers find themselves in sympathy with those finding the theory and measurement of crime fear problematic, this paper has a more practical focus. It seeks to highlight the difficulties faced by community safety practitioners trying to make sense of fear of crime and to translate that into remedial action. We argue that the fear of crime is an unhelpful concept for the direction of community safety policy and practice and that it has worrying political and ethical implications. We conclude that reducing the fear of crime should be abandoned as a policy target while highlighting that this would have little or no effect on current practice, save in redirecting attention to aspects of crime control likely to have greater collateral impact on the quality of life of those whose lives are blighted by crime and its anticipation.

Writing the last paragraph smacks of heresy in the current policy climate, so much so that it seems necessary to clarify what the paper is not doing. We emphatically are not seeking to minimise the impact of crime, both on those suffering it and those aware of their vulnerability to it. Rather we wish that the complexity of that impact on quality of life be reflected in the community safety enterprise, rather than being strait-jacketed into one emotion whose subtext (the mismatch between fear and risk of victimisation) is that fear is irrational and can legitimately be 'spun' out of existence (see Lupton and Tulloch, 1999).

Challenges to the concept of fear of crime are not new, but in recent years they have gathered momentum (e.g. Hale 1996, Lupton and Tulloch, 1999, Ditton, Farrall, Bannister and Gilchrist, 2000, Semmens, 2002). However this momentum has not yet been sufficient to radically change the nature of the majority of fear of crime research, and there appears to be an inverse relationship between the groundswell of academic scepticism and the intensity of interest from policy makers. Consequently community safety practitioners nationwide have been charged with reducing something that research has been unable to define or measure reliably and which bears little relationship to either presenting crime levels or experienced quality of life.

Fear of Crime: Over Worry or Flawed Concept

It cannot be assumed that people are always able, or even willing, to recognise and describe their fears (for example it has been long recognised that men admit to certain fears only with difficulty (Sutton and Farrall, 2005). Furthermore, translating phrases such as 'very frightened' and 'terrified' into degrees on a numeric scale which can inform reductive action is problematic.

Over-simplification of concepts has resulted in an inability to distinguish between different cognitive reactions to and emotions about crime. Perceptions, reactions,

judgements, emotions and even the direct experience of crime are all frequently conflated as 'fear of crime,' by researchers, policy makers and practitioners (Tulloch, 1998). Qualitative approaches have been more helpful in exploring the complexity of fear of crime perceptions (Pain, Williams and Hudson, 2000, Tulloch 2000, Jennett 1998). A minority of quantitative studies have begun to successfully address the subtleties of the crime-fear nexus (Wilcox-Rountree, 1998, LaGrange and Ferraro, 1989, Wilcox, Quisenberry and Jones, 2003).

By failing to refer to specific time periods or behaviour settings surveys imply that people are afraid all of the time rather at specific times or in specific locations or circumstances (Fattah and Sacco, 1996); this is spectacularly unhelpful for crime reduction practitioners who need to know the specifics of times and locations in order to direct action. It can be assumed that most people have experienced at least one crime related event in their lives that resulted in fear, anxiety or distress to some degree, either as a victim of crime or subject to a situation in which they feel vulnerable. Essentially it is not possible to know whether respondents have chosen to answer based upon how worried they felt at the time of the interview, during their normal daily routines or how worried they feel at the times, however rare, when their fear is most extreme. Farrell and Gadd (2004) found asking survey respondents about the frequency of fear demonstrated that those who are afraid of crime are not afraid very often.

Ditton, Khan and Chadee (2005) argue that the cross sectional survey designs traditionally used to measure fear of crime, mask true changes in responses over time and consequently preclude any investigation into the explanations for change, thus providing no reliable intelligence on which to design and implement interventions. Combining a longitudinal survey with qualitative methods Ditton et al have demonstrated the potential to uncover clear explanations, for feelings of safety/insecurity and for changes (or stability) in these feelings over time; explanations that relate to events, circumstances, direct and indirect victimisation. This highlights that there is more to people's concerns than irrationality that currently employed survey methods fail to uncover or explain.

The frequency with which British Crime Survey (BCS) respondents indicate they are angry about crime has been greater than the corresponding number for fear in every sweep of the survey since the question was first posed (Ditton et al, 1999). Fear has remained the dominant emotion linked with crime victimisation by most academics, virtually all policy makers and practitioners.

Further, while fear is not the predominant emotional reaction to crime, crime may not be the most damaging of concerns affecting quality of life. Innes (2003) has argued that fear of crime needs to be understood as 'a component part of a much more widespread and diffuse sense of 'insecurity.' Furthermore, this 'urban unease' (Taylor, Evans and Fraser, 1996) is felt to some degree at some time or other by most members of modern society. The questionnaires most frequently employed ask an indirect question about 'feelings of safety' in order to avoid any automatic fear response triggered by the word 'crime'. However this tactic masks any other feelings of insecurity from the investigation and

allows (or encourages) respondents to channel a range of anxieties and worries through their crime talk (Lupton and Tulloch, 1999). Thus fear of crime has become a 'dump concept' where fear of victimisation is elided with more nebulous anxieties concerning the general state of society.

The notion that disorder breeds crime underpins the broken windows approach within criminology (Wilson and Kelling, 1982) and was supported by the work of Skogan (1990). But does disorder breed crime fear? Wilkstrom and Dolmen (2001) and Wilcox (1998) suggest that it does but the relationship is complex and varies for different crime types. Wilcox (1998) found that perceptions of disorder were more important than neighbourhood levels of burglary in explaining burglary fear. However violent crime levels remained an important factor in understanding levels of fear of violence. Wilcox argues that these results suggest that, for some crime types at least, concerns are related to actual levels of crime.

Disorder can be a powerful communicator of an area's state of communal health (Innes and Fielding, 2002) and the cumulative impact of a succession of apparently 'trivial' occurrences may have significant impact upon the local community. Events or incidents carry 'signal values' which provoke different reactions from different individuals/communities. Interpretations of signal vary not as a result of irrational fears or miscalculation of risks, but because of selective attentions to risk. The advantage of the signals crime approach is that it prioritises those factors that disproportionately generate *insecurity* at a local level. Whether the impact on insecurity can or should be measured in terms of 'fear of crime' is questionable, but it can be understood in terms of the impact on wider quality of life. Tackling disorder may not reduce fear of crime but it will improve quality of life and satisfaction with an area as a place to live (Rogerson and Christmann 2004). This raises further doubts over the utility of fear of crime as a focus for policy when there are more practical and ethical alternatives.

The Ethics of Fear Reduction

Treating fear of crime as a problem ignores the role that fear has as a basic adaptive purpose. Too little has been made of the ethical underpinnings of attempts to reduce fear of crime other than as a by-product of crime reduction itself. In a recent television advertising campaign, the comedian Peter Kay is depicted in a restaurant being phoned by his daughter, who says she is frightened by 'wardrobe monsters'. His reply is that 'It's not wardrobe monsters you want to be frightened of, it's the burglars who get in through the window'. The serious point to be made here is that while the fear of (fictional) wardrobe monsters is properly to be discounted, the fear of real hazards is not. To reduce fear of crime, particularly by understating its incidence and impact, is ethically an extremely problematic tactic. Insofar as fear of crime influences risk-averse lifestyles, reducing fear of crime without changing underlying probabilities puts people in the way of danger. Further, the demographic groups most prone to characterisation, as 'over-worriers' are those for whom the consequences of crime victimisation would be most severe. Fear of an event of low probability but huge impact is not to be dismissed as disproportionate. None of this is to suggest that lifestyles are typically based on a rational estimation of relative presenting

risks, merely that while the risks exist, persuading people to behave and feel otherwise than they do is to assume a responsibility for any increased vulnerability which may result from their acceptance of the persuader's world view. This is the nub of the problem which this paper addresses. Community safety practitioners, when directed to reduce the fear of crime, are being invited to assume a responsibility that many would prefer not to assume.

Perceptions of crime and our emotional reactions to it are based on our interpretations of what is happening in the world around us, derived from direct or vicarious experience. These interpretations will depend upon our expectations and what we are used to. Repeated exposure to fear evoking stimuli may lead to an increase in fear (sensitisation) or, at other times and in other circumstances to desensitisation. This raises a further ethical consideration. Is it fair to direct interventions towards a community because it is seemed over sensitised to crime or to ignore crime in a community because it has 'grown used to it' and no longer voices its concern?

Characterising people as 'fearful' paints them as passive and helpless. Other emotional responses to crime, (anger, revenge or frustration with the authorities or oneself for letting a crime happen) all have greater potential to be turned into remedial action, either positively by encouraging crime prevention activity or campaigning for change or negatively, for example through vigilantism. Misunderstanding or over-simplifying how people feel about crime will lead to missed opportunities and misdirected attempts to reduce it.

The arguments above are not an attempt to deny that fear is a common and important response to crime. In her survey of crime victims Hodgson (2005) found that 91% had been afraid of a similar offence occurring again. However for all crime types, for men and women and for both first time and repeat victims 'angry with the offender' was consistently more important as the emotion most frequently experienced. What is also apparent from Hodgson's study is the multitude of different emotions felt by victims, with the majority of victims expressing more than one emotion. Indeed one area which remains under-researched is the sequencing of emotions after crime victimisation. Shaw (2002) draws a parallel with the stages following bereavement, an idea well worth developing.

We are not attempting to abandon the central role of perception in the crime reduction landscape. The mechanisms of crime reduction are influenced by perception. For example improvements in street lighting are associated with reductions in crime. What is surprising is that these improvements have their effects in daytime as well as at night (Pease, 1999). It has been suggested that the mechanism through which improved street lighting reduces crime is its impact on residents' perceptions of safety and their levels of community confidence. This sends a strong message to offenders that the area is well cared for and has strong 'informal social control.' Impactive crime reduction schemes often begin to work before the schemes are implemented (an anticipatory benefit Smith, Clarke and Pease, 2002). Again this seems to be a reflection of the offender, practitioner and citizen perceptions of change in an area. These examples suggest that both offender and other citizen perceptions are of primary importance in understanding crime reductive

mechanisms and support Newburn's (2003) assertion that all crime reduction is perception based.

We have highlighted the potential dangers in a concept that allows a range of different perceptions and emotions to be conflated under one emotive term. The result is that although survey research shows social and spatial variations in fear and worry about crime, there is a degree of uncertainty over what exactly has been measured. With this precaution in mind the following section presents a descriptive analysis of the New Deal for Communities (NDC) Household survey.

Fear of Crime in NDC Areas

The research described below took place in the context of the National Evaluation of the NDC programme, to which the authors conducted three case studies of the fear of crime (Christmann, Rogerson and Walter, 2003). NDC is a Neighbourhood Renewal Unit programme to tackle the inequalities experienced by those living in inner city neighbourhoods. Across England thirty-nine schemes are managed by local partnerships, bringing together communities and agencies to tackle local problems, including housing, education, employment, health and crime. Our research brief sounded fairly straightforward; to identify the approaches taken to reduce the fear of crime in NDC areas, to understand the problems encountered by practitioners tasked with reducing crime fear and to make recommendations for best practice. However, we came to believe that the more important question could be formulated thus 'Is fear of crime a helpful or ethical concept for the selection and targeting of interventions and the evaluation of their success?'

Each NDC partnership was required to produce a delivery plan outlining its aims and objectives, targets to be met and baseline statistics. A review of these plans revealed that thirty-seven of the thirty-nine NDCs included the reduction of fear of crime as an objective and outlined interventions aimed explicitly, though not exclusively at reducing fear of crime. This is unsurprising given the high policy profile of fear of crime. A concurrent review of Crime and Disorder Reduction Partnership strategies revealed that fear of crime was similarly pervasive.

From the thirty-nine NDC areas three, Bradford (Bradford Trident), Hackney (Shoreditch Our Way, ShOW.) and East Brighton (eb4U) were selected for more in-depth research. Fear of crime interventions in these areas were representative of the full range of interventions featured across the programme, and almost all fear of crime interventions listed have been adopted by one or more of the case study areas. In each of the three areas, interviews were conducted with stakeholders including project coordinators, residents, police officers and community safety officers. Fear of crime responses to a household survey conducted in the 39 NDC areas between July and October 2002 were also analysed. The survey, conducted by MORI, interviewed approximately 500 individuals in each NDC, selected randomly. The survey covered a range of topics including quality of life, housing, health, employment and crime.

The Nature of Measured Fear of Crime in NDC Areas

Given that analysis of the BCS has shown that respondents living on low incomes, in social sector housing and/or in inner city areas were more likely to state that they were worried about crime (Kershaw, Budd, Kinshott, Mattinson, Mayhew and Myhill, 2000) it is not surprising that concern about crime is greater in NDC areas compared to the national picture. Analysis of the NDC household survey showed that in all but one NDC (Islington) respondents were more likely to feel 'very or a bit unsafe' after dark relative to BCS respondents. Overall 56% of respondents felt either 'very unsafe or a bit unsafe' walking alone in their area after dark, compared to 33% in the BCS. Levels of worry were higher in all NDCs for each crime specific question when compared to BCS responses.

There was significant variation in rates of 'fear of crime' both within and between NDC areas. This variation reinforces the earlier point; that there are clearly genuine differences between individuals and areas but doubts remain over what exactly is being measured. This variation was not adequately explained by either area level or individual level crime. An overall measure of fear of crime was created by summing the responses to each fear of crime question, (see Appendix 1 for list of questions). To provide indices of area crime levels the total number of crime incidents self-reported by respondents in the previous twelve months was calculated. NDC scores on these (crude) crime incidence and crime worry variables have been plotted on the matrix below (Figure 1). The relationship (or lack of it) between fear and self reported victimisation is evident.

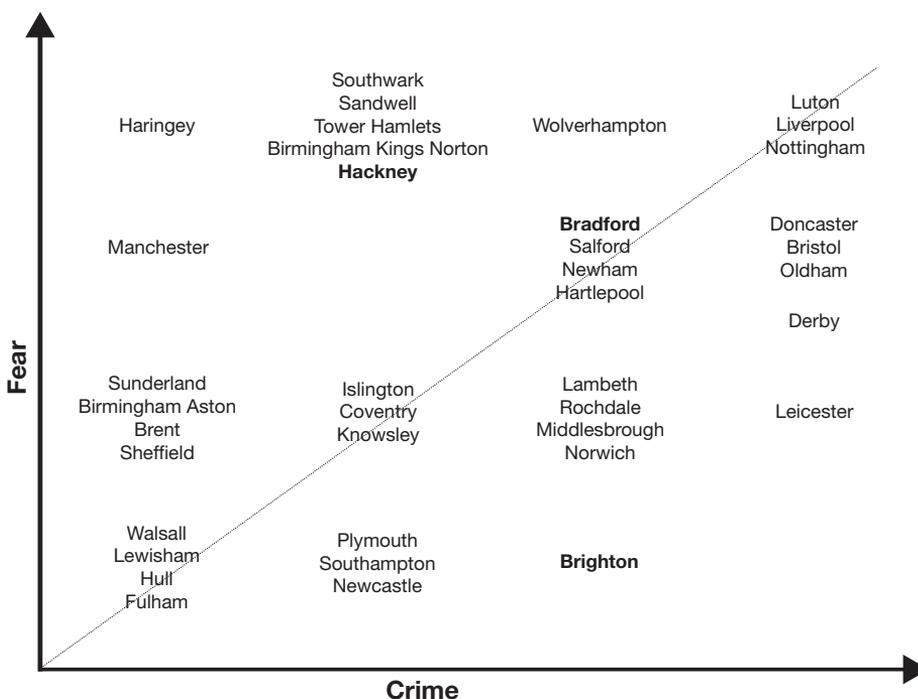


Figure 1. Matrix of self-reported victimisation in an NDC area by level of worry

A perfect relationship between fear and crime would see all NDCs situated along the central diagonal; areas above the line are 'too fearful'; areas below it are 'too sanguine'. The majority of NDCs are not situated along this line. For example Haringey is one of the more 'fearful' NDCs but has amongst the lowest self-reported victimisation. On the other hand Brighton NDC respondents appear to have quite low levels of fear given their level of victimisation. This finding may not be startling, but the matrix can be used to further illustrate that the ethics of striving for fear reduction are problematic. Residents in places like Haringey are more fearful than their area's crime rate might suggest to be appropriate. On the other hand, Brighton's residents characterise those that may not be fearful enough. Is it any less defensible to make the people of Brighton more fearful than to make the people of Haringey less fearful?

This news is of course concerning for practitioners working in these areas. But how do NDC partnerships, and other practitioners, improve their performance in the fear of crime league? As we have seen it is unlikely that reduced levels of fear of crime will automatically follow reductions in area crime rates. Recognition of this point frustrated those whom we interviewed for the case studies. In Brighton it was felt that the fact of crime reduction was not mirrored in residents' perceptions of crime risk. In Hackney, NDC staff reported that fear of crime had increased considerably despite only minor increases in specific crime categories.

Looking to the Home Office Fear of Crime Toolkit, practitioners are advised to devise action based on a classification that (in a similar way to Figure 1) divides areas into four groups: 'high crime/high fear, high crime/lower fear, low crime/low fear and low crime/higher fear (Figure 2)'. The toolkit recommends that high crime/high fear areas should be the subjects of crime reduction programmes. In high crime/lower fear areas (the learning zone) the focus should be on communication and awareness raising, with the public encouraged to undertake crime prevention measures to reduce crime opportunities. In low crime/higher fear areas the toolkit recommends that 'unrealistic' fears should be targeted. Again the recommended approach appears to focus on irrationality of 'fear' rather than understanding the complexity of the expressed concerns. Further it does not consider that low crime rates might be the result of high fear. Those living in low crime / high fear areas would also benefit from crime reduction campaigns to guard against risky behaviours that may result of increased confidence.

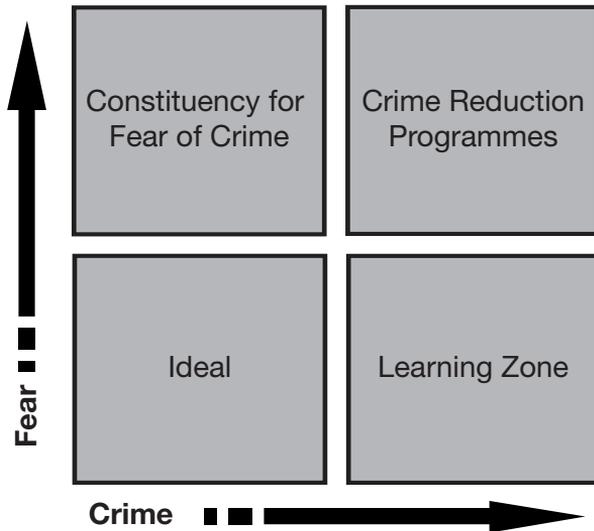


Figure 2: *The Fear of Crime Matrix*

NB. It is important to note that in Figure 2 areas in the bottom left hand corner are not necessarily 'low crime' or 'low fear' areas, they have lower fear and lower crime relative to other NDCs.

NB. Adapted from <http://www.crimereduction.gov.uk/toolkits/fc00.htm> (last checked 05/07/2006)

Approaches to Fear of Crime in Practice

As we have seen the majority of NDC partnerships had defined objectives and targets to reduce the fear of crime. The three case study NDCs explained that they had encountered difficulties in defining these targets. Targets to reduce the number of people feeling 'unsafe after dark' had been selected because they could not find a suitable alternative. NDC personnel felt that they lacked sufficient 'concrete evidence' on which to tackle concerns about crime. Generally the practitioners confirmed findings in the MORI survey that key concerns included car crime, burglary and drug dealing/use and added that 'young people hanging around' litter, vandalism, poor maintenance and abandoned cars contributed to the community's anxieties about the area. The visible nature of serious violent crimes and their investigation was highlighted in Hackney. Streets can be cordoned off for several days while evidence is gathered, large police boards appeal for witnesses but at the same time advertise the nature of the crime. The incidence of these crimes is unlikely to affect residents' risk of crime, but it is hard to imagine that these visible crimes will not disproportionately affect how residents feel about the area they live in. Practitioners noted a number of ways in which concerns about crime affect the everyday lives of the community. In Hackney attendance at public meetings has been affected by residents' anxieties about walking through the estates in the evening. Potential residents were reluctant to register for housing within the Brighton NDC. The area's reputation for crime is thought to be a key factor in housing refusals.

Practitioners had developed sophisticated understandings of what were key concerns. They had an acute awareness that insecurities about crime are not limited to fear of victimisation and included:

- Worry about victimisation and of intimidation and harassment.
- Worry about witnessing a crime.
- Fear of reprisals as a consequence of reporting crime.
- Frustration about the authorities' incapacity to tackle crime.
- Worry about health risks from the traces of drug use / prostitution.
- Anger about the young age of some of the girls involved in sex work.
- Anger about what the prevalence of crime signals about the state of the neighbourhood.
- Anger that culprits are 'getting away with it.'
- Worry that children may 'get in with the wrong crowd.'
- Concern and anger about the impact of crime on others in the community.
- Feeling helpless, unable to protect self and family.

The problem was that, for want of a better indicator, these concerns were shoe-horned into feeling unsafe after dark, A review of the 39 NDC delivery plans identified interventions selected to reduce fear of crime. These are summarised in Table 1.

NDC INTERVENTION	NDCs adopting strategy
Extending policing family (e.g. community wardens)	26
Increase police presence	13
Community policing	5
High visibility policing	2
CCTV	19
Alleygating	7
Crime prevention advice	6
Environmental improvements	3
Anti-Social Behaviour Orders/Acceptable Behaviour Contracts	3
Personal safety training	1
Anti-victimisation	1
Target Hardening	17
Youth Programmes	10
Neighbourhood/shop/pub watch	4
Reduction of anti-social behaviour	2
Community capacity	1
Street lighting	15
Designing out crime	4
New housing allocations strategy	1
Communications strategy	1

Table 1 NDC Strategies for Reducing Fear of Crime, Ranked by Frequency of Inclusion in Delivery Plans

NB. The classification of interventions is intended for illustrative purposes only and is limited by the interchangeable use of crime prevention terminology, for example information in delivery plans may suggest that two NDCs are implementing similar interventions when further investigation may reveal that they are actually implementing very different although similarly titled interventions.

What is immediately apparent is that with the notable exception of East Brighton's communications and housing allocations strategies, all of the interventions employed to reduce the fear of crime also include an element of crime reduction. Indeed, if we were to abandon fear of crime as a consideration, the table would be left virtually unchanged. This is due to the commonly stated view among the case study NDCs that the most beneficial way of meeting their fear of crime targets was to reduce crime itself. Hence our conclusion that the abandonment of crime fear policy targets would leave the reality of community safety practice unchanged.

The central point here is that NDCs chose crime reduction as the preferred means of reducing fear. They no doubt know that the link between fear and crime is complex and often tenuous. However, the alternative, in the writers' view is less ethically defensible. For this reason, the position towards which we urge movement involves the primacy of crime reduction, with the attendant obligation to communicate to people the scale and (hopefully) successes of the crime reduction enterprise. If performance indicators are required beyond crime change, one would think in terms of outcomes that relate to the reality giving rise to concerns e.g. the success of communication attempts, witness and victim support initiatives.

Earlier we stated that perception remains important as a central mechanism of crime reduction. The interventions implemented in the case studies demonstrate how a well designed crime reduction intervention can be sensitive to complex perceptions, and can even harness them to positively influence the primary goal of crime reduction. Other examples demonstrate how focusing on perception without tackling the root of those concerns can be counter productive.

Understanding the Community

Community based interventions frequently oversimplify what is meant by a 'community.' It is too easy to assume that threats come from outside the community and that strengthened community networks will be anti-crime. The reality of high crime areas is that neighbours are often offenders, and attempts to engage in crime reduction activity can result in threats and intimidation. Community based crime reduction must therefore recognise these difficulties and address them head on. In Bradford a restyled Neighbourhood Watch Programme entitled Community Watch has addressed these problems: by detaching itself from the police, providing smaller watch groups, with confidential membership where necessary, providing active and confidential support for those who have reported problems and ensuring members receive feedback when their assistance has proven instrumental in successful outcomes.

Reporting and Responding

Neighbourhood Wardens have been introduced into the three case study areas with the aim of providing an important communication channel through which partnerships can inform the public of initiatives operating and their outcomes. Wardens are also in an ideal position to develop an understanding of the wide-ranging concerns held by the public, and provide a link between the Police and the community. They afford an alternative opportunity to report crimes and provide support and information to victims of crime. Wardens in East Brighton visit all new residents with a welcome pack. This is an important step in helping new residents to settle in and helps to avoid feelings of insecurity that may arise from not knowing how problems can be resolved and which agencies to contact. This process helps to build community sustainability and hence community strength.

The introduction of wardens in these areas has raised a number of notes of caution not only because wardens may not be that visible to a large proportion of residents. Further where the definition of warden patrols includes reporting but not responding to problems, the anger and frustration of residents may be exacerbated. East Brighton wardens did not have an enforcement role and consequently do not directly challenge the behaviour of teenagers on the estates. This adds to the perception that these teenagers are beyond anyone's control. The Shoreditch wardens had achieved a greater level of engagement with young people which including challenging problem behaviour where necessary.

Communication

The pre-emptive use of communication may assert more control over perceptions by leaving less to the imaginations of recipients. 'Good news stories' act as a confidence building measure in the local area and communicate some of the positive gains made in reducing crime. This does not equate to spin. News should include activities, explanations and results. The presence of a police officer is less likely to be interpreted as a sign of trouble if people are aware of what has happened and what the outcome has been. Part of the communications strategy in East Brighton NDC involves informing local residents by letter after enforcement actions have occurred (such as drugs raids) thereby ensuring that local people are made aware that problems are being tackled with successful outcomes. East Brighton made use of both formal and informal publicity, for instance viral marketing: targeting your audience so as to maximise good news stories via others' word

Communication and publicity can cause problems when interventions run into problems. In Brighton and Hackney ASBOs are well publicised but this means that breaches to orders are also well known and this seriously undermines attempts to increase confidence in the criminal justice system.

The Danger of Dependency

The introduction of wardens risks generating overdependence on 'official guardians'. Shoreditch Wardens escort elderly residents home from social gatherings, this initiative has proved popular but is time intensive and reduces the amount of time wardens can give to other parts of their role. It also discourages residents from developing their own networks on which to rely for support.

Conclusion

It should perhaps be evident, but cannot be stressed strongly enough, that practitioners were troubled by the injunction to reduce crime fear. Case study NDCs have struggled to define fear of crime, and to separate personal fears from wider and more general emotions, judgements and perceptions. They were not confident about setting meaningful baselines and targets for the reduction of fear of crime. They have experienced difficulties in setting priorities and defining groups vulnerable to fear. Moreover they lacked confidence in establishing the extent to which interventions have impacted upon levels of fear of crime. We have also highlighted the problematic ethics of fear reduction divorced from crime reduction.

Because lifestyles are adapted to reflect personal vulnerabilities, however imperfectly, the attempt to reduce fear should in our view never be undertaken without an attempt to reduce presenting risk. Given the modest relationship between signs of disorder and crime fear, clean-ups are not justifiable on the grounds of fear reduction. Swift repairs and clear-ups after crime are justifiable on crime reduction grounds, both to reduce levels of repeat victimisation and spirals of area decay. Other clean-ups may well be justified on aesthetic or community building grounds. We feel that a more profitable way forward is to reposition the fear of crime in a wider complex of insecurities that people perceive or experience in certain environments and to place this within a broader quality of life framework.

Abandoning fear of crime as a policy and practice target will make little difference to current practice. It will also carry the additional benefit of redirecting a proportion of practitioners' attention that is currently wasted on attempts to change something that is not within their control towards the more tangible goal of crime reduction.

End Notes

For more information on the New Deal for Communities programme see <http://www.renewal.net>

The views expressed in this paper are those of the authors, and do not necessarily reflect those of NDC personnel.

Appendix

Fear of Crime Variables in the MORI survey.

The crime section of the survey included the following questions relating to the feelings of safety and worry about crime. These were:

How safe do you feel walking alone in or around this area after dark? Would you say you feel:

Very safe, fairly safe, a bit unsafe, very unsafe, don't know.

Most of us worry at some time or other about being the victim of a crime.

Using one of the phrases on this card, could you tell me how worried you are about the following happening to you?

Response options: Very worried, fairly worried, not very worried, not at all worried, don't know

Having your home broken into and something stolen

Being mugged and robbed

Having your car stolen

Having things stolen from your car

Being sexually assaulted

Being physically attacked by strangers

Being insulted or pestered by anybody while in the street or any other public place

Being subject to a physical attack because of your skin colour, ethnic origin or religion

Vandalism to your home or car

Having somebody distract you or pose as an official

Being physically attacked by someone you know

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COMMUNITY JUSTICE FILES 13

Jane Dominey, De Montfort University

An Expansion of Community Justice Centres

At a speech to the Community Justice Conference at the end of November Lord Falconer, the Lord Chancellor, announced the extension of community justice projects from the existing two centres in Liverpool and Salford to ten new areas: Birmingham, Bradford, Devon and Cornwall, Hull, Leicestershire, Merthyr Tydfil, Middlesbrough, Nottingham and two areas of London. This is seen as a way of building on an initiative that has successfully brought the administration of justice away from remote and inaccessible court buildings and closer to local communities and their concerns.

It is intended that each of these projects take on a different shape, responding to the particular concerns of local people and community groups. For example, the plan in Nottingham is to establish two courts, one of which will be in existing court premises and the other of which will be located in the community dealing with those offences identified as causing most local concern.

The Lord Chancellor states that developments in community justice centres are based on a set of key principles seen to underpin the practice of community justice. These are:

- Courts connecting to the community
- Justice being seen to be done
- Cases being handled robustly and speedily
- Strong independent judiciary
- Solving problems, finding solutions
- Working together
- Repairing harm, raising confidence
- Reintegrating offenders, building communities.

The Lord Chancellor also announced an intention, following the evaluation of these ten schemes, for a further expansion of community justice initiatives.

The Lord Chancellors speech can be found at
<http://www.dca.gov.uk/speeches/2006/sp061127.htm>

Black and Minority Ethnic Groups: Perceptions and Experiences of Crime

Home Office Online Report 25/06 presents findings from the British Crime Survey (BCS) 2004/5 exploring the impact of crime on people from Black and minority ethnic (BME) groups as well as their perceptions of the police.

The report suggests that there is little overall difference in the chances of victimisation between different groups. People from the 'mixed' ethnic group (using the 2001 census classification) were, though, found to be slightly more likely to be a victim of crime, including violent crime. The report concludes that much of this difference can be accounted for by demographic differences other than race. For example, the 'mixed' group contains a greater proportion of young people who are more likely to be victims of crime.

Estimates from the BCS give a figure of 179,000 for the number of racially motivated offences in England and Wales in 2004/5. This is a reduction from the estimates for the two previous years. People from BME groups were more likely than white people to perceive an incident as having been racially motivated, because of the use of racist language, because the incident had happened before or because of the identity of the victim. In the majority of cases the offender was not known or only slightly known to the victim. In a significant minority of cases the offender was believed to be under the influence of alcohol or drugs. The most common locations for these incidents were around the home (25%), in the street (16%) and at a pub or club (18%).

The report also finds that people from BME groups expressed slightly more confidence in the police than those from white groups. For all groups, confidence in the police was lower in those who had been a victim of crime or who had been in contact with the police in the previous 12 months. Further analysis suggests that these differences in perception can largely be explained by factors other than race, for example by perceptions of anti-social behaviour in the local area and confidence in the criminal justice system.

Those from the 'mixed' ethnic group were most likely to have had contact with the police in the past 12 months, another consequence of the younger age profile of this group. Figures in the report show that those from Black, Asian and 'mixed' groups were more likely to be stopped in a vehicle than people from other groups. There was no difference between ethnic groups for those stopped whilst on foot. After having been stopped, Black people were more likely to be searched. 62% of people from BME groups who were stopped were also searched, with the equivalent figure for white people being 17%. The report discusses the differences between these findings and figures from police records of stops, suggesting that this is, in part, a result of the police recording each incident whilst the BCS records whether people have been stopped at least once.

For further information, a copy of the report can be found at <http://www.homeoffice.gov.uk/rds/pdfs06/rdsolr2506.pdf>

Tacking Anti-Social Behaviour: A Report from the National Audit Office

This report, from the National Audit Office, examines the progress made by the Home Office's Anti-Social Behaviour Unit (which was established in 2003) and the other multi-agency initiatives intended to tackle anti-social behaviour.

The report contains a number of key findings. In the period from 2002/3 to 2005/6 there has been a statistically significant decline in the perception of anti-social behaviour, although this figure shows considerable regional variation with 29% of the population of London but only 7% of the population of Essex viewing anti-social behaviour as a significant problem. Many individuals responsible for low-level anti-social behaviour quickly desist but there is a small core of people responsible for a large volume of this behaviour. In the sample of cases reviewed in the report, 20% of people received 55% of the interventions. This group also had significantly more criminal convictions.

The report also raises questions about the appropriateness of the interventions selected by Anti-social Behaviour Coordinators. In some cases these seem to depend as much on the background and preferences of the coordinator as on the nature or seriousness of the anti-social behaviour.

The report looks at the impact of warning letters, acceptable behaviour contracts and anti-social behaviour orders (ASBOs). The majority of the individuals in the sample who had received ASBOs had previously received other anti-social behaviour interventions (40%) and had criminal convictions (80%), 85% were male and 38% were under 18. Over half the sample group had breached their ASBO, with a third of these breaching on five or more occasions. Not all of these breaches involved further anti-social behaviour, some involved engaging in activity prohibited by the ASBO such as entering a particular area.

The report makes a number of recommendations, including

- improving the collection of data to make it easier to evaluate which interventions are most effective with which people,
- developing the support available to people subject to anti-social behaviour interventions to reduce breaches and the chances of further anti-social behaviour, and
- improving the training available to those who implement interventions with young people with complex needs.

It is also suggested that the Home Office develops a communication strategy to ensure that local communities are aware of the work done to combat anti-social behaviour.

For more information, see

http://www.nao.org.uk/publications/nao_reports/06-07/060799.pdf

Criminal Careers and Life Success

The Cambridge Study in Delinquent Development has followed the criminal history of a group of men who were aged 8 in 1961. Home Office Research Findings 281 describes their criminal career up to the age of 50 and examines 'life success' up to age 48 based on criteria which had also been measured when the men in the study were aged 32. These criteria are satisfactory accommodation history, satisfactory cohabitation history, satisfactory employment history, not involved in fights in the last 5 years, satisfactory alcohol use, no drug use in past 5 years, no self-reported offence (from a specified list) in past 5 years, satisfactory mental health and no recorded convictions in past 5 years.

41% of the men in the study were convicted of a standard list offence (not motoring) by the age of 50. The men who started to commit offences at the youngest age had the longest criminal careers and committed the greatest number of offences. A small proportion of men in the study (7%) were deemed chronic offenders because they accounted for about half the officially recorded offences in the study.

The proportion of men leading successful lives (in that they met at least 6 of the study's 9 criteria) had increased from 78% at the age of 32 to 88% at the age of 48. This increase was almost entirely because some of those who had not been doing well at the age of 32 were now in better circumstances. The study further looked at differences between desisters (no offences after the age of 21), persisters (offences before and after 21), late onset offenders (offences only after 21) and the unconvicted. The proportion of those leading successful lives increased in all groups, with little difference between desisters and the unconvicted (96% and 95% respectively).

The report advocates early intervention programmes as a cost effective way of dealing not just with offending but a range of inter-related problems including alcohol, drugs, aggressive behaviour, accommodation and relationships. It suggests that these early intervention programmes should target the key childhood risk factors for offending including impulsiveness, poor parenting and low educational achievement.

For more information, see <http://www.homeoffice.gov.uk/rds/pdfs06/r281.pdf>

Disabled Women and Domestic Violence

A study looking at the circumstances and needs of disabled women who experience domestic violence highlights problems and gaps in provision that require urgent attention.

The study draws on research undertaken in Teesside by Jill Radford, Lynne Harne and Joy Trotter. It highlights that disabled women are vulnerable to specific aspects of domestic violence, for example involving the misuse of medication or mobility aids. Few disabled women access domestic violence services and they face particular obstacles when seeking support and appropriate alternative accommodation.

The authors call for further training for workers in both disability and domestic violence agencies. Improving the information available to disabled women is another priority.

For further information, see

Radford, J et al (2006) Disabled Women and Domestic Violence As Violent Crime *Practice* Vol18, No4, 233-246

Forthcoming Events

Getting Together: How to Achieve an Integrated Approach to Youth Justice Practice

Nacro's 17th annual youth crime conference is to be held from 26th – 28th March 2007 at the University of Nottingham. The conference will consider how to ensure integrated practice as an increasing number of agencies contribute to the youth justice agenda.

For further information, email events@nacro.org.uk

BOOK REVIEWS

Edited by Jenny Ardley, De Montfort University

RACE AND PROBATION

Edited by Lewis, S., Raynor, P., Smith, D. and Wardak A. Willan Publishing, 2006; pp256; £22.50, pbk. ISBN 10 1 84392 143 X

This is an ambitious volume that seeks to fill an identified gap in drawing together all the existing knowledge about how the probation service responds to race, in all its aspects. Largely based upon the Home Office research conducted by Adam Calverley and colleagues published in 2004, it seeks to move beyond the limitations of that research with Black and Asian men on probation. Important chapters address key issues in work with racist offenders, the poor level of understanding that exists about the needs of BME women, and the neglect of race and cultural considerations in the effective practice initiative that has been embraced by the probation service.

What emerges from the early chapters, is the sense of uncertain progress that the probation service has made in relation to race, despite local developments and initiatives such as the community involvement of the St Pauls team in Bristol after the riots there in the early 80s. Although S95 of the Criminal Justice Act 1991 required probation services to collect statistics on the ethnicity of offenders, information is still partial and frequently inaccurate. A highlight on race in the wake of the Macpherson report into the racist murder of the teenager, Stephen Lawrence, and a critical thematic report from the probation Inspectorate in 2000, caused the Home Office to commission research into interventions for Black and Asian offenders and, when this found few examples on which to build good practice, to establish a series of Pathfinder projects working with Black and Asian offenders.

There are some depressing messages in this writing about the poor level of understanding and unconfident practice in dealing with aspects of race and racism amongst probation service staff. There are also indications that Black and Asian employees within the probation service frequently feel isolated and unsupported, and that, regrettably, some are subject to racism within the workplace. Furthermore, attempts to increase awareness and the knowledge base have met with obstacles: the 9 Pathfinder projects referred to above suffered due to an over-optimistic project design in some instances, poor recruitment to some schemes and lack of methodological rigour in identifying comparison groups. The net outcome of this is that the results that have emerged cannot be readily generalised, particularly as these authors stress that BME offenders are not a homogenous group and that a sense of race and ethnicity will tend to be context specific, with some variations from one location or region to another. Critical issues arise also about appropriate models of work with Black and Asian offenders and the extent to which empowerment and self

development approaches can be annexed to core cognitive behavioural programmes, and re-packaged as preparatory modules with a more narrow purpose aimed at boosting compliance.

The collected writings here contain much critical comment and indications that some of the findings from the relatively little research that has taken place around race do not give unequivocal messages. Nevertheless, the tone is generally positive with the intention of highlighting areas that are under theorised and under-researched which merit further attention. Key amongst these is the significance of the growing number of individuals who identify as being of mixed parentage. The Calverley study showed that these individuals experienced consistently more social disadvantage, had higher proportions with experience of the care system than their Black and Asian counterparts, and a more negative experience within the criminal justice system. A more nuanced and complex sense of what it means to be of mixed parentage is coming out of research, including this particular study, and challenging previous notions that those of mixed parentage should be categorised as Black on the basis of a common experience of racism.

The Calverley study, however, did not look at the question of gender and, in a separate chapter, Loraine Gelsthorpe examines the implications of research designs that focus upon race or gender, but rarely consider the intersection of both, leaving a large gap in knowledge about the particular issues that may be faced by BME women (the Feilzer and Hood study for the Youth Justice Board in 2004 being one exception to this). BME women are, then, a particularly marginalized group within the already socially excluded category of offender.

Whilst the contributors to this volume seek to raise questions rather than to give solutions, the two chapters by David Smith are the most stimulating in terms of generating a potentially different approach to work with racist or racially motivated offenders. The starting point is certainly to outline the difficulty that probation officers have found in engaging with this work, as racist motives may not be readily apparent or may be denied. Smith challenges the usefulness of the traditional concept of racism as consisting of prejudice plus power for this particularly disempowered constituency of white, working class offenders and discusses potential approaches to work with this group.

As a collection of writing, there are a number of overlapping areas in the chapters here, particularly as many of the contributors are referring as their starting points to the same relatively small body of research. However, the attempt overall is to provide a rather wider coverage of neglected areas than has previously been available and to analyse the history of the probation service in relation to race. It is not in itself a definitive volume, but is a thoughtful and thought-provoking contribution to this area and will no doubt be a catalyst for further debate and, one would hope, more confident and informed practice.

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INSTITUTIONALISING RESTORATIVE JUSTICE

Ivo Aertsen, Tom Daems and Luc Robert (editors). Willan, 2006; pp. 313; £27.50, pbk. ISBN 1 84392 158 8

While this is a specialised book, it raises many interesting questions. The editors' introduction is rather defensive about producing another theoretical book on restorative justice, but it is an original contribution in that it looks at the prospects for the institutionalisation of RJ and the different cultural climates in a number of countries encouraging or discouraging its taking root.

For these purposes England is seen as having a particularly coercive criminal justice system which has difficulty accommodating RJ. Similarly, Canada has attempted to impose it from the top downwards, which discourages local ownership. Michael Tonry's chapter offers a possible typology for the institutionalisation or otherwise of RJ, arguing that there is a link between criminal justice systems' embrace of community penalties and their hospitality towards RJ. On the face of it, this would suggest that the prospects for institutionalisation in this country would be good – but he defines embracing community penalties as using them as alternatives rather than supplements to custody. He concludes that the prospects for restorative justice “are probably not very great in jurisdictions with highly moralistic attitudes toward crime or traditions of imposition of very harsh punishments” (p. 22). Thus, only some states in the US have allowed RJ to take root while England and the Netherlands have not.

Hans Boutellier approaches the topic somewhat differently, taking issue with aspects of David Garland's theories to consider the implications of the dumbing-down of public debate about criminal justice for RJ. He concludes with an extended metaphor drawn from football, which is somewhat contrived and difficult to follow for a non-devotee.

John Pratt attacks the “evangelical criminology” which goes along with the “crusading zeal” associated with much discussion of RJ. Like others before him, he dissects the “creation myths” which for some people lend legitimacy to RJ (the idea that it has ancient, pre-colonial roots). Using New Zealand as a case study, he argues that RJ has been used to placate the victims' lobby, the anti-racist movement and other interest groups without challenging punitive approaches.

John Blad addresses this issue in the context of the Netherlands, arguing that a punitive culture would have to be challenged before RJ could take hold. Since most westerners have been “socialized in the punitive model” (p. 107), a fundamental re-think is required. He goes on to examine the bolting-on of RJ to punitive structures in his own country, finally considering the prospects for change.

Several chapters specifically consider the UK. Drawing upon his own and others' research, Adam Crawford notes that the consensual mood music around the reformed youth justice system in England and Wales does not fit with how it is experienced by young people. Nevertheless, despite the coercive way in which young people are introduced to the circumscribed version of RJ imposed by the New Labour government, the research evidence shows high levels of offender satisfaction (but stubbornly low levels of victim participation). According to Crawford:

In the case of referral orders, coercion provides the capacity to move certain restorative justice values to the very heart of the youth justice system. The loss of voluntariness, it would appear, is the price paid for this (p. 130).

However, central government has been reluctant to relinquish power over the delivery of referral orders, and under the yoke of bureaucratic proscription, in many areas they have become "routinized, normalized and standardized" (p. 133), thus losing the spontaneity and creativity associated with RJ interventions at their best. Where the orders are delivered in inclusive and restorative ways, this is often because youth justice professionals interpret national guidance flexibility – in other words, it can only be done by bending the rules.

Roger Matthews' chapter caused some controversy when given as a paper at the conference on which the book is based, and while some of its arguments may be overstated, it is a salutary outsider's view. It is a polemic, and as such it is not always carefully-evidenced, but it raises important issues such as the class and cultural biases inherent in many of the assumptions made about the potential role of 'shaming'. Matthews makes important points, too, about the under-theorisation of commonly employed notions such as guilt and shame.

Barbara Hudson argues that RJ is more institutionalised than seemed likely in the late 1980s, but returns to the theme of co-option threatening its moral authority, which she sees as especially important if RJ is to be used in dealing with sexual offences. This chapter offers an interesting critique of Braithwaite's enforcement pyramid, arguing that it endangers the aspiration of RJ becoming a 'replacement discourse' rather than another rung on the penal ladder.

Jacques Faget questions the desirability of institutionalising RJ in a characteristically pungent and critical contribution. He describes the ways in which mediation has been co-opted in France and suggests that institutionalising RJ may threaten its central values. This links neatly with Kent Roach's chapter on the situation in Canada, where he turns the argument about the 'theft of conflicts' on its head, demonstrating ways in which so-called restorative initiatives may themselves steal conflicts from the protagonists. The Canadian youth justice reforms, he argues, have been restorative only in a very limited sense.

Robert Mackay's chapter analyses various drafts of the Restorative Justice Consortium's Statement of Principles, which on the face of it sounds like a very dry, insider-only project. However, it demonstrates some of the ways in which the politics of attempts to co-opt restorative justice play themselves out in practice. The Home Office's role in pushing for the removal of references to human rights, for example, is a matter of some concern. For practitioners, the process of revising the statement was a constant dynamic between political pragmatism, theoretical purity and compromised ideals. This theme re-emerges in Pat O'Malley's chapter, where it is argued that the co-option of RJ is a serious matter, because in bifurcated justice systems, restorative approaches can be a useful technology for weeding out low-risk cases.

As the length of this review perhaps suggests, this book contains a good deal of food for thought. It hangs together much better than many such books, and problematises a number of often unquestioned assumptions about restorative justice.

Professor Brian Williams, De Montfort University

MANAGING MEN WHO SEXUALLY ABUSE

David Briggs and Roger Kennington. Jessica Kingsley, 2006. (pbk) 240pp, £18.99 ISBN-13: 9781853028076

Written as a companion text to their first book *Assessing Men Who Sexually Abuse* (Briggs, Doyle, Gooch and Kennington, 1998), this text aims to follow on and examine current issues relevant to the post assessment management of sexual abusers. From the outset the structure, clarity and reassurance the authors provide throughout each chapter of this book guides the reader through a wealth of practice based research and clinical experience that could so easily have left the reader feeling overwhelmed and confused. The authors David Briggs, (a qualified clinical and forensic psychologist with over 25 years experience working with adult sex offenders) and Roger Kennington, (a specialist practitioner working with sexual abusers for the Probation Service and currently the Co-ordinator of the Sexual Behaviour Unit at Newcastle Upon –Tyne), divide the book into two clear parts. Part I, *The Work in Context* and Part II, *Working With Men Who Sexually Abuse*. The book and the chapters within it are result in a challenging and dynamic review of research, providing information and advice, often drawing on personal experience, for professionals although not necessarily specialists, who work with men who sexually abuse.

Structure and clarity are major strengths throughout this book. In the first chapter the authors state a number of things that need to be made clear to reader before beginning the book.

- This text does not profess expertise or attempt to cover issues surrounding the management of females or adolescents who sexually abuse. (References for information and alternative texts are provided).
- This text is not intended as a treatment manual.
- The subjects of the text are referred to 'men who sexually abuse'. That is, the term 'offenders' implies conviction and only a minority of men who sexually abuse will be convicted.

The division of the text into two parts, guides the reader to understand contextual issues before moving on to practice management. Part I sets out the scope of the problem, current law, public protection, procedure and accredited programmes. Components of risk factor assessment are clearly explained and clarification of the difference between multi agency and inter agency work. All are areas that can so easily cause confusion. Chapters 3 focuses on the potential demands and effects that working with sexual abusers can have. It provides awareness, encouragement and support the readers of this book. The authors provide examples of vulnerabilities, such as victimisation which may affect both them personally and the working relationship with their client. The awareness of diverse issues such as gender, ethnicity, culture and learning disabilities and the challenges this presents when working with sexual abusers is present throughout the book. Chapter 4, 'working with difference' clearly highlights potentially problematic issues for staff and clients here. They conclude that both these issues need to be acknowledged and challenged appropriately, ideally by training and structurally sound management.

Part II begins with an important examination of treatment and 'what works for whom'. Both the financial and emotional costs of treatment are evaluated, followed by a critical discussion of what constitutes good treatment, treatment resistant abusers and the influence of the therapeutic environment. Chapters 6 to 10 sequentially examine the management of client motivation to change, cognitive distortions, deviant sexual interest, victim empathy and social functioning. In each case Briggs and Kennington question the importance of the issue for management before defining it, then examine current models and objectives for intervention, providing examples, and finally 'tips and hints' for staff working within the current climate. Following from this, chapter 11 highlights issues concerning relapse prevention and self-regulation.

However, the authors acknowledge that the field is still in its adolescence. They identify, discuss and make strong arguments for where changes can and are being made. For example, the refinement of intervention techniques, the development of a management structure with appropriate support for both the client and the worker, intervention models for use in the community, consideration of issues surrounding bias and difference, working with non-abusing partners, and internet abusers.

However, as the authors state at the beginning of the book, they do not have all the answers. This too is strength of the book as the extensive information and critical discussion frequently raises further questions, a longing for more information and consideration for future developments. Many these questions are at least part answered by consistent referrals to another chapter or an alternative text for more detail. Still, one question that remained unanswered for me concerns the management of young adult sexual abusers between the ages of 18 and 21 years. The law and many assessment programmes are designed on the premise that adulthood begins at 18. However, in practice young offender institutions hold people up until the age of 21 and research suggests that the responsibilities of adulthood are now delayed for young people. Subsequently, sex is perceived as the main rite into adulthood, (Sharpe and Thomson 2005). This has implications for clients and staff, the types of assessment used and the management of sexual abusers in this age group, particularly if the client is learning disabled. I don't profess to have the answers either, but I do believe it requires further consideration.

Facts concerning the historical development of law, theory, and practice based research, staff/client working relationships, interagency involvement, intervention and treatment models surrounding the management of adult male sexual abusers are clearly stated at relevant points throughout the book. As the authors make clear, this cannot be changed but we can and have learnt from it. The benefits have meant more effective case management. The outcome of this strategic assessment identifies current strengths and weaknesses, provides clear practical advice, although realistically offers no guarantees, for a positive future development in the management of adult male sexual abusers

Also, there is no assumption of in depth knowledge or practical experience in the field. The final chapter provides a list of resources for governmental departments, (including Canada and the US) organisations; journals, and internet safety that will be invaluable to anyone in the field. It has therefore much to offer its intended readership of both specialist and non-specialist professionals. I would highly recommend it to those who are in early stages of training in the field and/ or those who wish to keep themselves updated on developing issues. In addition, this text provides valuable insight for researchers with little 'hands on' experience into the realities of managing sexual abusers from a professional working perspective.

Reference

Sharpe, S. & Thomson, R. (2005). *It Must Be Love? The Morality of Sexual Relationships Through The Eyes of Young People*, National Children's Bureau, London.

Debbie Eagle, PHD Researcher, Social Sciences, Loughborough University

MANAGING PERSISTENT AND DANGEROUS OFFENDERS IN THE COMMUNITY: INTENSIVE COMMUNITY PROGRAMMES IN THEORY AND PRACTICE

Moore, R., Gray, E., Roberts, C., Taylor, E. and Merrington, S. (2006)

Cullompton: Willan Publishing. 247pp

ISBN 13:978-1-84392-3 (pbk)

ISBN-10: 1-84392-181-2 (hbk)

This book examines the development of intensive community programmes (ICP) for offenders under the evolving 'What Works' agenda and the evidence for their effectiveness. It uses as a case study an evaluation of the 'Intensive Supervision and Surveillance Programme (ISSP) established under the remit of the Youth Justice Board (YJB) for young offenders, aged 10 to 17 years, in the UK. The evaluation, undertaken by the Centre for Criminology at University of Oxford, looked at the first 41 ISSP schemes nationally and examined the potential of an intensive multi-modal programme to address the offending behaviour of a high-risk target group of young offenders. The book considers the political impetus behind the expansion of such programmes nationally; their theoretical foundations and the evidence concerning their development, implementation and outcomes. The general tenor of the book indicates support for the development of ICPs for both young and adult offenders and the analysis is focused on what appears to work well and what needs to be thought about in the development of new and similar programmes. Many of the key issues reflect long established concerns in the area of youth justice, related to the balance between 'welfare', 'punishment' and 'effectiveness'. A core theme is that the programmes fit within the concept of 'community integration', including the teaching of basic skills and the concept of restorative justice but that this rationale sits uneasily alongside the political emphasis on punishment.

The book offers a comprehensive overview of the emergence of ICPs within a national context of concern about public protection and the role of community based agencies in addressing risk in relation to offending behaviour. This concern has led to an increasing focus on matters of surveillance and monitoring within programmes and the authors cite Cohen's warning of 'net widening' and increased social control in the development of ICP. They identify the theoretical framework for ICPs as a mixture of 'old welfare' and 'justice' models combined with 'new' penological thinking associated with actuarial methods and techniques for identifying, classifying and managing groups of offenders assorted by levels of dangerousness. One of the key questions remains the on-going debate on how to

reconcile the sometimes conflicting issues of care and control in relation to young people. Another is the extent to which ICPs can effectively target both persistent and serious offenders, when frequently their profiles and needs are quite different. In particular serious offenders generally have fewer criminogenic needs and therefore a lower risk of reoffending, so may not require the same level of intensity of supervision as persistent offenders. Combining both within one ICP can be problematic and the authors do not claim to offer a solution to this problem.

Amongst the range of supervision and activities offered within the different ISSPs, practitioners reported particular difficulties in accessing education, accommodation, mental health and drug services in some locations. In terms of surveillance the electronic tag was the most commonly utilised form of ISSP surveillance, combined with human tracking. The authors identified some initial ethical and moral concerns amongst practitioners regarding the use of the tag, but noted that this apprehension dissipated as the value of the tag in providing structure and discipline became more widely recognised. It was suggested that in some instances the tag could enable young people to avoid peer pressure, and assist in improving family relationships. The tag was perceived by practitioners as particularly stringent and effective, and interestingly young people viewed the tag as dominant whereas practitioners emphasised their attempts to tackle the underlying problems. In terms of enforcement those at highest risk were found to be the least likely to comply and many who successfully completed were breached at some stage in the order.

A range of implementation difficulties were encountered, but the study identified that in a relatively short space of time most schemes were able to establish viable programmes. The authors flag up the particular importance of the skills, knowledge and commitment of ISSP staff and that managers emphasised the quality of the relationships developed between the young people and individual staff rather than any particular component of the programme. Whilst the authors provide detailed information about the profiles of the young people on ISSP (93% were male and four in five were white) there was little discussion of issues of race and gender in the operation of the programmes.

ICPs have grown in response to two key concerns: reducing the risk of re-offending and the increased use of custody, but the current evidence from this evaluative study of ISSP is that whilst re-offending is reduced other comparable programmes have a similar effect. The widespread use by courts provides clearest evidence of the acceptability of the programme to sentencers but there has been no significant impact on levels of custody and the increased use of custody for breach further undermines the second concern. ISSP has made clear inroads in tackling underlying problems, with greater progress made with those who completed the programme. The authors conclude that the evidence base for ICP is building and they note the emerging lessons as including: the importance of setting realistic aims and objectives; careful thought given to employing a clear theoretical model and the importance of applying precise targeting criteria. In a challenge to the endless drive for further and more rigid enforcement policies for community orders their research

suggests that a graduated response to non-compliance and less stringent approach to enforcement is the most effective. They suggest that incentives are needed to encourage and reward compliance, and a more balanced carrot and stick approach is required. Generally they conclude that research on ICPs shows that the greater the level of intensity the more likely it is that offenders will breach its requirements, particularly high risk offenders. The authors conclude that the most promise is for programmes that target high risk offenders, have a strong rehabilitative component and that provide quality contact rather than simply more contact.

The evaluation at the heart of the case study demonstrates a sound methodological approach and a careful weighing up of all the key components of the ISSP set within the current political context. The book provides the reader with a detailed overview of contemporary issues in relation to ICP and identifies strong arguments in favour of a less punitive approach and lower levels of intervention. It also argues that some of the promoted surveillance aspects of ICP particularly electronic monitoring have over-stated benefits and there are some fears that it can actually have a detrimental effect. Doubts remain about the optimum approach for measuring effectiveness and the book suggests that a more integrated model of evaluation is needed with a wide range of outcome measures in addition to those of reconviction, including improvement in young people's attitudes or skills.

There continues to be a dearth of rigorous evaluation of the range of programmes evolving under the What Works agenda and this book makes a major and welcome contribution to the development of one such programme which should be a very significant resource to both policy makers and practitioners in the evolution of ICPs.

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