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EDITORIAL
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The New Labour mantra of being ‘tough on crime, tough on the causes of crime’ arguably brought the inherent contradictions of the criminal justice system into sharper focus. Whilst a laudable aspiration, simultaneously addressing the aims of both criminal justice and social justice is difficult. The papers in this edition all address this issue in some way, highlighting some of the tensions and the moral and ethical dilemmas of the criminal justice system.

Rob Canton reminds us of the fundamental importance of human rights considerations, arguing that the increasingly instrumental and managerial approach to dealing with offenders contains the inherent danger of masking its underlying moral dimensions – punishment is a moral activity. Such approaches also lose the ‘expressive and communicative aspects of punishment’, which is paradoxical given the growing body of research that demonstrates the value and effectiveness of personal relationships in desistance from crime (e.g. Burnett & McNeill 2005; Farrell 2004). A human rights discourse can guard against ‘over-zealous punitive or managerial approaches’.

Canton discusses two aspects of human rights – the avoidance of cruelty (such as torture, slavery) and enabling individuals to thrive (e.g. freedom of religion, right to education). Punishment inevitably infringes on the latter, with criminal justice disposals varying in the extent to which they limit freedoms and privacy, but they should not include any of the former, ie they should avoid cruelty. However, as Canton points out, the same punishment will be experienced differently by the individuals subject to it, as will the people around them. Some would argue that individual rights are not important when weighed against the greater good (hence the title of the paper) and that the rights of offenders should be balanced against the rights of victim and the community, but this argument is increasingly difficult to sustain given that offenders are members of communities and frequently are victims too. Being tough on causes can also be seen to be chipping away at individual rights and freedoms, especially those of children and young people and their parents, where the dogma of prevention and protecting their future is being used to justify intervention in their lives under the guise of improving their future.

One category of offender where these tensions are particularly apparent is sex offenders, particularly those who offend against children. This an issue taken up by Mike Nellis in his description of the introduction of Circles of Support and Accountability (COSA) to the UK, an innovative and controversial way of working with sex offenders on their release from prison. He describes how they were established at the end of the twentieth century, at a time when there was intense media interest and admonition of sex offenders, and demands that communities had the right to know where such offenders were living. The ‘outing’ by newspapers at the time led to harsh and unfair treatment of many sex offenders, making it difficult for them to find somewhere safe to live. In these cases the
human rights of those individuals and of the ‘community’ were clearly in tension. Legislation was introduced to more closely monitor the movements of convicted sex offenders and new arrangements introduced to manage the risk they were assessed as posing.

The COSA initiative was imported from Canada, supported by the Home Office and based on the principle of reintegration and restorative justice. The circles use volunteers to provide intense support for the offender but with an understanding that should any further offending be apparent this would be reported. Results in Canada demonstrated that issues of effectiveness and reducing offending were far from at odds with a humanitarian approach, as few offenders involved in such circles have offended. In a similar way to community service when it was first introduced, circles of support have the chameleon-like ability to fit a range of agendas, and thereby address the tensions highlighted by Canton.

The most successful pilot site for the Circles of Support initiative was the Thames Valley. It received some funding from the Home Office but was entirely voluntary and ran in conjunction with other statutory developments in the management of dangerous offenders, such as Multi-Agency Public Protection Arrangements (MAPPA). All parties had an agreed end, the prevention of offending, and a key message from this work is that their focus on the common goal and willingness to compromise on the means to achieving it resulted in an approach that is both humanitarian and provides effective surveillance of serious offenders.

David Faulkner takes up the story of the Thames Valley Partnership in his paper, reviewing its experience over 15 years. Instigated by the then Chief Constable to provide a local co-ordination of community safety and responses to crime it involved both statutory criminal justice and non-criminal justice agencies, and voluntary agencies in the area. Faulkner describes the underpinning principles of the partnership and the changes and metamorphoses that have occurred during its lifetime. The beliefs upon which it is based have much in common with Canton’s human rights principles, particularly that ‘everyone deserves respect and is of equal value as a human being’. Partners may have had differing and sometimes competing objectives and priorities, but their overall aim of crime reduction and community safety have bound them together, providing an example of how a ‘community justice’ approach can find a way to manage the inherent tensions in criminal justice. The independence of the partnership is a key factor in its successful key role of innovation and providing a means to develop and pilot new ways of working, such as the circles of support described by Nellis. The partnership sees itself as a ‘broker or a catalyst’. The lessons learnt from the partnership highlight the importance of concern for the individual, be that offender or victim (frequently both in the same person), and very locally based services addressing the issues and problems of those individuals within the concerns of their wider community, giving them ‘some control, some choice, and some sense of their own responsibility and ownership’. The initiatives of the partnership have been wide ranging, from working with serious sex offenders through circles of support through to early intervention initiatives such as supporting schools and pupils in the ‘transition’ from primary to secondary school.

The paper by Iolo Madoc-Jones is also concerned with community issues, but in a very different context – that of the potential impact on communities of building a new prison, particularly the proposed ‘Titan’ prisons. He presents the arguments for and against the presence of a prison for both prisoners and the local community, arguments that are both social and economic. Research on the issue in this country is scant, so he draws substantially on research carried out elsewhere, primarily in the USA. The value for prisoners of being imprisoned relatively close to their home community and the subsequent positive impact on both their well-being inside prison and their reintegration and reduction of reoffending afterwards is well established. This work suggests that a greater number of smaller units more locally located would be more effective than building a few very large prisons, but this option would not provide the potential economies of scale of the larger units. Again we have an example of the inherent tensions within the criminal justice system, and where attention to the human aspects of a policy can reinforce rather than dilute wider political and instrumental aims. Decisions about the location of prisons need full and well-balanced consideration and involvement of the local community in the area of the proposed site.

The final paper in this edition again addresses the human aspects of criminal justice, presenting a review of community justice initiatives, an approach that is about ‘putting justice back in the heart of the community’. The research described here aimed to improve understanding of how community justice initiatives engage with their communities, and identified five models of community engagement by community justice projects. The findings highlight similar issues to those described by Faulkner in his review of the Thames Valley Project: that the most effective work has to be very locally based and involve the local community in its development.

Yet again we are returned to the key points raised by Rob Canton, who calls for a consideration of human rights as the start of a debate about moral issues in criminal justice where ‘procedures must be not only effective, but just’. The papers in this edition show give examples of how a focus on the latter can produce procedures that are not only just but effective too.

References
NONSENSE UPON STILTS?
HUMAN RIGHTS, THE ETHICS OF PUNISHMENT AND THE VALUES OF PROBATION

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Abstract
This paper explores the potential for deploying the discourse of human rights to invigorate debate about the ethics of penal practices and in particular the values of probation. Human rights are argued to be the most promising basis for an ethically principled opposition to both excesses of punishment and an unduly instrumental understanding of penal practice. Recent themes in penal policy are identified and an account of human rights is set out. It is argued that human rights are distinctively important in discussions of punishment and that an attempt should be made to disentangle those rights that are appropriately forfeit as legitimate punishment and which rights should be retained. Two misgivings about human rights are identified and addressed. The place of the Council of Europe in working out the real-world implications of the European Convention on Human Rights is considered. The Council of Europe can also help to develop a legal framework to support its ethical initiatives. It is concluded that penal practice grounded in human rights affirms the responsibilities of offenders and therefore constitutes an appropriate penal communication. Ethically informed penal practice promotes legitimacy and perhaps enhances effectiveness in reducing reoffending.

Key words: Human Rights, Penal Policy, Probation, Council of Europe, Probation Values

In this paper, I argue that the discourse of human rights represents the most promising basis of a strategy to reaffirm the suppressed significance of ethics in penal policy against both the excesses of punishment and a preoccupation with instrumental outcomes. Having identified some recent influential themes in penal policy, I put forward a particular conception of human rights, arguing that we can enrich penal debate with these ideas and principles. It will be suggested that the aspirations of the Human Rights Act, in the realm of penal policy at least, have to a large degree been frustrated. After offering some reasons for this disappointment, I consider ways in which human rights discourse
might be more effectively deployed. It will be argued finally that the values of probation could – and perhaps should – be framed in the language of human rights.

**Themes in Penal Policy**

Cavadino and Dignan have usefully identified three dominant ‘strategies’ that have influenced penal policy in recent years (Cavadino and Dignan 2008; Cavadino, Crow and Dignan 1999, developing the working ‘credos’ identified by Rutherford 1993).

Strategy A is the affirmation of punishment – ‘a powerfully held dislike and moral condemnation of offenders, and the beliefs that as few fetters as possible be placed upon the authorities in the pursuit of criminals who, when caught, should be dealt with in ways that are punitive and degrading’ (Rutherford 1993: 11). As other commentators have also noted (Bottoms 1995; Garland 2001; Pratt et al. 2005), a zeal for punishment characterises contemporary debate. No politician dares risk the accusation of being ‘soft on crime’. Tough punishment is deserved and protects us – through deterrence and incapacitation. The more punishment there is, the safer we all will be.

Strategy B is concerned to ‘dispose of the tasks in hand as smoothly and efficiently as possible. The tenor is one of smooth management rather than of moral mission.’ (Rutherford 1993: 13) This emphasises managerialist imperatives of cost-effectiveness, often with bureaucratic indifference to ideas of harshness or leniency. It recognises that criminal justice practices cannot eliminate crime: crime must be managed and responded to effectively, efficiently and economically. The insistence on ‘evidence-led’ practice – on ‘what works’ – fits well with this approach. B has an instrumental conception of criminal justice, setting as its priority the reduction of offending and reoffending and the protection of the public. The strategy is also characterised by other managerialist precepts: setting objectives and targets, performance management, quality assurance, inspections, Area rankings – all with their inevitable preference for auditable episodes and achievement – and is accomplished as well in the day-to-day practices of actuarial assessment and working to National Standards.

Strategy C is often implicit and not commonly avowed by policy makers. This is the strategy of what Rutherford calls ‘decency’, affirming the worth of offenders and victims, (rejecting the idea of any necessary trade-off in their interests). It insists on the importance of fairness and justice; is sceptical of the efficacy of punishment, in particular cases and as a general strategy for reducing crime; and is suspicious of the social, cultural and ethical consequences of enthusiasm for punishment.

As Cavadin and Dignan rightly insist, these three strategies are ‘ideal types’, never found in a pure form, but co-existing and finding differences of expression in most contemporary jurisdictions. Indeed all of these strategies no doubt have a proper place in penal policy. Even as we may deplore the excesses of Strategy A and notice that retributive passions are selective – Strategy A prefers to avert its gaze, for example, from the wrong-doings of the powerful - few people deny the legitimacy of punishment for crimes. Again, without the disciplines and organisation of Strategy B, it is hard to see how any penal objectives could be realised or progress towards them evaluated.

It is the dominance of A and B that must be resisted. David Garland has written about penalty:

> What appears on its surface to be merely a means of dealing with offenders so that the rest of us can lead our lives untroubled by them, is in fact a social institution which helps define the nature of our society, the kinds of relationships which comprise it, and the kinds of lives that it is possible and desirable to lead there (Garland 1990: 287).

If practices of punishment are indeed so embedded and influential, we must be vigilant about how we punish. The indulgence of contempt towards offenders so that the rest of us can lead our lives untroubled by them, is in fact a social institution which helps define the nature of our society, the kinds of relationships which comprise it, and the kinds of lives that it is possible and desirable to lead there (Garland 1990: 287).

While Strategy B is less obviously objectionable, one might be cautious of its claims to be neutral or detached. As Bottoms notes, the ‘actuarial dimension of modern managerialism’ can serve to suppress political and moral responses to crime and punishment, so that ‘it may become difficult to counterpoise the traditional language of, for example, “justice”, against the aggregative and instrumental assumptions of an actuarial approach.’ (Bottoms 1995: 33) Similarly, the ‘what works’ initiative (McGuire and Priestley 1995; Chapman and Hough 1998) lends a strongly instrumental tone to policy that turns its back on a moral interpretation or critique. Garland again expresses the point well: practices of punishment, like any complex social institution, are not reducible to an instrumentality and:

> An awareness of penalty’s wider significance makes it easier to argue that the pursuit of values such as justice, tolerance, decency, humanity and civility should be part of any penal institution’s self-consciousness - an intrinsic and constitutive aspect of its role - rather than a diversion from its “real” goals or an inhibition on its capacity to be “effective” (Garland 1990: 292).

The practices of punishment are irreducibly moral activities, involving hardships, deprivations and impositions on offenders, with implications for actual and potential victims and for the whole society in whose name these practices take place. Attempting to influence people’s thinking and behaviour (the contemporary characterisation of probation practice) is also plainly a moral enterprise: even if there is a transcendental
Is strategy the right term? It is certainly true that A and B have been strategized at times. Politicians have tried to evoke popular punitiveness (A) to enhance their electoral attractiveness, while managerialism (Brownlee 1998; Raine 2007) is the realization of B’s strategies. At the same time, A derives its strength and resonance from much broader social and political change (Garland 2001), while B could be seen as just the implementation in the criminal justice sector of a more general approach to business and management. To this extent, A and B are not so much strategies as manifestations of wider social factors.

The use of the word ‘strategy’, though, seems least appropriate with regard to C. It is not at all clear that, at policy level, this is anybody’s strategy. It is not that considerations of decency and fairness have been absent from policy, but it is not easy to discern a sustained policy in relation to offenders that has been inspired by this credo. A better way of describing its influence, perhaps, is as a liberal constraint - a term which Loader (2007) uses in explaining how criminal justice professionals, pressure groups and academic criminologists have resisted some of the harsher consequences of punitiveness.

I shall go on to argue that the discourse of human rights represents the most promising means for turning C into a strategy which can then be deployed systematically to guard against the dominance of A or B. The first step will be to set out a conception of human rights and to explain why they are so important in the penal sphere.

**Human Rights**

Human rights are those rights that we have in virtue of our humanity and are consequently not at the disposal of the state. Much of the philosophical literature has been concerned with the structural and formal properties of rights – for example, their relationship with responsibilities or the extent to which government projects for the general welfare are constrained by rights claims. In contrast, Griffin ‘grounds human rights not in formal features or a role in a larger moral structure, but directly in a central range of substantive values, the values of personhood.’ (Griffin 2008: 34) As Griffin argues, a great deal can be derived from this notion of personhood: to be a person is to be a responsible moral agent and this entails rights of autonomy, choice, the ability and liberty to act.

But while such philosophical analysis is important and often illuminating, it is no less important, as Griffin insists, to be aware of the many and diverse rights that people have asserted for themselves and for others. Historically and politically, rights have been invoked in two main ways: to take a stand against cruelty and injustice; and to articulate claims - aspirational statements about the social and economic conditions that should be created so that people may thrive. In 1940, H G Wells published *The Rights of Man*. He explained that when he had originally drafted his Declaration of Rights he had first set out the conditions needed for people to thrive, only later in the declaration specifying articles against cruelty and oppression. But, after consultation with others, he reversed this order, especially at the request of ‘the younger men … who were going to do the fighting … [and who] had been stirred profoundly by those outrages upon human dignity perpetrated by the Nazis.’ The United Nations Universal Declaration of Human Rights (1948) similarly first sets out articles prohibiting oppression and cruelty, then articulating claims to human flourishing - a structure mirrored by the European Convention.

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<thead>
<tr>
<th>Liberties</th>
<th>Claims</th>
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<td>Avoidance of cruelty</td>
<td>Enabling individuals to thrive</td>
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<td>‘the absolute side – the moral wrongness of cruelty and humiliation’ (Gearty 2006: 140) for example</td>
<td>‘dedication to human flourishing’ (Gearty 2006: 140) for example</td>
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<td>• right to life</td>
<td>• right to respect privacy</td>
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<td>• abolition of the death penalty</td>
<td>• freedoms of thought, conscience and religion</td>
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<td>• prohibition on torture, inhuman and degrading treatment and punishment</td>
<td>• right to marry</td>
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<td>• ban on slavery, forced labour and servitude</td>
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<td>• (qualified) right to property</td>
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Conor Gearty is among the most recent commentators to consider these two dimensions of human rights: one, a rejection of oppression and insistence on ‘the moral wrongness of cruelty and humiliation’; the other a commitment to human flourishing (2006: 140). This corresponds to a philosophical distinction between liberties and claims.

Liberty rights affirm that, as governments pursue the general welfare, certain rights may challenge and sometimes constrain their projects. Ronald Dworkin famously described rights as trumps – cards that may be played successfully against other considerations like the collective welfare (Dworkin 1984), while Nozick asserted: ‘Individuals have rights, and there are things that no person or group may do to them (without violating their rights)’ (1974: ix). In these accounts, Dworkin and Nozick have liberties mostly in mind. But citizens also call upon their governments to create conditions in which they may thrive. For people to have real chances to pursue their interests and projects calls not only for others’ forbearance from interference, but also propitious circumstances and meaningful opportunities2.

Numerous theoretical and practical misgivings have been expressed about human rights and their earlier equivalent natural rights. ‘Nonsense upon stilts’ was Jeremy Bentham’s caustic dismissal of the claims of the Declaration of Rights published by the revolutionary French National Assembly in 1791. Why was he so scathing? As a sound utilitarian, Bentham did not want projects for the greater good subverted by individual claims of

justification - for example, public protection - the way in which this is undertaken is not morally neutral (Canton 2007). Instrumentalism also loses the expressive and communicative aspects of punishment (Duff 2001; Rex 2005).
obscure origin. Governments ought to pursue the general good, so the notion of a right invoked against the government is self-defeating'.

Yet we need an ethical basis from which to challenge and criticise government - even (perhaps especially) in a democracy. The language of rights has been deployed to remind governments of their limits and their obligations, that ends may not be assumed to justify means, that individuals and minorities may not simply be disregarded in the relentless pursuit of their conception of the general welfare.

This is not to say that we should think of rights as existing in a Platonic realm, somehow aloof from politics. Nor is the determination of rights a matter only for judicial interpretation. On the contrary, the question of the rights that we have, their extension, their relationship with the rights of other - especially in cases where rights conflict - is the stuff of politics (Gearty 2006). Like most serious moral questions, the matter of the rights that we have remains open, indeterminate and inherently contested.

Griffin notes that the term '… serves several practical purposes. It highlights a certain consideration, attracts our attention to it, marks its importance in our culture, makes its discussion easier, increases the chances of its having certain social effects such as ease of transmission and potency in political action … ethics should be concerned not just with identifying right and wrong, but also with realising the right and preventing the wrong.

Having the simple term “human right” is important to the latter' (2008: 19).

To invoke a right, then, is to attract attention to a morally significant aspect of a state of affairs or course of action. Even if the right claim is persuasive, however, it will rarely be decisive. Not all rights are absolute – probably very few are. To develop Dworkin’s metaphor, the trump card may be over-trumped by playing a higher (trump) card, perhaps invoking a weightier right. To assert a right, then, even persuasively, does not by itself entail that it would be unjustifiable to infringe that right, but it does mean that there is a need for moral justification.

Thus, even when rights are compromised or denied deliberately as an intended part of a punishment, this should be done consciously not casually. A right may not be ignored or merely set aside as inconvenient and if it must be infringed (because other moral considerations turn out to be more compelling), then this should take place with a sense of regret, with an attempt to mitigate the implications for the right-bearer and should stimulate a search for other solutions which better respect the right. If Griffin is correct to say that our rights are intimately bound to our humanity and personhood, then to say that someone’s rights simply do not count is to risk treating them as less than human.

In the United Kingdom, the legislative expression of these principles is the Human Rights Act 1998. This incorporated into the law of the United Kingdom the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in 1950 by the Council of Europe. The Convention stood for Europe’s determination to guard against any recurrence of the atrocities witnessed during the Second World War. It affirmed that there were some human rights that people possessed in virtue of their humanity - some rights that the state may not take away in any circumstances and others that may only be denied or compromised in specifically defined circumstances.

**Rights and Punishment**

Why do human rights particularly matter in discussing punishment? Here, in the practices of punishment - uniquely, perhaps - the withdrawal or compromising of rights is not just a regrettable side effect of policy, not even just a deliberate act, but constitutes punishment. At the start of Discipline and Punish, Michel Foucault contrasted the shift from dramatic acts of punishment of the body – corporal and capital punishments – to the discipline of the penitentiary, summarising ‘From an art of unbearable sensations punishment has become an economy of suspended rights’ (Foucault 1977: 11). In a very different philosophical tradition, John Rawls included in his formal definition of punishment that it involves being ‘deprived of some of the normal rights of a citizen’ (1967: 150). So, for Rawls, punishment is by definition a deprivation of (some) rights.

But which rights are forfeit and which retained? How is punishment to be determined and administered in a principled way that respects the offender's humanity? First, as Bentham properly insists:

> the right itself must be specifically described, not jumbled with an undistinguishable heap of others, under any such vague general terms as property, liberty, and the like’ (Bentham 1816: line 244).

For example: while six months in prison may fairly be described as six months loss of liberty, imprisonment impinges upon many, more specific human rights - including a loss of opportunity to experience family life, to seek gainful employment, loss of privacy, and so on. As all probation officers know, prison impacts differently on different people. Being explicit and specific about the real consequences of prison and the extent to which these consequences trespass upon people’s rights is a precondition of any principled approach to punishment - particularly any systematic discussion of proportionality in sentencing.

Some infringements of rights are deliberate and intrinsic to the lawfully determined punishments. But punishment normally has other consequences too. Nigel Walker (1991) uses the expression obiter punishment for those effects that fall upon other people – perhaps parents, children or partners of offenders. He also discusses incidental punishment - those consequences that are not intrinsic to the punishment, but side-effects. For example, sending someone to imprisonment is not to sentence them to homelessness or their children to Local Authority Care. If it does have that result, then as much as possible should be done to redress this. In principle it should be possible to determine the loss of rights which are a proper consequence of lawfully determined punishment, while anything further loss, obiter or incidental, should be minimised and maybe compensated.
Walker’s comments apply to all punishments, but are especially pertinent to imprisonment, where obiter and incidental consequences are likely to be wider and weightier. One difficulty, however, is that English law lacks a statutory determination of the purpose of imprisonment, so that it is hard to tell what rights are part of the punishment and which are obiter or incidental (van Zyl Smit 2007).

The principle of Raymond v. Honey is that ‘under English law, a convicted prisoner, in spite of his imprisonment, retains all civil rights which are not taken away expressly or by necessary implication’ (quoted van Zyl Smit 2007: 569). People have differed on the question of these ‘necessary implications’, however. For example, is losing the right to vote a necessary implication of imprisonment? In a Divisional Court judgment dated 4th April 2001, Kennedy LJ said ‘… prisoners have forfeited the right to have a say in the way the country is governed for that period. There is more than one element to punishment than forcible detention. Removal from society means removal from the privileges of society, amongst which is the right to vote for one’s representative.’ (cited ECHR 2005) But on October 6 2005, the Grand Chamber of the European Court of Human Rights found that the UK’s current policy of a blanket ban on all serving prisoners from voting is in contravention of Article 3 of Protocol No 1 of the Convention (the right to free and fair elections) (ECHR 2005). Here the idea of necessary implication cannot resolve the matter, since it is precisely the question of which implications are necessary that is at issue.

One promising test might be to ask whether the denial of a right serves any legitimate penal purpose. Now that there is a statutory determination of the purposes of sentencing (Criminal Justice Act 2003, s. 142), it might be possible to argue that a right is justifiably removed if, but only if, its removal contributes to a legitimate purpose of punishment (rehabilitation, public protection, etc.) Meanwhile the test of proportionality is probably the single most secure safeguard against undue infringement of the rights of offenders (van Zyl Smit and Ashworth 2004).

**Penal Policy and the Human Rights Act 1998**

In 1999, anticipating the implementation of the Human Rights Act 1998, the Home Secretary, Jack Straw, proclaimed ‘These are new rights for the new millennium… It is one of the most important pieces of constitutional legislation the UK has seen.’ (Home Office 1999) He repeatedly affirmed that we should not merely be prompted into defensive action for fear of litigation, but ethically motivated to use human rights as a framework for policy.

In this same press statement, Straw referred to a ‘culture of rights and responsibilities’ (my emphasis) – an expression that quickly became established in government references to the Act. Now as a normative proposition – that people should accept responsibilities as well as asserting rights – this is something to which many would assent. At the same time, it must be emphasised that this is not part of the European Convention or the Human Rights Act¹. The rights of the Convention are in no way contingent upon the fulfilment of the responsibilities that the state supposes that people under its jurisdiction should accept. Human rights do not have to be deserved – an important point to be affirmed in the penal context. Sole and sufficient credentials are to be human.

The impact of human rights on penal policy has been disappointing. There have certainly been gains – several cases in which Courts have adduced the Act and the Convention to raise the standards of justice for offenders – especially for prisoners (for prisoners’ rights, see van Zyl Smit 2007; for associated questions about community punishment, Gelthorpe 2007). But this often seems wrong from a grudging and reluctant government - just the kind of litigious defensiveness that Straw said he was so keen to avoid. There is little sign that the Convention has been deployed as an active force to inspire penal policy.

Barbara Hudson has plausibly attributed much of this under-achievement to the government’s preoccupation with public protection. Human rights have been bullied aside by insistent demands for public safety. She writes:

> Increased recognition of the rights of victims and potential victims cannot be allowed to be at the expense of rights of offenders and potential offenders; what must be achieved is a balance between two sets of rights (2001: 110).

She repeatedly calls for balance in this debate and has been echoed by other wise commentators. Others, however, notably Andrew Ashworth (1996) are unhappy with this concept of balance. The metaphor in this context immediately evokes the thought of the scales of justice, one pan to be weighed against another. It is a utilitarian conception that implies that the rights of the many may be allowed to outweigh the rights of others, whereas rights can and should function as constraints on what the state may legitimately do or what a majority might inflict upon a minority. While Hudson rejects a zero-sum conception of rights (it is not the case that more rights for victims entails fewer rights for offenders), this is precisely what the metaphor of balance suggests.

To accept the metaphor, frequently invoked in policy papers², is from the beginning to prejudice thinking in unhelpful ways. Why is it to be assumed that the rights of victims and offenders must be in opposition? Many offender rights – almost all rights relating to the realities of sentencing implementation - do not in any way infringe the rights of victims. Moreover, while we can speak of victim and offender in relation to particular criminal incidents, these are not enduring and mutually exclusive categories. Similarly if we look for ‘balance’ between the rights of offender and the rights of the community, we are at risk of automatically excluding offenders from the community. Nor are there just two sets of interests to take into account. Families and communities also have rights in this regard.

The metaphor of balance sets up and reinforces these artificial antitheses and has contributed to the mistrust of rights and their consequent underachievement.
Two Problems with Human Rights and Penal Policy

Two common and reasonable concerns about human rights in penal affairs is that they are (i) vague and (ii) minimal. In the first place, values ought to be action-guiding, but can human rights offer sufficient guidance? What, after all, do some of these very general rights-claims really amount to? And if they cannot be deployed to guide policy and practice, are they not at risk of sitting at the side redundantly? But secondly – as an influence, say, on the values of probation – are they not also too minimal? Rights, surely, are what is left when all else fails and therefore of limited assistance in guiding the strategies and practices of a civilised and decent criminal justice system (see the discussion by Gelsthorpe and Nellis 2003). Probation values can surely do better than a prohibition on torture.

(i) ‘Human rights are too vague to guide policy or practice.’ While the rights of the Convention are of fundamental ethical significance, their precise implications are unclear. In some areas too these implications await judicial interpretation – perhaps especially where one right is in conflict with another right or obligation.

The approach of the Council of Europe points to a solution. Europe’s oldest political association, the Council oversees the European Convention. It sets standards, inspects and facilitates international cooperation to enhance human rights. The Council of Europe promulgates Rules - the most important here being the European Prison Rules (Council of Europe 2006). As formal Recommendations adopted by the Committee of Ministers, these Rules carry considerable authority and have, for example, been cited in judgements in the European Court. Rules are typically accompanied by Commentaries to explain their rationale and implications. Essentially the Rules point to the possibility of a relatively detailed and specific working out of the liberties – and often the rights claims of prisoners – required by the Convention. The Rules draw out what it will mean in practice to respect the rights of offenders, victims and the community – and how to resolve conflicts of rights in a principled way. Rather than obstacles seen as frustrating punitive or reductive purposes, rights are the beginning and the focus of policy. The Rules thus contribute to a solution to this challenge of generality and remoteness.

(ii) ‘Human rights set the bare minimum standards of decency and penal values should aspire to more than this.’ It is indeed true that rights to life and a prohibition on torture seem like a bare minimum. But here we should note the important legal principle of positive obligations (Mowbray 2004). Article 1 of the Convention calls on states to ‘secure’ the rights of their citizens and this calls for positive action, not merely forbearance – in terms of our earlier distinction, claim rights as well as liberties.

The idea of positive obligations has the potential to challenge and to stretch the state’s duties. For example, in E. and others vs. United Kingdom, the court held that the UK had violated Article 3 (prohibition of inhuman and degrading treatment) by failing to protect E. sufficiently from abuse at the hands of her mother’s cohabitant (Hofstotter 2004). In MC vs. Bulgaria the court found that the requirement in Bulgarian law that a prosecution for rape could not take place without proof of physical resistance constituted an inadequate protection against crimes of rape (Leach 2006), so that the law of Bulgaria was in this respect at odds with the Convention. In this way, a basic liberty-right progressively evolves into something much stronger.

This is a principle with clear and significant implications for – in particular – the rights of victims of crime. The court has emphasised that this principle of positive obligation must not be interpreted in a way that places an ‘impossible or disproportionate burden’ on the state and sets quite a challenging test (ECtHR 1998: para 116; Leach 2006), but where the requirements of the test are met, the Court may decide that the state has failed in its duty to secure the rights of a victim.

It seems to me that the principle has – or should have – implications for the rights of offenders. As we have seen, punishment involves the deliberate curtailment of some rights and it would be absurd to look for redress or compensation in these respects. But I have tried to argue earlier that punishment often has other consequences, obiter and incidental; that these consequences should be mitigated so far as possible; and that the state incurs obligations of redress where these rights are avoidably infringed. This argument could be used to establish a right to after-care services, for example, to try to mitigate some of the harsher incidental consequences of punishment. After-care could be seen, then, not as a continuation of punishment or risk management, nor even as an attempt to meet ‘criminogenic need’, but as a right.

So while the two problems to which attention have been drawn may indeed help to explain the under-achievement of human rights discourse in penal policy and practice in this country, there are ways in which these challenges can be met. The work of the Council of Europe demonstrates how an ethics of punishment could be constructed on the foundations of the Convention, while the principle of positive obligations begins to show how minimal rights could progressively be developed into something much stronger.

Although the detail and implication remain to be worked out and the complexity of the project is not to be under-estimated, positive obligations in the penal domain could be the basis for affirming a general right to rehabilitation. At a time when the treatment model was under attack – does the state have any right to coerce or manipulate change? – Edgardo Rotman argued not only for protection against coercion, but also in favour of ‘...a right to an opportunity to return to (or remain in) society with an improved chance of being a useful citizen and staying out of prison’ (Rotman 1994: 286). In terms of our earlier discussion, penal policy must take account not only of liberties, but also claims. The idea has been instructively reaffirmed more recently by Lewis (2005) and by Ward and Maruna (2006) and has a promising grounding in human rights.
Human Rights and Community Punishment

Prisoners' rights are always vulnerable, but is the position of those under community supervision as perilous? Probably not: the dependence and vulnerability of serving prisoners makes their rights especially precarious and in need of vigilant defence. At the same time, the long-term policy to make community punishment 'credible' - with increased constraints on liberty, demanding content, increases in control and harsh enforcement - could jostle rights aside.

Three areas for particular vigilance are:

- disclosure – the proper boundaries between disclosures of personal information about offenders believed to pose a risk (and therefore threatening the rights of potential victims) and the rights of such former offenders to privacy and safety from harassment. This is an area in which obiter and incidental punishments are likely to have an impact.
- 'techno corrections' raises similar issues and involves considerable invasive potential, not only for offenders and their families, but for potential offenders and perhaps – since who of us may not be a potential offender? – for everyone. The pressures of commerce – the need for companies to sell their equipment and to extend their markets - may not always be assumed to be benign and are likely to have human rights consequences.
- enforcement – increasing numbers of people are in prison not because of the substantial harms they have been responsible for, nor even on the basis of assessed risk, but because of their failure to comply with the requirements of supervision (Maruna 2004). This is especially the case for those released early on licence, but is increasingly a concern for community supervisees as well. Since this bears on liberty – the issue on which English Courts have been most assiduous in protecting the rights of offenders (van Zyl Smit 2007) – there are established judicial remedies, but there is a continuing need for vigilance against a trend that threatens proportionality in sentencing.

As with imprisonment, the curtailment of rights involved in the implementation of community sanctions and measures should be parsimonious, with as many rights retained as consistent with the implementation of the court's order. The infringement of rights should not be disproportionate to the offence and measures that impact on these rights should be justified in terms of their furtherance of a legitimate penal aim9.

Human Rights and the Values of Probation

Might probation articulate its values in the language of human rights? I have speculated here about the reasons why this seems (mostly) not to have happened, but the possibility remains. There are at least three advantages to trying to frame probation values in this way:

1. It would make probation values mainstream, using the common language of contemporary ethical discourse. This in itself reminds us of the essential humanity of offenders (and not only offenders) and that infringement of their rights calls for justification.
2. It would set probation values in an international context. It has been argued earlier that the rights of the community and the rights of offenders are less often in conflict than is implied by the rhetorical trope of a balance. Nevertheless, where rights are in conflict in this way, it is not at all clear that nation states can always be relied upon to make principled judgements. Accountability to the Convention and the ECHR is a valuable safeguard. Equally, key principles like proportionality can be gauged through international comparisons. Among the questions to be asked about proportionate punishment (not the only one) is how the practices of one jurisdiction compare with another's (compare van Zyl Smit and Ashworth 2004).
3. It makes the policies and practices informed by these values justiciable – capable of being decided by a court.

This is not the place to revive an argument for the values of social work, but it is to be noted that some of these values have a clear counterpart in the discourse of human rights. For example, the value of respect for persons may be taken to represent the principle of personhood and agency (self-determination?) from which Griffin derives so much. The value of confidentiality is expressed in the right to privacy. Article 14 of the Convention prohibits discrimination.

Rights and Diversity

Affirming rights that we have in virtue of our common humanity – rights that are not contingent upon gender, race, sexuality, abilities or beliefs – also looks like a promising ethical foundation on which to oppose unfair discrimination.

On the other hand, rights have been charged with being culture-bound: an attempt by the West to universalise their own ethical standards and impose them on others. Clapham answers this well, if maybe not perhaps conclusively.

Human rights were invoked and claimed in the context of anti-colonialism, anti-imperialism, anti-slavery, anti-apartheid, anti-racism, and feminist and indigenous struggles everywhere. Western governments may recently have dominated the discourse at
the highest international levels, but the chanting on the ground did not necessarily take
its cue from them, nor did it sing to the West’s tune (2007: 19).

Since much unfairly discriminatory practice reflects and reproduces structural inequalities,
human rights discourse alone is no doubt insufficient to oppose discrimination in penal
practices. It is not argued here that this agenda can simply be subsumed into the discourse
of human rights. On the contrary, appreciation of diversity and challenges to unfairness
 call not only for ethical commitment, but also for an understanding of the ways (often
quite subtle and elusive) in which criminal justice can treat people unfairly and how this
could be changed. It calls as well for self-awareness among practitioners and the skills to
challenge unfair discrimination.

At the same time, anti-discrimination has tended to focus on relational questions - of the
way in which some people are dealt with unfairly compared to others. Anti-discrimination
should mean treating everyone as well as possible and this calls for a clearer understanding
of what best treatment should be. The discourse of rights attempts to clarify precisely what
we owe - to offenders, to victims, to one another - and is therefore arguably the prior
question or at least a question to be addressed as the same time as we explore unfairness.

New policy is often accompanied by an equality assessment to ensure that implementation
does not impact adversely and unfairly on particular groups. In a rights culture, there
might be a similar detailed audit of compliance with the Convention - for current practice
as well as for policy, practice and technological innovation10.

It is not to be expected that human rights can resolve all substantial moral disagreements.
Indeed one should be suspicious of any ethical approach that purports to dissolve (or even
definitively resolve) intractable moral dilemmas. The invoking of a right is often a
beginning to a discussion rather than its conclusion. As Gearty puts it:

The statement ‘these are our human rights’ [is] best understood to be part of an argument
rather than a revelation about moral obligations that should - through force of its Truth
bring all discussion to an end (Gearty 2006: 68).

Conclusions

I have tried to argue here that the discourse of human rights represents the best prospect
for reaffirming an ethical discourse in penal policy against the excesses of punishment and
preoccupation with instrumental outcomes. Punishment must be tempered and principled;
criminal procedures must be not only effective, but just.

I have tried to identify some of the reasons why the opportunities afforded by the
incorporation of the Convention into UK law by the Human Rights Act 1998 (Scott
2002) have not been fully grasped and why, to this extent, human rights have not
achieved as much as they should and could. We need human rights not only to guard
against penal excess (liberties), but to encourage the state’s acceptance of its positive
obligations (claims) towards offenders.

Although this is essentially a moral case, it is also a precondition of an effective and
legitimate penal system. The way in which punishment is administered must harmonize
with its messages. If offenders are to have more regard for the rights of others (victim
awareness / empathy), then their rights must be respected. If offenders, including
prisoners, are to be more responsible, they must be addressed as responsible people and not
merely detained and acted upon11.

Requiring offenders to be responsible moral agents, we should so address them, striving to
elicit their sense of responsibility. This vision of punishment respects the tight conceptual
connections between moral agency, personhood, human rights and punishment.

End Notes

1. This paper is adapted from a professorial inaugural lecture delivered at De Montfort University,
Leicester on Wednesday 7th May 2008. I am most grateful to all who attended that lecture and
to the many among them who offered comments and criticisms. I should like to express
particular thanks to colleagues at De Montfort, to Professor Dirk van Zyl Smit, and to people
with whom I have worked at the Council of Europe, especially Hans-Jürgen Bartsch, Ilina
Taneva and my mentor in advancing human rights in penal affairs, Norman Bishop.

2. Ultimately, perhaps, the distinction on which I have so far been insisting may collapse –
Mackie suggests that ‘A right, in the most important sense, is the conjunction of a freedom and
a claim-right.’ (Mackie 1984: 169).

3. For Bentham rights also imply a right-giver. Governments can bestow (or take away) rights, but
the idea of natural rights was ‘simple nonsense’ and that of impermissible (that which cannot
be taken away by law) natural rights was ‘rhetorical nonsense’, - nonsense upon stilts’.

4. Punishment should be proportionate to the wrong done, but while much has been written about
harm and culpability to try to get a grasp of offence seriousness, there is very much less study
about the realities of punishment. Identifying those rights that are adversely affected by
punishment might be a good beginning.

5. The Convention and the Act refer to ‘responsibilities’ only in connection with freedom of
expression.

6. An influential example is to be found in the opening sentences to the influential 2002 White
Paper Justice for All : ‘The people of this country want a criminal justice system that works in
the interests of justice. They rightly expect that the victims of crime should be at the heart of
the system. This White Paper aims to rebalance the system in favour of victims, witnesses and
communities and to deliver justice for all, by building greater trust and credibility.’ (Home
Office 2002: 3).

7. Baroness Corston has recently noted that the offending behaviour of many women can only be
showed that the same is true of many – perhaps most – of the young men who commit grave
crimes. Yet while we deplore what they have undergone as victims, we ignore the consequences
of their experiences.

8. Where there are conflicts of rights, there should be a wise and patient working through of the
implications. There can be no routine assumption that the rights of ‘victims’ prevail over the
rights of ‘offenders’ (Ashworth 1996). It will depend on the rights at issue.

Nonsense Upon Stilts: Human Rights, the Ethics of Punishment and the Values of Prohibition

10.

11.
9. "Less well known than the European Prison Rules are the Rules on Community Sanctions and Measures (Council of Europe 1992, 2000). Their influence on English policy and practice is not easy to discern: few probation staff have even heard of them. But these too attempt to work out some of the practice consequences of giving due priority to the Convention and deserve to be better known.

10. A statement of compatibility should endorse legislation, but this seems often seems minimal, routine and focused on avoiding litigation.

11. Stephen Pryor's name is associated with a project to maximise the responsibilities of serving prisoners, to engage them and involve them in their experience and rehabilitation. See The Responsible Prisoner. As Duff argues, punishment should strive to bring it about that people refrain from offending because they are persuaded that, as responsible members of a community, offending is morally wrong.

References


Abstract
Circles of Support and Accountability (COSA) are an innovative, volunteer-based means of supervising sex offenders, usually upon release from prison, which were ‘transplanted’ from Canada to England and Wales at the turn of the 21st century. The Religious Society of Friends (Quakers), and the Lucy Faithful Foundation, were concerned with both the extreme demonisation of sex offenders in the press, and with the need to find better ways of safeguarding children from sexual abuse. The Home Office was simultaneously developing new mechanisms of public protection and funded three COSA pilot schemes between 2002 and 2005. The processes of development and implementation were essentially informal and improvised, crucially dependent on the choices, decisions, energy, status and reputations of particular individuals in particular places and networks. Circles flourished at the intersection of a nascent official concern with public protection, and the determination of faith-based professional activists (and others) to reaffirm the redeemability of sex offenders, but there was never a “structural logic” which made the emergence of COSA inevitable. Drawing on information from the key players, this paper details the processes by which they came into being.

Introduction
Circles of Support and Accountability (COSA) are an innovative, volunteer-based means of supervising sex offenders, usually upon release from prison, which were ‘transplanted’ from Canada to England and Wales at the turn of the 21st century. They were initially taken up and piloted by the Home Office, albeit on a small scale, and their early development can be illuminated by Jones and Newburn’s (2007) insights into “policy
transfer”. In England, the Religious Society of Friends (Quakers) was the body through which transfer was effected, and had it not been for their initiative - which reflected both a long tradition of Quaker involvement in penal reform and their considerable experience of turning spiritual and social concerns into enduring (and eventually independent) secular projects - it is quite possible that Circles may never have come to the attention of the Home Office. The fusion of Quaker discernment and Home Office judgement proved timely. It meant that there was just sufficient official appreciation of what Circles might be able to offer in Britain before the media-driven moral panic about released sex offenders that had steadily gained momentum in the late 1990s intensified into a serious confrontation between the redtop press and government over the issue of “naming and shaming”, when eight year old Sarah Payne was murdered by a known paedophile in July 2000 (see Silverman and Wilson (2002) and Critcher (2003) for detailed analyses of this moral panic).

Although COSA continue to exist in England and Wales, this paper seeks only to explain their origins and implementation between 1999 and 2005. To appreciate why the Home Office (and some local criminal justice agencies) came to value Circles it is necessary to understand how policy towards sex offenders had been developing throughout the 1990s. Numerous national and international studies had documented the activities of “predatory paedophiles” and enlarged professional understanding of the scale and nature of child abuse. (Wyre and Tate 1995; Grubin 1998). The tabloid media were quick to demonise these offenders (Kitzinger 1998), and to elide the clinical term “paedophile” with the generic categorisation “sex offender”. While increased levels of multiagency working and changes in legislation would have occurred anyway in response to heightened sensitivities towards paedophiles, the strident and aggressive tabloid critique formed the backdrop against which changes occurred. It created an image of released paedophiles/ sex offenders so loathsome and terrifying that no-self respecting community would be prepared to tolerate them in their midst. Indeed, communities were encouraged to take steps to shame and/or expel them. The (admittedly challenging) cases of Sydney Cooke, Robert Oliver and Lennie Smith, (present during an orgy in 1985 during which a 14-year old boy died), who were hounded from venue to venue after release and eventually housed either in Police stations or in a flat in the grounds of Nottingham Prison, received considerable attention in 1998. It also led, in the Home Office, to the development of an “early warning system” which apprised ministers of the imminent release of potentially high profile sex offenders. Notwithstanding that predatory paedophiles do pose real risks to children - Cooke made contact with a paedophile network quite soon after release and was subsequently re-imprisoned - the often prosaic human reality of releasing sex offenders from prison was obscured by the media’s skewed imagery. Not all offenders who sexually assault children resemble the tabloid stereotype - some had undergone treatment, some were motivated to desist and to start new lives, and some were themselves very fearful of the way communities would react to them.

Sex offender legislation in the 1990s contained both punitive and actuarial elements, and was primarily intended to enhance public protection through risk management. New developments in rehabilitative treatment were occurring too - some originating in Canada - but these were low key compared to the general regulatory thrust of legislation, whose reach affected far more offenders than the Sex Offender Treatment Project (SOTP) introduced into prisons in 1991 (Barker 1996; Hebenton and Thomas 1996; Spencer 1999; Beech and Mann 2002). The Sex Offender Act 1997, for example, required all sex offenders against children to register their addresses with the Police and implicitly pressured the Police to work more closely with probation services in proactively managing the risk these offenders were deemed to pose. The assumption behind the Sex Offender’s Register was that inadequate official knowledge of offenders’ whereabouts had hitherto facilitated reoffending, but fears were expressed from the outset that a requirement to register would drive some offenders “underground” and therefore make them harder to “manage”. The Crime and Disorder Act 1998 formalised co-operation among a range of agencies in respect of local crime generally, and created a Sex Offender Order, a civil measure with a criminal sanction if breach occurred, for which the Police could apply to a court in respect of any sex offender in the community who was thought to pose a risk of harm to the public. The Crime Sentences Act 1998 reinforced the perception of “sex crime” as increasingly heinous by permitting courts to impose discretionary life sentences for second serious violent or sexual offences, and allowed extended periods of post-prison supervision where harm was still considered likely. Even as this legislation was being enacted, further legislation was being planned to formalise Police-probation co-operation in the form of “multi-agency public protectional panels” (MAPPPs) and it was into this evolving context that the idea of Circles of Support and Accountability was first introduced to the Home Office.

**The Quaker Initiative**

In May 1999, Nick McGeorge, a former principal prison psychologist, member of the Society of Friends and tireless champion of restorative justice, sent Helen Drewery, Assistant Secretary of Quaker Social Responsibility and Education some articles he had read in Canadian Quaker publications about the development of COSA by Mennonites (a “peace church” with clear spiritual and theological affinities to Quakers) in Canada. Drewery, who oversaw the Crime and Community Justice Committee, a standing national committee in the Society of Friends) had herself read about the Mennonite initiative earlier in the year. Noting that COSA in Canada had developed in the context of the same media-driven hostility towards sex offenders as now prevailed in Britain, McGeorge and Drewery wondered if the idea could be developed here. The provocation of communal anger towards sex offenders - any offenders - was profoundly at odds with the reasoned and compassionate sensibility which Quakers have traditionally promoted in respect of lawbreakers, borne of a conviction that “there is that of God in every man” and a deep faith in non-violent and (as far as possible) non-punitive responses to criminals. The Mennonites were asked for further information, and sent their 50-page draft manual for establishing Circles (Mennonite Central Committee Ontario 1996). In August 1999, McGeorge contacted a former prison psychologist colleague, Hugh Marriage, then Head of the Criminal Policy Strategy Unit at the Home Office, to check if there was likely to be official interest in Circles. Marriage had been closely involved in broking complex
resettlement arrangements for Sydney Cooke and Robert Oliver, knew from experience more generally how problematic it could be to release dangerous offenders without adequate support, and was aware from a previous job as Deputy Head of the Home Offices’ Probation Unit that the Probation Service was not then prioritising work with ex-prisoners. For all these reasons he saw potential in COSA, and directed McGeorge to the Dangerous Offenders Unit (DOU).

Carol Kellas, head of DOU, convened a small initial meeting at the Home Office on 10th February 2000 to explore and test enthusiasm for COSA among potentially interested parties. In addition to McGeorge and Drewery, it was attended by Paddy Doyle, a senior probation officer from the Northumbria service seconded to the DOU to work on public protection issues, Roger Kennington, a probation officer from the Northumbria service (who was also chair of the National Organisation for the Treatment of Abusers (NOTA), and by Donald Findlater, Deputy Director of the Lucy Faithfull Foundation, and clinical manager of its Wolvercote Clinic in Surrey. The latter two were particularly well respected experts in work with sex offenders. The meeting concluded that a pilot scheme linked to a “local public protection panel and to local prison, probation and Police”, and with strong links to faith-based organisations would be a good idea (Drewery 2000a). It also decided that a workshop should take place in June to which Canadians involved with Circles would be invited, and shortly afterwards, the Quakers gained funds from the Allen Lane Foundation to facilitate this.

The workshop was jointly hosted by the Home Office Dangerous Offender’s Unit and the Quaker Social Responsibility and Education section of the Society of Friends, at Friends House, London, on 21st June 2000. It was chaired by Tim Newell, the governor of HMP Grendon (a therapeutic prison, many of whose inmates were sex offenders), and a prominent member of the Crime and Community Justice Committee. The previous month he had given a prestigious Quaker lecture on “forgiving justice”, which, along with a book of the same name, was arousing great interest in the Society of Friends (Newell 2000). Five Canadians attended the workshop - a prison governor/parole director and a psychologist from the Ontario region of the Correctional Service of Canada; the national coordinator of Circles work in the Correctional Service Prison Chaplaincy; a detective from the Sexual Assault Squad of the Toronto Police, and the Executive Director of the Circles of Support and Accountability project of the Ontario Mennonite Central Committee. The twenty invited UK participants were drawn from a range of stakeholders in work with sex offenders: Police forces and probation services, Nacro, NOTA, The Derwent Initiative, Langley House Trust, Lucy Faithful Foundation, the NSPCC, Victim Support, the Anglican and Catholic Churches, the Parole Board and various units within the Home Office, particularly the Dangerous Offenders Unit (DOU).

The Canadians explained that Circles in Canada were an entirely faith-based initiative, originated by members of the Mennonite Church and conceived as a form of community reintegration and restorative justice - of which, twenty years before, the Canadian Mennonites had also been pioneers, and remained champions. The first Circle had come into being in 1994, somewhat serendipitously, in Hamilton Ontario, and subsequently the model was extended elsewhere in the province, focussed particularly on sex offenders who had been deemed too risky to release early under supervision, and who were therefore released at the absolute endpoint of their custodial sentence, without any supervision or support at all, and perhaps without anyone to turn to. The workshop was shown a television documentary about a notorious Canadian paedophile called Bobby Oatway, early released after treatment in a British Columbia prison, but hounded from his probation accommodation in Toronto by public protests. He voluntarily returned to prison to serve his full custodial sentence, and was subsequently supported by a Circle. The aim of Canadian Circles, as summarised by Helen Drewery in her report on the workshop, was “to encourage the offender to recognise his responsibility towards the community”, and simultaneously to encourage communities to take “greater responsibility in working with offenders, .. accepting that offenders form part of that community” (Drewery 2000b:3).

The creation of each Circle was the responsibility of the Mennonite Central Committee in each province (most at this point had been in Ontario). A distinctive, non-stigmatising vocabulary was developed to describe them. The offenders were called “core members”. Between four and six volunteers were allocated to each core member, as far as possible from his own home area, though they tended not to be demographically representative of it. Many have been criminal justice professionals working in their spare time, students or retired people. Group meetings were initially weekly, but could become less frequent if the core member was interacting with at least one volunteer per day. A “covenant” was drawn up between the core member and the volunteers, detailing mutual expectations; “the core member must state that he is committed to ‘no more victims of sexual abuse’” (Drewery 2000b:3). Volunteers signed up for a year, but some Circles lasted beyond this, into second and even third years. Individual volunteers can be replaced, sometimes by new friends of the core member, if suitably vetted. At least one Circle member is required to read the core member’s full “official file”, consultation is available with Correctional Services staff, and it is understood from the start that any signs of offending behaviour will be reported to the authorities.

The Mennonite Central Committee Ontario (1996) devised its manual “under contract” with Correctional Services Canada, but individual Circles and core members were rarely integrated into statutory supervision arrangements. The utility of Circles in individual cases was nonetheless recognised by individuals from statutory agencies; four of the five visitors were from such agencies and attested to this at the workshop. Working with high-need, high-risk and sometimes high profile sex offenders needed all the resources on offer. Canadian prison and probation staff had recognised that COSA were not in any way at odds with the work of community-based treatment programmes, and could supplement them. The Police had seen COSAs as a part-solution to the scarce resources they had in respect of sex offenders, more useful in some instances than the blunt instrument of a Judicial Restraint Order (the equivalent of an English Sex Offender Order), or the power to publicly broadcast the name and location of known paedophiles. The Correctional Service of Canada had made its own efforts to educate the public about the management
of sex offenders in their midst, sought to avoid raising expectations too high and came to see COSA as helpful in this respect. They understood that “people often feel powerless when faced with the introduction of released paedophiles into their community” and shared the Mennonite’s view that “by involving community representatives in the planning and establishing of Circles of Support it [was] hoped that their input could dissipate public hostility situations if the worst should happen” (Drewery 2000b:4).

At the time of the workshop, some thirty Circles had been run in Canada. An informal evaluation of them had just taken place. Tentative analysis suggested that the recidivism rate of core members averaged 10% over two years, compared to an expected/projected recidivism rate for such high-risk/high need sex offenders of 21.5% (Correctional Services of Canada Chaplaincy 2000). Whether this was an adequate and accurate evaluation is arguably beside the point: at the time it was sufficient to create confidence in the enterprise. In terms of local community attitudes towards sex offenders, there was no evidence either way to suggest that these had changed as a result of the presence of a COSA; no serious incidents had occurred in any of them to put communities to the test. Thus, in England, in terms of hard independent evidence, Circles could not yet be regarded as a entirely proven success, but neither were they an obvious failure, and in the context of the emerging policy challenges facing the Home Office in respect of sex offenders, their image and ethos was undoubtedly attractive.

The presentations and dialogue at the workshop convinced the UK participants that “the concept was worth pursuing in the UK context” (Drewery 2000b:7), although it was understood from the outset that any British circles would be more integrated within statutory services than their Canadian predecessors had initially been. It was not thought necessary to restrict COSA to offenders released from prison; they were considered potentially useful supplements to any statutory supervision, and a better means of ensuring relapse prevention. It was hypothesised that probation officers might become members of Circles5. Although the Mennonites had not wanted Circles ever to be a “condition” of statutory supervision, it was also thought here that “Sex Offender Orders could also be adapted to include provision for Circles of Support” (idem) and the Quakers, whilst preferring to articulate Circles in the language of “restorative justice” and “community empowerment”, acknowledged that official agencies were thinking of it more in terms of “public protection”. In essence, Circles were seen to meet the needs of key agencies; prisons who were looking for safe ways to release people who were still possibly dangerous; Police who were increasingly involved in managing sex offenders in the community; and probation who had always understood the difficulties of reintegrating sex offenders. Tim Newell reminded the workshop, on the basis of his experience as a prison governor, that there were emotionally lonely prisoners who would welcome the support and protection offered by Circles. On the day after the workshop the Canadian visitors ran a Circles training day for interested parties.

The Home Office representatives got first hand confirmation at the workshop that there was genuine and widespread professional interest in COSA, and sensed that Circles would indeed support the work of the forthcoming public protection arrangements. Their commitment to Circles was nonetheless noteworthy, for two reasons. Firstly, proceeding with Circles required amending their view that volunteers were to be discouraged from working with sex offenders. Recent Home Office guidance had stated that “in view of the manipulation and denial that characterise much sexual offending, it is generally unsafe to deploy volunteers in work with sex offenders” (quoted in Drewery 2000b:7). Donald Findlater, who had once seriously doubted whether volunteers were suit to work with such a manipulative client group, was instrumental in encouraging this change. Secondly, despite pervasive Home Office rhetoric about the need for policy and practice to be “research-based” and “evidence-led”, and for interventions to be “accredited”, no such strictures were applied here; Circles were to be piloted despite the tentative nature of the evidence on reduced recidivism that had emerged so far in Canada. It was deemed sufficient to proceed on the basis of it, but the basis of the DOU’s support for COSA was primarily normative, and it was hoped that the pilots would themselves generate evidence of their utility.

The workshop concluded with a commitment to setting up a working group to take forward the idea of a COSA pilot, using several different models in order to identify the varieties of best practice. No pilots were expected to start before 2001, but Donald Findlater had been so impressed with the concept of Circles that before the end of 2000 he had visited Canada himself and subsequently established the very first English Circle, in Guildford, for an offender who had completed a period of residential treatment at Wolvercote.

**Planning the Pilots**

The 21st June workshop would have lent momentum to the development of Circles in any case - the DOU had already identified two areas in which pilots might be undertaken - but the pace of change may have been slower had it not been for the tragic event (and its media inspired repercussions) which took place a fortnight later. In Sussex, on July 1st, eight year old Sarah Payne went missing. Her body was found two weeks later and it transpired that she had been abducted and murdered by a known paedophile. This quickly became what Martin Innes (2003) has called a “signal crime”, a shocking event freighted (by the media) with meaning about the kind of country we have become, which seemingly contains within its associated narrative a clear, common sense, prescription of what needs to be done in response. There was an immense wave of public sympathy for the child’s parents and the tabloid press were quick to indict the government for failing to protect her: whatever changes had already been made on this front, it was implied, they had patently not been enough. The News of the World took up the case, and began a sustained campaign for the introduction of a “Sarah’s Law” - full community notification of 110,000 convicted English sex offenders whereabouts - to mirror “Megan’s Law”, the prototype of which was passed in the USA in 1996. Between 23rd July and 2nd August, until the Home Office pressured them to stop, they ran a “name and shame” campaign,
publishing the identities, addresses and photographs of convicted paedophiles who were living in relatively anonymity in towns and cities across Britain. This had the all too predictable consequence of provoking, or catalysing, vigilantism - most famously in the Paulsgrove area of Portsmouth, Hampshire - where on 6th August 150 protesters gathered to evict a man with fourteen convictions for child abuse. This became a riot - a Policeman suffered a broken nose, the man’s house was invaded - but the tabloid press tended to portray it as a welcome example of community empowerment which might never have been necessary if the authorities had been doing their job properly. Demonstrations on Paulsgrove went on until 10th August but less dramatic incidents continued elsewhere in the country for many months afterwards, (some involving people who were merely mistaken for paedophiles). Despite clear evidence of the damage public notification could do, the paper continued its campaign for Sarah’s Law throughout the whole of the following year.

The Criminal Justice and Court Services Act, which established the MAPPAs, received royal assent in November 2000, but, whilst useful, did not go far enough for Sarah’s parents or the tabloid press (Payne 2004:104). As Silverman and Wilson (2002) show, the Home Office was perturbed by the News of the World campaign and considered making some minor concessions to it (e.g. giving released sex offenders less time to sign the register) but it did not waiver in resisting full community notification of sex offenders’ whereabouts to the general public. It preferred “controlled disclosure” to relevant agencies, recognising nonetheless, that they needed to work more closely together. MAPPA were to be the mainstay of their solution, and COSA were seen firmly within that framework, not as a solution in themselves. They were in many respects a high risk intervention for the Home Office - humanistic, lacking a justifying research base, obviously vulnerable to criticism if things went wrong, and easily lampooned by the tabloid media, not at all the kind of measure which would easily assuage public anger - and it says something for the courage of the Public Protection Unit (as the Dangerous Offender’s Unit was subsequently renamed) of the National Probation Directorate that they maintained their investment in it.

After the June workshop the Quakers did establish a National Circles Meeting, made up of interested parties and chaired by Tim Newell, to create a forum for further discussion about Circles and to promote involvement of other faith groups. Several meetings took place, but the Home Office in fact reacted more quickly than Quakers had anticipated, indicating that they would fund two pilot schemes, in the Hampshire and Northumbria Probation Areas respectively, pending receipt of a suitable business plan. These areas had been “in the frame” since the original February meeting in the Home Office, because of Nick McGeorge’s links to Hampshire and the Kennington/Doyle links to Northumberland. Once the Home Office’s intention was clear, the need for further open discussion was reduced, and attention switched to the proposed projects. In retrospect - in view of the fact that neither of the pilot schemes worked out (see below) - it was fortuitous that the Lucy Faithfull Foundation also applied to the Home Office for funding to extend their existing work, and that the Quakers themselves, realising that a project was unlikely to emerge in Northumberland, did likewise.

One other organisation also considered the idea - the Langley House Trust, a Christian-based provider of hostel accommodation for offenders since 1958, and which had been involved, (unsuccessfully, largely because of local neighbourhood opposition) in attempts to resettle Robert Oliver. Nick McGeorge had triggered Langley House’s interest, by telling the chair of their trustees, Colin Honey (a former governor of HMP Albany, for whom McGeorge had once worked), about COSA®. The Trust had subsequently attended the June 2000 conference, and some later meetings, and in November 2000 the vice-chair of its trustees, David Lane, visited the Mennonites in Hamilton, Ontario. Lane concluded that Circles there had been successful, and that although volunteers were difficult to find, their use was viable, and did, as the Mennonites believed, “give the community a sense of control and ownership of the problem” (Lane 2001). He believed, however, that in two respects Circles had been easier to establish in Ontario than they might be in Britain. Firstly, because local churches had more authority and influence in local communities than was likely to be the case here. (The Mennonites had in fact sought to bring in other churches, but not all wanted to be involved, so some volunteers were advertised for in the local press). Secondly, Circles may be vulnerable in Britain because the level of public and media hostility to sex offenders in Canada, whilst intense, was seemingly not as vehement as that articulated in the News of the World’s “name and shame” campaign. Lane was personally supportive of developing Circles, but was unable to persuade his fellow trustees to diversify into this work, and the Langley House Trust did not in fact become involved in a pilot.

By June 2000, Helen Drewery and Tim Newell, in conjunction with the Crime and Justice Committee were thinking that, following the Mennonite example, and given the apparently worsening public mood in respect of sex offenders, that Quakers themselves should bid to run a pilot. Circles were consistent with their commitment to restorative justice, even if they did not provide a direct service to the victim. The idea was taken forward, first to the central committee of Quaker Peace and Social Witness, then to the Society’s highest authority, Meeting for Sufferings (its trustee body). There was strong support at each level, although some individual Quakers (sometimes survivors of abuse themselves, or relatives thereof) believed that energies would be better directed towards victim’s than to perpetrators. These were partly assuaged by the idea that if Circles successfully prevented sexual offending, they would reduce future victimisation. The Quakers first attempt to find independent funding for their project was unsuccessful, but the Home Office agreed to fund it for three years, and Thames Valley was chosen as the site in which it would be undertaken. In the event, it was fortuitous that Quakers themselves became involved, for it was their pilot which showed most clearly that COSA could be successfully implemented within a local criminal justice system. The Hampshire scheme did start but was not as successfully implemented, while the Northumberland scheme never in fact started. The Lucy Faithfull Foundation pilot was implemented successfully but did not operate within a particular locality - its Circles were scattered across the country and their relationship with local criminal justice agencies looser and more variable than in Thames Valley.
The Circle Pilot Projects
The Quaker/Thames Valley Pilot
The Thames Valley Police and probation area operated a unique interagency Partnership, a charity founded in 1993, which had done much to mainstream the idea of “community safety” and to mobilise “on the ground the instinct of so many groups and individuals for active and effective citizenship” (Lord Hurd of Westwell 1998:13). Its culture of cooperation and innovation made it an ideal site for the Quaker COSA project, and the Partnership’s chief executive, Sue Raikes (1998), (a former Probation Officer) was a supporter from the outset. It already had an emerging interest in restorative justice, stimulated by its Chief Constable, Sir Charles Pollard, and also one of the longest established Sex Offender Treatment Programmes (SOTP) in the country. Tim Newell, who, as former governor of HMP Grendon - he had retired from the prison in September 2001 - was already a respected figure within the Partnership, became chair of the newly constituted Thames Valley Circles of Support and Accountability Steering Group in 2002. The project acquired an office next to the Thames Valley Partnership office, in Thame, in April 2002, the point at which Newell fully retired from the Prison Service.

Chris Wilson, and Rebekah Saunders, experienced senior probation officers from the Thames Valley SOTP, were appointed in April and June 2002 respectively. They spent their time contacting religious denominations for volunteers, visiting the prisons that were likely to refer “core members” (Grendon, Oxford, Bullington), devising protocols with various agencies. And, later, recruiting two more probation officers (also with backgrounds in sex offender work) to be Circle Coordinators. Recruitment of volunteers had to be worked at, but was never seriously difficult. A conscious effort was made to recruit secular volunteers, but the work - perhaps inevitably given the Quaker connection - was particularly attractive to some faith-based groups, and at various times all the major Christian denominations have been represented, as well as the Jewish and Buddhist faith, and, in one Circle, two Muslims, one of whom was a social work student. Fifty per cent of volunteers were faith-based in the second year of operation, one third by 2005. Where core members had faith, they self-defined as Christians. It has not been possible to ascertain equivalent data from LFF.

Age, experience and location were also important to recruitment in Thames Valley. Particular urban centres were targeted - Oxford, Reading, Milton Keynes, especially Universities - but care was taken never to create a Circle made up only of young people. Some volunteers - as in Canada - were care professionals of one sort or another, with variable knowledge of sex offenders. An initial training programme was devised - two weekend modules - in the course of which volunteers’ suitability was assessed, and in which some volunteers decided themselves that Circles were not for them. Some nine months elapsed between starting the project and setting up the first Circle, in November 2002 - longer than had been anticipated - but the lengthy preparatory work paid dividends, in that there was neither a shortage of volunteers, nor of referred core members.

Among criminal justice agencies, COSA were quickly seen to add value to other work with sex offenders. Probation Officers, for example, reported that involvement with a Circle enabled them to move offenders out of hostels earlier than otherwise, and facilitated their gaining a job. There were data protection issues to be resolved on the statutory/voluntary interface, e.g. volunteer access to Police files on the core members. A settled understanding of COSA’s viability emerged quickly among the agencies involved, but different agencies, perhaps inevitably, had different perceptions of their importance. The MAPPA emphasised “accountability” from the start, noting that “a critical part of this process is the role of the circle in challenging and reporting any behaviour by the offender which indicates possible relapse” (Thames Valley MAPPA 2002). On the other hand, the Quakers, the steering group and some of the volunteers continued to emphasise “support” and saw them “as a restorative answer to sex crime” (Alexander 2004:9; Wilson C 2005). Part of the Steering Group’s task was to manage the tension between the different perspectives.

The Quaker COSA project was being hailed as a success within the Thames Valley area well before its three year funding expired. Overall, over three years, the project ran 15 Circles with 20 high risk sex offenders. The three people recalled, none of whom committed a further sexual offence, were not regarded as failures, but as proof that accountability could genuinely be demanded of core members. Sixty people were trained as volunteers in the three year period. The project won the support of Reading East’s MP, Jane Griffiths, who spoke up for it in Parliament. Within two years the Society of Friends was already envisioning the prospect of COSA being adopted elsewhere, and on 12th July 2004 the first national Circles conference was held at Friends House to review progress and promote this agenda. Attendance was UK wide. The then Home Office Minister for Prisons and Probation, Paul Goggins, spoke warmly of the work in Thames Valley.
The Home Office had initiated an evaluation of the Thames Valley pilot, but the results of this had not been shown to the steering group (even by 2008). The Quakers published their own three year evaluation in 2005, which provided an overview of implementation, some statistical evaluation and some firsthand accounts by key organisations and individuals, including a core member (Quaker Peace and Social Witness 2005).

The Hampshire Pilot
The Hampshire initiative (which encompassed the Isle of Wight and the prisons thereon) went ahead as a partnership between the Probation Service and the Hampton Trust, a locally-based voluntary organisation/charity which mostly worked with young offenders (some of whose trustees were ambivalent about taking on COSA, and did not want the fact publicised). Nick McGeorge, who lived locally, originally broached the idea of Hampshire being a pilot site to Sue Wade, the Deputy Chief Probation Officer, (whom he had met in Vienna, when both were members of a United Nations crime prevention committee). Wade hoped that a Hampshire pilot would demonstrate that a statutory/voluntary sector partnership could manage COSA without the faith community dimension that the Quakers brought to it. The Home Office funded a part-time post in May 2002, anticipating the establishment of five Circles. The person appointed had voluntary sector experience, including housing sex offenders, but not - as with the Thames Valley appointees - experience of direct work with them. It turned out that this background limited the incumbent’s credibility with statutory agencies, particularly Police and probation staff, who were in any case somewhat sceptical of the very principle of Circles, and who did not refer core members. Volunteers also proved hard to recruit - emphasis was deliberately not placed on recruiting from faith communities of any kind - and in retrospect it was recognised that a part-time post was not sufficient to generate either confidence in the idea or momentum to the project. Despite Sue Wade having become acting director of the Hampton Trust, failure was obvious before the three years expired - by which time only one Circle had been set up. The Hampton Trust withdrew at the end of the pilot, and in 2005 Quakers were asked (and funded) by the Home Office to revitalise the initiative, utilising their experience in Thames Valley.

The Northumbria Pilot
Northumberland emerged initially as a potential pilot area simply because of Paddy Doyle’s and Roger Kennington’s links with the local Probation Service, and the available expertise in the Sexual Behaviour Unit, (a local interagency body comprising the Forensic Psychiatry Service of the Northumbria NHS Trust, the Northumbria Probation Area and Barnardo’s, the children’s charity). Roger Kennington and Professor Don Grubin, who both worked in the Unit, attended the June 2000 workshop, as did The Derwent Initiative (TDI), a charity established in North East England in 1993, which specialised in stimulating multi-agency initiatives in work with sex-offenders. TDI (which Grubin was associated) also attended some of the subsequent National Circles Meetings, and conceived the idea of using COSA to meet a specific local need, namely working with sex offenders who, by dint of a learning difficulty, were not able to benefit from conventional sex offender treatment programmes. TDI deemed the probation service central to any such initiative, but formal probation service support was not forthcoming. Locally, probation was already committed to other specialist projects, so the idea of using Circles in this distinctive way was not pursued. The perceived need to support sex offenders with learning difficulties was eventually met in other ways, first by the probation service itself, then under the auspices of the Sexual Behaviour Unit. Two probation officers remain seconded to the Unit, one of whom works half their time with sex offenders with learning difficulties.

The Lucy Faithfull Foundation Pilot
Although the Lucy Faithfull Foundation (LFF) set up the first Circles in Britain, they would not have done so had it not been for the links that Quakers - and initially Nick McGeorge - had made with the Mennonites. The LFF model was somewhat different to that operating in Thames Valley. Donald Findlater immediately saw in Circles a solution to the problem of providing follow-up for sex offenders who had undergone residential treatment at the Wolvercote Clinic at Epsom, Surrey - a facility which Hugh Marriage, in the Home Office, had been instrumental in funding - then returned to their home areas (or elsewhere) in England, frequently without support from friends and family. The Home Office funded him to visit Canada (Toronto) in October 2000, although he had already been persuaded by then to change his mind about the value of using trained groups of volunteers with this notoriously manipulative group of offenders. A Christian himself (and a former probation officer), he approached local church leaders in the offenders’ home areas in order to find volunteers, but part of his agenda, in addition to gaining support for an individual offender, was to encourage congregations themselves to become more self-aware and vigilant, because “there’s evidence that church communities contain a higher rate of sex offenders (sic) than the community as a whole” (quoted in Hartill 2000). Finding volunteers was sometimes difficult, and in each area LFF had to win over Police and probation anew, rarely an easy task. Findlater himself became a member of LFF’s first Circle, in Guildford, Surrey. Several Circles had been established before the LFF formally became a funded Home Office pilot scheme, but the means of establishing Circles simply continued as before. Dick Foot was appointed as the Circles Development Officer, to work alongside Findlater. Several Circles were established outside the formal framework of the pilot, one in the Isle of Man (for a female offender), two in Ireland (for sex offender priests) as news of LFF’s work spread abroad. LFF twice attempted to establish Circles in Scotland, but there was insufficient local support in both cases. All Circles were set up for men who had offended against children although some also had convictions for sexual offences against adults. Even after hostility from local people prevented the move of the somewhat dilapidated Wolvercote Clinic to new premises in July 2002, COSA were still created for offenders known to LFF whether they had been in residence or not. Overall nine circles were run in the course of the three year pilot, less than Findlater had hoped for, but more than enough to convince him of the approach’s worth.
Although weekly reports were sent on core members to Police and probation services, the LFF did not see Circles as the eyes and ears of the MAPPA in the way that they were seen by the Police in Thames Valley. Even when restrictions were placed on offenders in terms of parole licence conditions (as sometimes happened), LFF sought to preserve a stronger emphasis on reintegration and rehabilitation more akin, in Findlater's view, to the original Mennonite conception of COSA, but aided by the fact that LFF Circles, by dint of being set up in different places whenever necessary, were simply less embedded in formal criminal justice structures and left more to their own devices. They were often perceived by indigenous agencies as having been parachuted in from outside, and were sometimes treated with scepticism. These pioneering efforts did, however, attract positive publicity in the national broadsheet press (Hartill 2000, Stuart 2002), the first Circles in Britain to do so. The Home Office press office was latterly unhappy with this, preferring the development of Circles to have a low public profile and to control the information flow themselves (as they insisted once pilots were funded), whereas for Findlater (and indeed for the Quakers) Circles were a very useful means of stimulating a much needed public debate on how society could better respond to sex offenders, and in particular for challenging the fear and loathing being stoked by the tabloids.

**Conclusion**

This paper has been concerned with the origins and implementation of the COSA pilots over their first three years, up to March 2005, not (for the most part) with their subsequent development, or with their formal effectiveness. It is a history that could easily have been different, or even non-existent, for although it made use of established patterns of communication between faith-based, voluntary, and public bodies, and was grounded in a practiced Quaker form of social and political engagement, it was critically dependent on the choices, decisions, energy, status and reputations of particular individuals in particular places and networks. This was just as true for the COSA which developed outside Quaker auspices. The processes involved were essentially informal and improvised. Circles came to flourish at the intersection of a nascent official concern to devise new forms of public protection, and the determination of a faith group (and others) to reaffirm the full humanity of sex offenders, but there was never a “structural logic” which made their emergence inevitable. But for the actions of particular individuals, it could all have been otherwise.

In implementation terms, both the Thames Valley and LFF pilots were successful in their own ways, the former spectacularly so, and both have lessons for the establishment of COSA elsewhere. Useful things can also be learned from the two pilots which, each for different reasons, did not work out. In explaining the success of the Thames Valley pilot, attention must be paid to the structural and cultural uniqueness of the Thames Valley Partnership in whose networks it was embedded. Structured multi-agency relationships, a culture of innovation, and a progressive commitment to restorative justice were in play before the COSA project arrived. Tim Newell, as governor of HMP Grendon, was already a senior and authoritative individual within it. There was perhaps no more congenial place in England to attempt to establish COSA, and it is no denigration of the immense hard work that was put in - the personal and professional credibility of the key workers was vital - to create training programmes, to recruit volunteers and to establish interagency protocols to say this. That is the merit of local organisational innovations like the Thames Valley Partnership - once established they in turn facilitate further innovation. In essence, the Thames Valley Partnership lent “social capital” to COSA that it would not otherwise have garnered so quickly, although within a couple of years COSA were reciprocating, adding to the Partnership’s “social capital”. The LFF strategy for developing COSA show that it is possible to develop COSA on an ad hoc, case by case basis in different parts of the country (though with more chance of rejection), but agencies in each area have to be won over anew each time each time a Circle is proposed.

The LFF circles were arguably closer to the Mennonite originals (although not all LFF core members were ex-prisoners, some are subject to statutory supervision, and volunteers were better trained), while in Thames Valley it was understood from the start that a modified model of the Canadian original was being attempted. As Chris Wilson (2005:6) put it: “Our agenda was to adapt Circles to support the agencies in the successful management of high risk offenders living in the community. While the model for Canadian Circles is organic, the UK Circles model is systemic”. A key similarity between the original model and the LFF and Thames Valley models, however, was the initial reliance on faith-based volunteers, which worked on the assumption that people of faith might have a stronger commitment to the redeemability-through-befriending of sex offenders than more secular-minded people. That said, secular people were never discouraged from becoming involved, and in the long run, the Society of Friends actually wanted Circles to become a secular initiative within mainstream criminal justice provision. Recruiting faith-based volunteers was simply thought “strategic” in getting the initiative established, if not essential to its longer term future. It is arguably one of the key strengths of the COSA initiative in England that they have created opportunities for expressing “civic goodwill” in a sphere of activity that had hitherto been dominated by professionals, and that concerned and committed individuals have come forward. This may not amount to community empowerment as Mennonite rhetoric envisaged it - volunteers have not typically been demographically or personally representative of given localities (and may indeed be modest and anonymous figures, whose participation in Circles is not publicly known) - but the successful creation of structures and channels which “enable altruism” is a social good in its own right.

It seems significant to the failure of the Circles pilot in Hampshire that the county lacked an infrastructure comparable to the Thames Valley Partnership. The newly emergent MAPPA were not sufficient in themselves to generate demand and support for COSA, despite a strong local champion like Sue Wade. Although he lived in the area, Nick McGeorge was not actively involved in supporting COSA there, and the Hampton Trust appointed a coordinator who, compared to his counterparts in Thames Valley and LFF (it can be seen in retrospect) lacked the requisite professional credibility with agencies. That
said, there did ostensibly seem to be a viable multiagency structure for hosting COSA in Northumberland, and the failure there (even to get started), despite local champions, is more difficult to explain. It suggests that there are limits to what credible local champions in the voluntary sector can accomplish if the leadership of key statutory agencies are unwilling or simply unable (because of prior preoccupations and resource commitments) to participate. It may also be significant that other ways were found to meet the specific identified need in Northumberland, namely support for sex offenders with learning disabilities, which involved all the agencies that might otherwise have been involved in COSA.

As noted at the outset, this is a story of “policy transfer” (or perhaps more accurately, “adapted practice transfer”, as the tentative and rudimentary steps taken by Home Office officials in the early stages barely amounted to a “strategy”, let alone a “policy”). It reflected first and foremost the international nature of Quaker involvement in penal reform - English Quakers read a Canadian Quaker newsletter which mentioned the Mennonite project, and after brief contact with some Home Office officials, arranged for five Circle-involved Canadians to visit. Although the June 2000 workshop, which the five attended, was the decisive catalyst for establishing the pilots, “practice transfer” was in fact an iterative process. Donald Findlater went at Home Office expense to Canada. David Lane, from the Langley House Trust, visited the Mennonites whilst on a family holiday. Reputable men both fed information back into the penal reform and policy networks and added to the lustre of Circles. Helen Drewery and Dick Foot from LFF visited Canada in January 2002. Toronto Police officer Wendy Leaver, one of the original Canadian visitors at the June 2000 conference, was twice invited back during the pilots to speak at other English conferences which promoted Circles. Equally important, although in a less direct way, had been the 2001 visit to Canada to see Circles in action by journalist Jon Silverman and academic David Wilson: their incisive and well-publicised book on paedophiles, media and society vividly endorsed Circles as a key way forward in safeguarding children and reintegrating offenders (Silverman and Wilson 2002).

Faith community networks and penal reform networks played a significant part in enhancing the wider public reputation of Circles, and there was an element of “cultural politics” in the way they set out to mobilise support across a range of constituencies and challenge the redtop mentality on released sex offenders. They consciously built upon Tim Newell’s (2003) insistence that COSA were about “countering hatred and fear”, that through “relationships of compassion ...a transforming process [can be set in motion, which] challenges the stereotype that sex offenders are frightening people, deserving of hatred and exile”. The ecumenical Church’s Criminal Justice Forum (whose coordinator, Stewart Dew, was a former probation officer) did much to spread word about Circles beyond Quakers. The Catholic Bishop’s Conference of England and Wales (2004:96) also lent strong support, finding significance in the fact “that approaches like this, which appear to be successful, are ones which work with the grain of Christian theology rather than against it”. Within Christian faith groups, at all levels of church hierarchy, the advent of COSA created an opportunity both to further a pre-existing internal church dialogue about safeguarding children in their midst (Church of England Board of Social Responsibility 1999; Glazer 2004), and an opportunity to declaim publicly on the relevance of compassion and redemption in contemporary life. Among penal reform organisations COSA were construed as a uniquely persuasive and desirable way of countering an ugly public mood - a “signal initiative” (to paraphrase Martin Innes) to challenge the tabloid hatred of sex offenders. More pragmatically, they were upheld as a way of giving politicians who, it was feared, might otherwise succumb to populist demands for community notification, a timely and better alternative. The faith community and penal reform “investment” in COSA came together in February 2004 when Archbishop Desmond Tutu, visiting England from South Africa, gave the Frank Longford Charitable Trust “highly commended” award to the Thames Valley pilot. There was, in fact, an initial consensus in the Home Office about the worth of Circles, and only a few, mostly remediable, reservations. Hugh Marriage, already engrossed in the thorny issue of released sex offender management, had clear and cogent reasons for responding positively to Nick McGeorge’s overture - and although he left the central Home Office in 2000 he was the Home Office Regional Director for the South East during the Hampshire and Thames Valley COSA pilots. DOU officials, drawing on expert advice, readily accepted Circles as a potentially credible contribution to the management of released sex offenders. Ministerial commitment was quickly sought and won: when Helen Drewery met Paul Boateng, Deputy Home Secretary, in July 2000 (as part of a round of Quaker meetings with political parties’ home affairs spokesmen), he was already supportive, and authorised the pilots. Support was reaffirmed in December 2002, in a subsequent meeting, with Hilary Benn, the Prisons and Probation minister. Whether Home Office officials would have responded so positively and quickly in 2000 - or deliberated longer, and demanded more “evidence” - had it not been for sustained media criticism of the way released sex offenders were being managed is a debatable point, but some officials simply saw COSA as valuable in themselves, a plausible solution to enduring problems with resettlement, not merely as an opportunite and defensive reaction to criticism. The Home Office’s Circles Steering Group, which met quarterly, and on which all the pilots were represented, moved from having an enabling orientation under William Payne’s chairmanship to a more performance management orientation (under a lower ranking civil servant) before the pilot period ended. Official support for COSA waned somewhat at this point, but never died. Home Office investment in MAPP A was understandably far greater than in COSA, and it was always appreciated that MAPP A would require time to (re)generate public confidence in the state’s management of sex offenders. As the Thames Valley pilot developed, COSA came to be seen as an adjunct to MAPP A, perhaps “the human face of MAPP A” rather than (as the Mennonites had seen it), a form of community empowerment or as a means of scoffing media-driven demands for a “Sarah’s Law”.

Such appeal as COSA had, however, remained normative, rather than empirical, and in this instance prevailing standards of evidence-ledness were circumvented - the long-term
Canadian evaluation of Circles did not become available until the end of the three year pilot period in England (Wilson R, Picheca and Prinzo 2005, see also Bates, Saunders and Wilson C 2007). Yet although COSA fitted (normatively) with a longstanding Home Office strategy of civic engagement, involving voluntary organisations and faith communities in service delivery at local level, they were still in this context an informal, person-centred, far-from-obvious, relatively untried solution to the kind of criticisms being made of them, particularly when conceived in restorative rather than surveillant terms. Nonetheless, a cluster of civil servants undoubtedly remained committed to COSA throughout the pilots, seemingly for reasons other than ensuring that they achieved "value for money". The degree of trust between particular individuals in the Dangerous Offender's Unit (Paddy Doyle, Carol Kellas, William Payne - the latter also having been Governor at HMP Grendon) and the various COSA champions mattered greatly. LFF (and particularly Donald Findlater), Quakers (and particularly Tim Newell) and the prestigious Thames Valley Partnership all had a great deal of "reputational capital" and were seen as safe hands and good bets. Helen Drewery, although not a professional in the sex offender field, came to be appreciated by all constituencies for her dedicated and sustained stewardship of the Circles project within the Society of Friends; her judgement, vision and energy have in fact been integral to the successful implementation of the Thames Valley pilot. Public ministerial endorsement of COSA in 2004, fittingly at Friends House, vindicated not only the individual Quakers who had seen potential in the idea, but also the civil servants who had responded positively to them five years before. Perhaps paradoxically in view of this ministerial endorsement, further Home Office funding beyond the initial three years of the pilot was never assured, causing anxieties among Quakers as to whether staff could be retained and endorsement, further Home Office funding beyond the initial three years of the pilot was never assured, causing anxieties among Quakers as to whether staff could be retained and new core members enrolled. Funding was eventually secured, although it did not keep pace with inflation, necessitating additional financial support from local agencies in Thames Valley - itself an indication of the extent to which COSA had proved their worth. What happened next is outside the scope of this paper, but suffice to say that both LFF and Quaker Circles continued, the practice was adopted piecemeal by some other organisations (this in fact began before the pilots ended), and in 2007 Quakers established an independent (Home Office funded) organisation to promote Circles in the UK as a whole.

### Endnotes

1. I was a member of the Quaker Crime and Community Justice Committee between 1998-2001 and observed the beginnings of this story unfolding firsthand, but I am nonetheless grateful for information from the following people who were much more closely involved. During March and May 2008 they agreed to telephone interviews, conversations and email exchanges about the birth of the COSA pilots. DCl Mark Ashworth (Hampshire Police); Roger Cullen (Thames Valley area Quaker), Helen Drewery, Paddy Doyle, Donald Findlater, Don Grubin, Colin Honey, David Lane, Roger Kennington, Marian Liebmann (Clerk of Crime and Community Justice Committee 2001-2004), Hugh Marriage, Nick McGeorge, Tim Newell, Sue Raikes, David Turner, Sue Wade and Chris Wilson. Any errors of fact, and the overall interpretation of events, remain my sole responsibility.

2. Oxfam, Family Service Units, the Child Poverty Action Group and the Alternatives to Violence Project all began, at least in part, as Quaker initiatives. Some were developed by concerned individuals; others were formally nurtured in the Society before being "floated off" as independent organisations.

3. The articles that Drewery and McGeorge took note of were by Mark Forget in Quaker Concern - newsletter of the Canadian Service Committee (Spring 1999); by Evan Heise in QCJJ Newsletter (March 1999, number 43); plus an article from the Canadian Mennonite (18th January 1999). I am grateful to Helen Drewery for this information.

4. The first Circle in Hamilton, Ontario was a specific response to one particular serious sex offender being released from prison - illiterate, unemployed, homeless and with a low IQ - who was taken in by Mennonite minister Harry Nigh (who had previously met him in prison). Local people objected, and the local media were hostile, while the Police took a neutral stance. Nigh sought his congregation's advice and they agreed to support the man. A small group of them were established to find him accommodation, get to know him, help him and keep an eye on him. The approach won over the local community and the Police, although the media remained hostile. Six and a half years later the man had not reoffended, and still lived in Hamilton (Lane 2001; Silverman and Wilson 2002:168-170).

5. In the event this never happened, but it is indicative of the relative formality being envisaged for English COSA at this very early stage, compared to the Mennonite originals. Had it come to pass, the nature of Circles would have been very different. Nonetheless, many of the people who initially supported Circles had had probation backgrounds or were still working for the Service; the principles underpinning Circles appealed strongly to probation sensibilities. All the paid workers in Thames Valley COSA had probation backgrounds, and there is a sense in which the Quaker project enabled "probation-by-proxy", facilitating the expression of an ethic of concern for offenders that in the probation service itself was beginning to fade. Without the skill and credibility that probation staff brought to the project, volunteer-based supervision of sex offenders would not have been as viable or effective as it proved to be.

6. Nick McGeorge, born 1934, had a long history of social activism within and without the Society of Friends. He worked first as a journalist and public relations consultant before becoming a chartered forensic psychologist in 1982, though he had been involved in criminal justice issues since 1974. He co-founded the practitioner network Quakers in Criminal Justice in the 1980s, the same decade in which he became a British Quaker delegate at the UN Commission on Criminal Justice and Crime Prevention in Vienna. He was instrumental, with others (not all Quakers) in establishing the Restorative Justice Consortium in 1997, promoted restorative justice within the Liberal Democrats (in which he held various party positions), and has been active in various community mediation schemes. A man of considerable charm and energy, he used his very extensive professional and friendship networks to stimulate interest in COSA, in the Home Office, in Hampshire Probation Service and the Langley House Trust. From the outset he had envisaged the Society of Friends running a Circles project of its own, and considered asking The Retreat, a longstanding Quaker mental health project, (on whose board he sat) to do this.
The training programme consists of presentations, exercises and discussion delivered and organised by the project coordinators and Police and probation officers. Topics covered include attitudes and beliefs about sexuality and offenders, the nature of sex offender treatment, relapse prevention, legislation and risk management protocols, roles and responsibilities in Circles, case studies and the maintenance of personal boundaries and self-care.

Given the prevailing climate towards sex offenders, media interest in Circles could not be avoided, so their champions have had no alternative but to engage with the media, to place their perspective, their “truth” into the public domain. Circles cannot be left to grow “under a mushroom”, in the hope that no adverse attention will be shown to them. The Home Office reluctantly recognised this. The Mennonite Church in Ontario had faced this issue, and dealt centrally with the media, lifting the burden of communication from individual Circle members. Quakers in England were not above orchestrating good publicity for COSA in order to counter the hostility of the redtop papers and to provoke constructive debate - journalist Rosemary Hartill, who wrote several supportive articles in the national broadsheet press, was herself a Quaker.

Under Quaker management, COSA in Hampshire were subsequently successful. They succeeded in the face of some local agency cynicism, given the original pilote's failure, overcoming it by fielding Thames Valley as a “beacon” of good practice: Police, probation and prison personnel from there spoke well of their experience to their Hampshire equivalents. Up to March 2008, there had been 12 Circles in Hampshire, and no reconvictions for sexual offences. The Hampton Trust continues as before, working effectively in other areas of criminal justice.

The Quaker Crime and Community Justice Committee also promoted Circles in Scotland. David Turner (a former probation officer), a member of the Committee, took the lead on this and formed a Scottish Steering group early in May 2001, comprising faith groups and social work interests. Helen Drewery and Donald Findlater both spoke at a conference on COSA at the Police College, Tulliallan, in May 2002, after which Sacco became involved and first indicated a willingness to run pilots. The then Scottish Executive was sceptical of Circles because of their reliance on volunteers, and because, at the time, there were no equivalents of MAPPA in Scotland in which they could be embedded.

Although it lies outside the scope of this paper, it should be noted that pressure to introduce a Sarah's Law - public notification of sex offenders' whereabouts - did not cease and it could never be assumed that the Home Office/Ministry of Justice would never succumb to media and/or victim advocacy groups' demand for it. Up to September 2008, when pilot notification schemes were introduced, the successful implementation of MAPPA and COSA, together with the Stop It Now! campaign, had held it at bay. (Donald Findlater and LFF were the driving force behind Stop It Now! - which originated in North America to encourage actual or potential sexual abusers to seek professional help and was developed in Britain in the same time period as COSA. As with COSA Hugh Marriage and Carol Kellas were key supporters in the Home Office).

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Abstract

The Thames Valley Partnership held a conference on 18th March, 2008, to celebrate the work of its retiring Chief Executive, Sue Raikes, and to review the Partnership’s experience over the 15 years of its existence and the twelve years during which Sue Raikes had been Chief Executive. About 35 people were present, from a wide range of backgrounds including representatives of national organisations and central government, most of whom were working with the Partnership in one capacity or another or had done so previously. The title ‘The Journey’ was intended to convey a sense of the movement and progress which had taken place over that period, and to look forward as well as to the past.

This paper records and reflects on the main points which were made at the conference and in subsequent discussion. Information about the Partnership, its work, its people and the projects and programmes mentioned in the paper, together with most of its publications, is available on its website www.thamesvalleypartnership.org.uk

Key Words: Arts, Brokerage, Community Engagement, Innovation, Local Empowerment, Partnership, Restoration

Origins of the Thames Valley Partnership

The Thames Valley Partnership was formed in 1993, at the instigation of Charles (now Sir Charles) Pollard, the Chief Constable of the Thames Valley Police. Its original purpose was to co-ordinate and stimulate the local services’ responses to crime and their efforts to promote community safety. The need for local as well as national co-ordination had become clear from the attempts which had been made during the 1980s to manage the criminal justice system as a whole and to develop inter-agency, community-based programmes to reduce crime and increase public confidence. Much of the effort, then as now, was directed towards more effective management of the criminal justice system itself.
Those beliefstranslate into the Partnership's three guiding principles:

- People and relationships count for more than structures and processes.
- Everyone deserves respect and is of equal value as a human being - no-one should ever be seen as beyond hope.
- What happens in childhood can have a profound effect later on, often from one generation to the next.
- The best and most realistic hope for reducing crime and its consequences is with families and communities.

These beliefs translate into the Partnership's three guiding principles:

- Community Engagement and Social Inclusion
- Conflict Resolution and Restorative Justice
- Arts as a Method of Engaging and Communicating.

They are reflected in its programmes of work on such subjects as early intervention, domestic violence, restorative justice and community safety.

In the early years the Partnership framed its work in the language of community safety, describing it as a broad approach to preventing crime which brought together a wide range of organisations and interests. It now describes its work as seeking long-term solutions to crime and tackling social exclusion. It always tries to use ordinary words, to avoid the sometimes loaded clichés of politics and management, the over-dramatisation of a ‘war on crime’, and any language which gives people labels or treats them as objects.

**Context and Impressions**

Most of the government's criminal justice and social policies have a bearing on the issues with which the Partnership is engaged. The Partnership has been most directly affected by, and has often contributed to, those concerned with education and children, including the government's programme 'Every Child Matters' (Department for Education and Skills, 2003); youth justice; crime and disorder; the management of prisons; the reform of probation; neighbourhood policing; the involvement of the voluntary and community sector; social exclusion; and the empowerment of communities and local citizens. All those policies have aims and intentions that are broadly in line with those of the Partnership itself.

No less significant for the Partnership has been the wider context of public service reform which now affects any organisation working in or with the public sector, including of course the Partnership itself and those who provide its funding. The need for efficiency, economy and accountability, and for consistency, economies of scale, safety, and visible results and effectiveness, is now taken for granted. Management practices such as performance measurement, risk assessment, targets, accreditation, and contracts are accepted even if they are not always welcomed. There is now a sharper focus and a stronger sense of accountability and responsibility to public services of all kinds. The Partnership itself has always been concerned to make sure that its own management conforms to the best standards of recognised good practice.

There have however been a number of consequences, some of them intended, some of them not. Public services will always, and rightly, be under pressure to achieve the maximum volume of output with whatever resources they have available. They will always, and rightly, want to make sure that a consistent level and standard of service is available across the country as a whole - to avoid a 'postcode lottery'. Services will therefore have understandable difficulty in supporting, and even more in 'mainstreaming', programmes which do not easily fit their performance criteria. They will tend to prefer large-scale programmes to smaller and perhaps more costly schemes in small local areas or matched to individual users. Demonstrating compliance with the rules has sometimes seemed to be of more immediate importance than any results which might be achieved in the more distant future. Higher expectations of performance and accountability have created a bureaucracy of form-filling, 'ticking boxes', and submitting returns and reports which has kept public servants at their desks and computers and has prevented them from making human contact with those for whom they have responsibility or even with their own colleagues. Recognising that situation, the Partnership appreciates the interest which
colleagues in central government have taken in its work and their attendance at many of its events.

Practitioners working in large organisations may not have, or be allowed, the time to give to so-called ‘hard to reach’ individuals the attention and understanding which might make all the difference to their own future and to the future of those close to them. They may not have, or be allowed, much tolerance for those who do not for whatever reason take the opportunities that are offered to them or who struggle to understand instructions or respond to them. In the context of predominantly hostile media and confrontational politics, few will feel encouraged to try new methods which might seem to conflict with government’s expectations, which might make themselves vulnerable to criticism, or which might put their careers or funding at risk. In this culture it may be the organisations themselves, rather than individuals, that become ‘hard to reach’.

**How the Partnership Works**

That is the landscape through which the Partnership has been travelling. It recognises the difficulties which government, criminal justice services and their partners have found in working together and in identifying and responding to need in complex situations, and it has tried to find ways of overcoming or working round those, sometimes inevitable, frustrations and to fill some of the gaps that services cannot fill on their own. The role it has found for itself is one of brokerage, mediation and exploration; of developing partnerships and giving them support; of developing and supporting innovation; and of disseminating and sharing ideas with the aim of influencing the wider social and political agenda. It creates settings in which people can meet and feel confident in sharing thoughts and impressions, where they can be encouraged to think strategically and ‘out of the box’, and where they can be stimulated and challenged without feeling defensive, exposed or vulnerable. Important factors include trust, respect, continuity of contact, relationships, opportunities and motivation. To achieve them requires flexibility, local relevance, and responsiveness to individual and local concerns and opportunities. All those can be difficult to achieve in present circumstances.

In work with offenders, the government’s main objective has been a reduction in re-offending, to be brought about by improving the evidence for ‘what works’, more accurate assessment of offenders’ needs and risks, better-designed programmes and interventions, and more effective offender management, including enforcement. Mike Hough has described the approach as a ‘case management/interventions’ model, and argues that it should be complemented by a ‘casework/craft model’ focusing on relationships and motivation and drawing on studies of desistance and the factors that influence offenders to stop offending (Hough, 2008; McNeill et al, 2005; McNeill and Weaver, 2007). That is more or less the approach which the Partnership has followed.

The Partnership has always adopted a self-critical attitude, constantly asking what difference is being made, what is being achieved, what could be done better, and for what reasons? Its programmes are always the subject of publicly available reports, but the nature of the issues and the role of the Partnership as a broker or catalyst rather than a service provider or deliverer makes it difficult to assess its own contribution to a piece of work which has largely been carried out by others. It is similarly difficult to say how much of the credit (or blame) is due to the Partnership or to those with whom it has been working.

**How Far the Partnership has Travelled – what it has Learnt and Achieved**

The Partnership has been able to identify a number of lessons which can be applied to the approach which services have taken to crime, social exclusion and community safety in the Thames Valley, and probably in other areas as well.

One lesson is that if people really want something to be done about the pain, grief and fear that cause and are caused by crime, they cannot leave it to government, or to the statutory services, on their own. That is quite often said, but the implications are less often followed through. Services (not only those which are part of the criminal justice system), voluntary organisations, communities and individual citizens all have to deal with people’s situations and emotions as they find them, and must try to repair the damage as people have experienced it. Government and Parliament will normally provide the legislative, financial and policy framework, and within those it can make the work easier for them and give them encouragement and support. It can and does consult, as it has done for example in the strategy for Prolific and other Priority Offenders (PPOs) and Multi-Agency Public Protection Arrangements (MAPPA), although the Partnership was not itself involved in those particular subjects. But it should be ready to listen as well as explain, it should not structure the questions to get the answers it wants, and it should not be too prescriptive in telling people what to do or how to do it. And although services and the Partnership itself will always have an eye on government and what it expects, some of the best work with which the Partnership has been associated has had nothing to do with government policy.

The policy and legislation on anti-social behaviour highlighted the problem and provided the framework, but then created first the rhetoric and then the expectation that the right response to nuisance was law enforcement and a new bureaucracy. Not much effort was made to develop social forms of prevention or to encourage local people to seek their own solutions. There has been surprisingly little research on the effectiveness of anti-social behaviour orders (for what there is, see www.respect.gov.uk/members/article.aspx?id=8284 and Campbell 2002). The Partnership’s programme Mending Fences (see below) promoted problem solving, mediation-based and community oriented approaches to anti-social behaviour, but it was swimming against the prevailing tide and the information, skills and capacity proved inadequate. There is now some recognition that positive intervention and conflict resolution have an important part to play but all the structures – and funding - have
followed the enforcement route and many of the organizations who could have helped have disappeared.

Situations with which the Partnership becomes engaged are typically those where individuals, families or neighbourhoods are disproportionately affected by crime or are at risk. It may not make much sense to distinguish between ‘offenders’ and ‘innocent victims’: many people are both. Services and ‘interventions’ intended to be used by those who are socially excluded – young people at risk, having difficulty in education, parents who are struggling to cope, those with mental health problems, whether or not they are offenders - should be accessible, through processes and in locations where the person will not feel intimidated or out of place. People may need help or encouragement in gaining access to them or in starting to take part, and in becoming confident and familiar with what is expected or required.

The Partnership has found that many people who have been in trouble want to stop their own offending and most wish to prevent offending by others. They almost invariably want the best for their families and their children, not a life of crime. They would often like to accept help, but different people react to different situations or interventions in different ways. They may have difficulty if they have to make awkward journeys, put themselves in situations where they feel uncomfortable or out of place, keep to fixed times, or follow instructions they find pointless or complicated. Or the ‘help’ offered may not actually be helpful to them, have too many conditions, or seem meaningless. People are most responsive when they have feel they have some control, some choice and some sense of their own responsibility and ownership for what they are being required or expected to do. Almost everyone is capable of making progress, but it may have to be at their own pace and they may have to recover from setbacks on the way. Failing to take advantage of opportunities may not be a simple matter of personal choice, or deserve automatic punishment. The new methods of offender management are intended to make it easier for offenders and their families to gain access to mainstream resources, and the Partnership has been able to help, for example by enabling prison establishments and local probation teams to be better informed about what is available from family support services.

Providers of services or managers of offenders need to be allowed some discretion and flexibility when dealing with human lapses such as being late for an appointment, misbehaving in class or causing a public nuisance. They should not assume, and government policy should not assume, that they will always make rational choices, and the consequences of not doing so need not always be as severe as being sent to prison or losing one’s home. Those responsible for services need to recognise what else may be going on in the lives of their service users – their own, or of those close to them. Abuse, domestic violence, poor health, mental health problems, drugs, alcohol, the imprisonment of a parent or other close relative, are some examples.

‘What Works’ depends as much on personalities, situations and relationships as it does on the actual content of a programme, course or intervention. Pilots which work may do so more because of the interest and enthusiasm they generate than because of anything in their actual content. Almost any reasonable intervention will ‘work’ in the right circumstances and with the right people in charge. Programmes or models rolled out on an industrial scale may overlook the personal relationships that may be a necessary condition for their success. Although the modern emphasis is almost always on outputs and outcomes, the journey itself can be just as important – each step is progress and prepares the way for the next. A person’s fellow travellers may be as important as the vehicle in which the journey is made or the road signs on the way.

**Early Intervention**

The Partnership’s work on early intervention began in its earliest days with ‘Schools in Action’. The aim was to encourage young people to find ways in which they could be active citizens by improving their school or community, and by taking an inclusive approach to community safety (Thames Valley Partnership, 2007). The programme helped schools before it entered the mainstream as part of the national curriculum. Later work tested different methods of intervention across a range of family support and early intervention projects in Slough and Oxford, and went on to test geographical targeting for intensive work in three areas of high deprivation which did not qualify for national funding under the criteria used at that time.

Poor collaboration between statutory and voluntary agencies was a consistent finding, but the main conclusion was that different situations call for different approaches (Ball and Awan, 2001). Success depends on relationships, personalities, the commitment of staff, and on what else is going on – the availability of other local services, the working culture and levels of engagement. A number of principles and approaches can be identified, for example the importance of supportive families and the need so far as possible to keep children in school and out of the criminal justice system. The approach was to engage with and to respond directly to issues identified in the three communities. The project therefore took a different form in each of the pilot areas, and no ‘pure’ models emerged which could be guaranteed to work in all settings or be suitable for general application.

A further development focused on social exclusion, later linked with the work of the government’s Social Exclusion Unit. It concentrated especially on exclusions from school, problems of dealing with low achievement or poor behaviour, and the critical transition from primary to secondary school. The Partnership identified the importance of a whole school commitment to work with pupils who were posing difficulties and to using exclusion as a last resort. At the same time the restorative justice approach being promoted by Thames Valley Police was breaking new ground (Young and Hoyle, 2003) and set the framework for a much more direct and positive involvement of police officers in schools which is now central to the Safer Schools Initiative. It would now be common ground that the ways in which schools deal with “internal” problems such as bullying and drugs cannot be separated from problems of crime in the local community. Proactive
restorative justice approaches and problem solving are effective, but schools may need help because those approaches have not been part of their culture.

At this point the Partnership began to explore the potential of drama, script writing, film, music and dance to engage young people in themes relating to citizenship and community safety which give them new skills, confidence and ways of expressing themselves. Many of the projects supported within the ‘Schools in Action’ strand of work naturally used arts as a means of communication, to initiate debate and to look at issues of self-image and self-worth with young people. At about this time, Theatre ADAD was commissioned to produce a piece on Restorative Practices and it became clear that arts programmes can be a very effective tool. Since that time, many art forms, (for example film, ceramics, dance, aerial skills, photography), have been effectively employed with young people, disengaged communities and older offenders to explore ideas about community safety. The Partnership is now progressing on from this issue based approach towards seeing art as a powerful medium in its own right because of its capacity to engage those who struggle to engage in other ways. Creative approaches develop the capacity to imagine the world differently and, in a fast changing society, everyone needs the ability to conceptualise the world in a different way, foster the ability to cope with change and draw on inner confidence and motivation to make change happen for themselves (Thames Valley Partnership, 2005).

Five years ago, in 2003, the Partnership identified the children and families of offenders as a highly excluded group who had so far received little or no attention from statutory agencies. It contributed to the review of Families at Risk by the Social Exclusion Task Force (Social Exclusion Unit 2006), and to the joint review of the Children of Offenders by the (Department for Children, Schools and Families and Ministry of Justice, 2007). The Partnership’s current programme under the title Family Matters has as its purpose to support the resettlement of offenders and break the cycle of offending within families through:

- Improving access to support for the families and children of offenders and prisoners
- Integrating the work of the criminal justice agencies and family and children’s services in support of these vulnerable families
- Strengthening family ties of prisoners to aid their re-integration into their family and community.’

It thus aims to bring high quality support to a group of children who are at high risk of future criminality, victimisation, mental health problems, or poor educational achievement (Thames Valley Partnership 2008). The radical thinking behind ‘Family Matters’ is the open recognition of the need to break the cycle of violence and offending, and its readiness to do this by engaging actively with offenders despite possible criticisms that such a direct approach might lead to criticisms of stigmatization and net-widening. The Social Exclusion Unit reached the same conclusion in its Review. The National Offender Management Service has identified the children and families of prisoners as one of the ‘pathways to resettlement’ – maintaining or restoring links with families can help prisoners to resettle in their communities and not to re-offend, but ‘Family Matters’ draws more of its inspiration from social policy on social exclusion, children’s centres, and Sure Start, for example, than it does from criminal justice.

**Domestic Violence**

The progress which the Partnership has made on domestic violence illustrates many of the twists, turns and challenges of its work as a whole. Responding to domestic violence is a sensitive and complex matter, and requires commitment across different disciplines and structures. There are strong and often conflicting views, prejudices, taboos and philosophical tensions. Agencies find it easier to react after violence has taken place and been reported than to help to prevent it from happening in the first place. It is still difficult to obtain a strategic lead from local authorities who prefer to leave the subject to the police. It is essential to establish trust on the part of victims and if possible perpetrators and successful prevention may involve working with perpetrators and offering them opportunities to change – both inside and outside the criminal justice system.

Working with many others, the Partnership has now succeeded in moving domestic violence firmly up the agenda, in principle if not always in practice. The approach was to start with local partnerships and forums, to engage the interest of practitioners, and make connections with work on related subjects such as bullying, child sexual abuse and attitudes towards health and relationships more generally. That approach has helped Thames Valley Probation to work more actively on domestic violence, and to do in partnership with others and with a better understanding of the wider social context. But it is only after fourteen years of work in this field that the Partnership has really been able to focus on prevention and breaking the cycle. Its ‘No Joke!’ programme in secondary schools, linked to the national ‘Stop it Now!’ campaign for a radically different approach to child abuse, brought agencies together to design and deliver a whole-school approach to domestic violence and its prevention, taking the implications for children into the mainstream of provision for responsible authorities and seeking to engage the wider local community. Agencies are beginning to focus more effectively on prevention and breaking the cycle, but for many of them a focus on prevention is still not on the agenda and there is too often an absence of strategic leadership. Nor is there so far enough recognition of the effects of domestic violence on children, for example on their behaviour and achievement at school, their relationships, their sexual and mental health, and their attitudes to violence more generally.

**Restorative Justice**

Restorative justice began to attract interest in Great Britain during the 1980s, and the concept was firmly embraced by Thames Valley Police in the 1990s. The Partnership became involved initially with research on restorative cautioning for young offenders and with the scheme which was later incorporated into the arrangements for referral panels as
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been made of the Mendings Fences project where the Partnership worked with mediation followed by criminal proceedings or anti-social behaviour orders. Mention has already been made of the Thames Valley, where the scheme has been kept in being with support from the Partnership and local sentenced. One of the reasons for the lack of progress may be the difficulty of demonstrating that restorative justice helps towards the government’s overall priority of reducing re-offending, even though it clearly gives satisfaction to victims. It is also hard to reconcile restorative approaches with an adversarial system of justice in which there is almost always an expectation of punishment.

The Partnership has seen restorative justice not so much as an alternative or additional form of criminal process, but more as an inspiration for new approaches across the whole range of community safety issues, including conflict in families and schools, the management of institutions such as prisons, and in resolving problems within communities. It has supported peer mediation and methods of conflict resolution in schools and these have now become more established in the mainstream, especially in special schools and residential homes for children. Work also continues to develop restorative justice in prisons, in communities as a response to anti-social behaviour, and with offenders and victims.

Restorative justice has an obvious application to crime and disorder, to the work of CDRPs, and to the government’s former programme for ‘Respect’ and its continuing focus on anti-social behaviour. Mediation may often be a more effective and lasting way of resolving disputes within communities and between neighbours than enforcement followed by criminal proceedings or anti-social behaviour orders. Mention has already been made of the Mendings Fences project where the Partnership worked with mediation schemes to develop their capacity to become significant players in what was becoming an anti-social behaviour industry. The project had some success in raising awareness of the scope for mediation in relation to anti-social behaviour, but this work initially ran counter to the prevailing political culture which promoted enforcement as the primary response. In situations of that kind it may be more effective to develop capacity in existing organisations committed to mediation or restorative approaches than to rely on experts or enthusiasts brought in from outside to set up new initiatives, however skilled or committed they might be.

A further development of the Partnership’s commitment to restorative justice in the form of reparation is its current programme ‘Making Good’, where the aim is to engage communities in deciding on the kind of unpaid work to be done by offenders as part of a community sentence. The aims are to give the offender a stronger sense of purpose in carrying out the work and a greater commitment to completing it successfully and to a high standard, and at the same time to give the wider public greater understanding of the potential for community sentences and confidence in their value and effectiveness. The work is promising and exciting, but requires genuine investment – community engagement is not a ‘quick fix’. The extension of this way of working will be difficult while probation remains under the pressures of constant structural change and an excessive caseload from which it suffers at present.

The Partnership gave support to two new organisations in their early days. Circles of Support and Accountability for sex offenders (www.circles-uk.org.uk) has now been launched as an independent organisation with a national development plan funded by government (Nellis, 2008; Hampshire and Thames Valley Circles 2008); and Escaping Victimhood will soon be launched as an independent organisation to help people affected by serious crime such as the murder of a close relative. Both organisations valued the support which the Partnership was able to provide at the crucial early stage before their work was recognised.

Community Safety

Work on community safety as it developed during the 1980s and 1990s was intended to respond to local concerns, reduce crime and fear of crime, and build local confidence. Many organisations and individuals were involved, often working to different agendas and with little systematic knowledge of what might be involved or could be achieved. CDRPs have now become much larger industries, driven by national targets and more narrowly focused on government priorities. One result has been that local people have fewer opportunities to be involved (Raikes, Hedge and Chinery, 2006). Many CDRPs have come to concentrate on physical and situational prevention, on persistent and prolific offenders, and on the use of anti-social behaviour orders, while preventive work with younger children, families in difficulties, or children struggling in education rarely features in the plans. Community safety and criminal justice both need to be connected at a strategic and practical level with the policies for children being developed as part of the programme for Every Child Matters. The Partnership welcomes the recent involvement of the Department for Children, Schools and Families and its new remit for youth justice, which clearly indicate that work with young offenders is no longer the sole responsibility of the criminal justice system.

The Partnership believes that work on reducing crime and disorder should allow and encourage citizens and communities to be involved and to have a genuine sense of ownership of what is being for their benefit and in their name. That is now the aim for Neighbourhood Policing, where there are many similarities in the concerns and issues identified by local people. Neighbourhood policing represents a significant shift of philosophy in policing, and in theory it has been mainstreamed across the country from April 2008. It provides an opportunity to replace the engagement of local communities which became lost when work on community safety became more formalised. Building on
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Community Safety and Community Justice – The Thames Valley Partnership’s Journey, 1993-2008

Features Contributing to Success
Several features of the Partnership and of the way it works can be identified as having contributed significantly to any success it may have achieved.

The Partnership has established extensive links across both the statutory and voluntary sectors, as well as with central government. It does not put itself forward as a service provider, but sometimes takes responsibility for developing a new service while the practice becomes established in the mainstream or is adopted by another, more specialist, organisation. The aim is to move from small scale projects towards creating and sustaining structures for delivery. The Partnership focuses on what needs to be done and why, on what can be achieved by working together, but does not try to develop restrictive or inflexible models to which schemes are required to conform. The amount of money that is used for pump priming is normally very small and used to respond to local requests from partners – the idea is to mobilise the resources that are available or can be generated within communities themselves or from agencies working in those communities, so that the work does not become dependent on external funding. An interesting and significant example is the baby clinic opened on the Bretch Hill estate in Banbury. The idea came from local residents and practitioners and was a simple solution which no-one had thought of until the Partnership brought people together. A very small amount of funding to ‘prime the pump’ combined with a re-arrangement of priorities by local practitioners led to a small scale but valued and sustainable resource.

The Partnership has good, and usually excellent, relations with government departments, statutory services, local authorities, and other voluntary organisations. It appreciates their interest and support. It works closely with many of them, and receives funding from some of them, as well as from foundations and other sources. It could not have been so creative without the support of its core funders, and it is especially grateful to Thames Valley Police and to the Probation Service in Thames Valley. But the Partnership has always guarded its independence, without which it would lose its authority and credibility and with those its leverage, impact and reputation. The Partnership’s independence enables it to be an effective ‘critical friend’ to statutory services, to support them when possible, and to challenge them when necessary. It can make connections and promote ideas and initiatives where others cannot. It can also provide a ‘safe space’ where people can meet to exchange impressions, opinions and ideas without the risk of feeling threatened or compromised. It still uses traditional as well as new methods to share and disseminate ideas – meetings, networks, seminars and conferences. It is not afraid to spend time in discussion and does not follow the current fashion for dismissing meetings as ‘talking shops’: its conversations always have a purpose and very often a practical outcome in the longer term. E-mail and the internet have become an essential part of modern communications and the Partnership uses them freely, but there is still no substitute for bringing people together in the same room and sharing ideas and aspirations in face-to-face discussion.

The Partnership operates at different levels, from central government to individual families and small neighbourhood organisations, through a wide range of networks. It is widely known in the Thames Valley and has access, and can make introductions, to the right people or the right organisations for a wide range of purposes. It can usually identify the right time and place to try out a new idea and the right people to engage in it – but it cannot move on its own if others are not ready and able to take part.

The Partnership has over the years received support from a large number of companies and charitable trusts – Arts Council England, South East; Esme Fairbairn Foundation; Equitable Charitable Trust; Henry Smith Charity; Lankelly Chase Foundation; Lloyds TSB Foundation for England and Wales; Nuffield Foundation; Vodafone UK Foundation; Waters Foundation; and many others. What they have universally valued is the Partnership’s independence, its robust approach to quality and its potential to try ideas in a practical way. The Partnership has represented low risk and high impact, and the money has gone a long way. Although the Partnership relies on its funders to support its work, it is not driven by its sources of funding. It does not take on new work simply because funding might be available for it: it decides first what is needed and what it can realistically expect to do, and looks for funding – often quite small amounts – to support it. It insists on sustainability and transferability – the work must not come to an end when the funds run out, and if it has proved successful it should be ‘mainstreamed’ or taken over by another, more specialist organisation. The Partnership will only be the service provider for a limited period, if at all.

Government, Communities and the Partnership – Where Next?
It is hard to predict what the situation will be in two or three years time. Everyday someone – a Minister, a report from a foundation, a columnist in a newspaper – will declare that the future is in devolution, citizens’ empowerment, community involvement, a revival of local government and so forth. But even following the government’s most recent proposals on community empowerment (Department for Communities and Local Government (2008) it is still not clear what that future might look like, and the proposals have little to say about criminal justice except in relation to neighbourhood policing and ‘community payback’. And yet criminal justice is above all the area where progress is desperately needed. It is difficult for governments which have constantly to respond to opposition parties and to newspapers which thrive on turning every initiative into an opportunity to make the government appear incompetent, indecisive or ‘soft on offenders’. Initiatives at a more local level may have better prospects of acceptance and support.
The questions include:

- Does mainstreaming within public services inevitably result in less engagement by citizens and communities?
- How is it possible to drive up performance and involve local people at the same time?
- Is it possible to build public confidence when both politicians and the media thrive on stories that depict a ‘broken’ society where the majority have constantly to defend themselves against a dangerous and lawless minority?
- What is the best balance between targeted and universal provision, and what are the best means of ensuring that targeting does not involve stigmatizing and that intervention does not become interference?
- How can the tension between the need for economies of scale and the importance of quality best be resolved?
- ‘Bottom up’ and ‘top down’ approaches are both needed, how can they best be reconciled?

None of those questions have straightforward answers, or any answers which can be applied to all situations.

There have been three promising developments since the conference on The Journey took place. One is the action plan for youth justice (Ministry of Justice, 2008) which proposes a greater emphasis on early intervention and children’s welfare, with a stronger role for local authorities and children’s trusts. The second is the green paper on policing (Home Office, 2008), with its plans to develop neighbourhood policing ‘by giving the public more chance to drive local priorities’ and for a ‘national pledge that guarantees…some key service standards’ with the prospect of a ‘more personalized service’. The third is the plan for Integrated Offender Management, announced by the Ministry of Justice on 16th July, designed to bring about closer integration between neighbourhood policing, youth offending services, partner agencies outside the criminal justice system, and bodies such as LCJs and CDRPs, with local communities being closely involved. All those indicate a direction of travel which is very similar to that of the Partnership’s own journey.

Led by its new Chief Executive, Lindsey Poole, the Partnership will continue to play its part in helping services and communities to find the solutions which work best for them in particular places, at particular times and for particular individuals.

End Note

1. David is a Trustee of the Thames Valley Partnership

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Abstract
Over the last twenty years the prison population in the UK has been rising at an unprecedented rate. In 1971 the number of people held in prisons and young offender institutions (hereafter in prison) numbered 45,046, in 1991 it was 50,736 and in 2001 it was 66,300. At the time of writing, April 2008, the UK prison population stands at 82,945. De Silva et al (2006) have sought to make projections as to what the UK prison population might be in 2013. Based on the assumption that recent sentencing trends continue into the future, they projected that the prison population would be 98,190. This 18% increase would require room for an additional 15,000 inmates. The largest existing single prison in the UK - HMP Wandsworth, holds on average 1,461 prisoners. If all the new prisoners in 2013 had to be housed in new prisons of this size, ten new prisons would have to be built in the next five years to accommodate them. Possibly anticipating that ten more new build prisons would be an expensive proposition, the Justice Secretary Jack Straw announced in 2007 that in addition to more traditional medium sized prisons, three 'Titan' prisons would be commissioned and built over the next five years to hold 2,500 inmates each. The policy of imprisoning ever larger numbers of people has been subject to considerable research and commentary over the last ten years. The focus of criticism has been on the efficacy and philosophy of imprisoning more and more people. This article does not seek to reproduce that debate; rather it focuses on what is known about the impact of a new prison build on the prisoner and local community experience. As the prison building programme evolves over the next few years, local debates about the perceived desirability and impact of new prison builds are likely to flourish. This article aims to provide a focus and make a contribution to those debates to better inform decision making in this area.

Introduction
In 2008 the announcement was made that to address the 1800 estimated shortfall of prison places in Wales, a new medium sized prison would be built there. Subsequently four
sites have been identified for such a prison- two in South Wales and two in North Wales. Possibly anticipating and rehearsing the debates that are likely to follow in respect of other proposed prison builds in the UK, local opinion has been divided in terms of the perceived desirability of a prison within both South and North Wales. In general however there has been resistance in South Wales to the idea of a new prison being built there, but in North Wales there has been significant support. In North Wales for example the Local Criminal justice Board held a conference in November 2007 at which leaders from all the main criminal justice agencies in that area, along with local Judges, magistrates and politicians called for a prison facility to be built in North Wales. The conference was widely reported and in generally positive terms in the local media. In South Wales on the other hand it is reported that Torfaen council vigorously oppose a prison at Cwmbran and an “Oppose the Prison Action Group” has already been formed.

As is common in instances when policy makers support a prison build, arguments for a prison are predicated on the view that such a build would have a significant positive impact on prisoners from that area who would otherwise have to be housed further away. In addition to this, arguments for a prison are predicated on the perceived positive economic impact such a prison would have on the region (Shichor 1992). Arguments against a prison on the other hand are largely mobilised around the perceived detrimental economic impact it would have on the local economy; and on its perceived social consequences in terms of higher crime rates and social problems. This article seeks to stimulate and inform further debate on the issue, by considering firstly the literature about the potential impact of prison siting decisions on offenders and their families. What is known about the impact that being near or far to home has on a prisoners experience is explored. Secondly, the economic impact of a new prison build on an area is explored. What is known about its effects on local economies, businesses, and employment in an area is reviewed. Finally the social impact of a new prison build is explored. Considered are its effects on crime rates, perceptions of safety, house prices and quality of life. Where relevant, reference is made to what is known about any differential effect depending on whether the prison is a medium sized or titan prison.

Impact of Prison Siting Decisions on Offenders and their Families

In some areas, arguments for a prison may be predicated on the idea that a community needs a new or another prison because some or all prisoners from that area are currently located far from their homes, with negative consequences for them and their families. Such an argument is currently made in North Wales for example. Adult male prisoners from North Wales are currently accommodated at HMP Altcourse in Liverpool, whilst adult females are currently accommodated as Styal in Cheshire. In 2003, prisoners in the UK were held, on average, 53 miles away from their home (Hansard 2003). Evidence given to the Welsh Home Affairs Select committee indicates the average for adult male and female prisoners from North Wales on the other hand is 67 miles and 74 miles respectively (WHASC 2007). In such instances it is argued prisoners face discrimination because prisoners located closer to their home area may receive more visits and therefore be better able to maintain family, social and economic ties to the communities to which they will return. It is further argued that the nearer a prisoner is housed to their home area, the better that will be in terms of that prisoner’s health and rehabilitation and ultimately, for an area’s crime rate. The YJB appear to accept this argument and aims to place as many young people as possible within fifty miles of home and to minimise the average distance between each young person in custody and their home area (Konn 2004).

There is some evidence that the further away a prisoner is kept from their home area, the fewer visits they receive. In 2003 the Howard League suggested the relationship between visits and distance was straightforward. It suggested that visits to prisons reduced as distance from home increased. Research by Niven and Stewart (2005) into the prison visits received by 1,945 prisoners in 2003 suggested that one third of prisoners who did not receive visits, cited distance and cost of travel as the main reason they were not visited.

As to the significance of this, research has been conducted into the relationship between prison visits and mental health, self harm and/or suicide rates. Liebling (2001) found in her studies of suicide in prison that prisoners who had committed suicide, or thought about doing so, missed their families more and received fewer visits than those who did not. Being in prison can be a depressing and difficult experience for prisoners. However Mills (2004) suggests that active family support can “help to ameliorate the pains of imprisonment thereby potentially reducing the risk of suicide/self harm” (p.1). This is because receiving visits from family and friends can serve to remind prisoners that there is a life for them after the prison sentence. If visits are inversely correlated with distance to prison, then particular concerns should exist in relation to the practice of placing young offenders, whose identities and independence are evolving, at a distance from their home area.

As significant as receiving fewer visits however may be that prisoners kept in prisons away from their home areas are likely to be in unfamiliar surroundings relative to other prisoners who are local. There is a significant body of evidence that prisoners kept in conditions where they do not understand the primary culture, dialect or languages being used for example, can face higher levels of stress than normal. It has been argued that such prisoners face problems in terms of sustaining a positive sense of identity (Richard et al 1995a, Richards et al 1995b, Davies 2001, Finkelstein 1997, Bhu 2005.) For example a concern that arose for the Wales Home affairs select committee was about Welsh speakers from Wales being imprisoned in English jails. Hughes and Madoc-Jones (2005) explored the experiences of young Welsh speaking offenders in English jails from the perspective of youth justice workers. The workers associated the imprisonment of Welsh speaking youths in English jails with emotional and psychological distress. Conversely, evidence also exists that just as prisoners from Wales are particularly vulnerable in English jails, the reverse is also true of English prisoners in Welsh jails (WHASC 1997).
Whilst this research focuses on problems sustaining a robust sense of national or ethnic identity in prisons, Melucci suggests that globalisation and pan-national political organisation has served to reactivate the importance of the local context. Consequently individuals may increasingly identify with their local contexts to give a stable and recognisable basis to their identity (P.111). Prisoners kept outside of their local communities may therefore face similar problems in terms of sustaining a positive sense of identity. Billig (2001) argues that identity is a subjective construct affirmed through banal routine activities such as using particular dialect or language, reading a particular newspaper, attending a particular religious service, watching particular television or singing songs and telling of tales. In certain contexts, some prisoners may experience their identity being oppressed from not having the ability to engage in activities that are important to them.Locating a prisoner nearer their home may therefore have positive effects on that prisoner in terms of helping them sustain a local identity.

Research has also been conducted into the relationship between prison visits and subsequent re-offending rates. A number of reports have suggested that maintaining prisoners’ relationships with family and friends is a key aspect to their successful resettlement on release (Howard League 1994, Woolf 1991). Studies in the USA (Ditchfield 1994) and U.K. (Haines 1990) indicate that prisoners without family support are between twice and six times more likely to offend in the five years after release than those who have maintained family ties. Shafer (1994) has explored the relationship between prison visits and subsequent parole success in the USA. He concludes they are “an essential component of the rehabilitative process” (p.17). Research into why offenders stop offending in the UK shows that social bonds such as family ties are usually the most powerful incentives to change and promoting desistance from crime (Maruna 2001). A prisoner who has family and friends to return to after their release from custody is likely to have a greater state in conformity than an offender with no such social relationships. A significant consideration concerning the impact of a new prison builds on offenders and have a greater state in conformity than an offender with no such social relationships.

Prisonomics
Arguments for siting a prison in a locale may be made on economic grounds. It has been reported for example that the chairman of the North Wales Economic Forum described any new prison as a "glittering economic prize" for any area in which it is built (Evening leader 28/3/08). Shichor (1992) argues that it is very common for it to be perceived that a new prison will have a positive economic impact on a region. UK research would appear to validate such a perception. It suggests that a new prison brings significant economic benefits to the area. In 1993 a Home Office report suggested that a new prison in an urban area generates, during the construction phase, around 230 jobs and introduces £3million a year into the local economy over a three year period. Following completion it brings 480 new jobs and £8 million a year into the local economy over a three year period. In the region as a whole it generates around 620 jobs during the construction phase, and introduces around £8 million per year into the regional economy over a three year period. During its operational period it generates around 560 new jobs into the region and injects £9 million into the economy a year over a three year period (Home Office, 1993).

Hill and Roberts (1995) considered the construction phase of Parc Prison in Bridgend and argued that during the construction phase it was likely it would employ an average of 400 people. They argued a substantial proportion of the workforce would be local, adding directly to local incomes. They argued the project would involve a substantial one-off capital injection into the region- estimated at around £88 million, and would also create an additional 841 jobs over the two year period by indirect employment primarily in the supportive construction, distribution and transport sectors. During the operation phase the annual expenditure would be £10 million with 62% of the expenditure on staff costs, 7.2% on utilities and 29.9% on supplies and services (Hill and Roberts 1995). During the same phase 350 staff would be employed “the vast majority of which would be permanent employees recruited locally” (p.10). In the UK, the research that has explored the economic impact of prisons has been commissioned works. Research therefore commissioned and conducted primarily for the Home Office about a particular part of its activities. Although this work has been carried out by University research teams it has not been published and thereby subjected to peer review processes. The findings stand in contrast with peer reviewed academic research conducted in the USA. Whilst communities in the south of the USA in particular have tended to see new prisons as “economic development projects” (Hoyman and Weinberg 2006 P97), more recent research suggests their impact is at best minimal. HILL AND ROBERTS (1995) considered the construction phase of Parc Prison in Bridgend and argued that during the construction phase it was likely it would employ an average of 400 people. They argued a substantial proportion of the workforce would be local, adding directly to local incomes. They argued the project would involve a substantial one-off capital injection into the region- estimated at around £88 million, and would also create an additional 841 jobs over the two year period by indirect employment primarily in the supportive construction, distribution and transport sectors. During the operation phase the annual expenditure would be £10 million with 62% of the expenditure on staff costs, 7.2% on utilities and 29.9% on supplies and services (Hill and Roberts 1995). During the same phase 350 staff would be employed “the vast majority of which would be permanent employees recruited locally” (p.10). In the UK, the research that has explored the economic impact of prisons has been commissioned works. Research therefore commissioned and conducted primarily for the Home Office about a particular part of its activities. Although this work has been carried out by University research teams it has not been published and thereby subjected to peer review processes. The findings stand in contrast with peer reviewed academic research conducted in the USA. Whilst communities in the south of the USA in particular have tended to see new prisons as “economic development projects” (Hoyman and Weinberg 2006 P97), more recent research suggests their impact is at best minimal.
had a positive economic impact on an area in the USA, have been subject to considerable criticism on the basis of their flawed methodologies. The former for choosing a control group that was also subject to the influence of the prison being considered, the latter for having no control sample.

Very recently however more robust research that has been peer reviewed has been conducted into the impact of new prisons sited in smaller community settings in the USA. (Besser and Hanson 2003, King et al 2003, Farrigan and Glasmeier 2003). Being subject to peer review the standards adopted in the research have been more rigorous, and focusing on smaller rural prisons, the changes being examined have been easier to detect. Although also subject to methodological challenges, these very different research studies have produced very similar conclusions. This body of research does not reject the finding that some jobs and wealth are created when a new prison is built. However it suggests that in the longer term, prisons tend to have a zero effect on the economics of an area (Besser and Hanson, 2004, King et al 2003, 2004, Farrigan and Galsmeier 2003). Besser and Hanson (2004) for example used 1990 and 2000 census data to examine the economic and demographic impact of new prison builds on small town economies compared to changes in matched small towns without prisons.

At least part of the reason for the absence of a positive local impact is that a new prison cannot be totally staffed by new staff and so initially many employees come from outside of an area to work. Equally that a prison is labour intensive but offers very low wages. Being labour intensive a prison may, over time, come to employ many local people, but according to Hooks et al (2004) the absence then of potential employees acts as a disincentive to new investors which might pay better wages. Chuang (1998) argues that because prisons contain staff canteens and facilities, the amount of money that is introduced into a local economy by a new prison is minimal. He measured consumer spending in the local area before and after prisons had been built in the USA. He found no impact in three quarters of the 42 sites he surveyed.

In the U.K. it is possible to speculate that additional costs will arise for a community in which a prison is sited. These additional costs in general do not figure in the research that has been conducted into the impact of prisons in the USA. Prisons hold some of the most damaged individuals away from the community, but being damaged, they have multiple health and welfare needs. Contracts to run private prisons in the UK come with the expectation that arrangements will be made to address prisoners’ health issues. Whilst additional funding is made available to Primary Care Trusts to commission healthcare in state prisons, local limits are likely to exist in terms of the infrastructure available to support developing and sustaining new services inside a prison, whilst maintaining existing standards outside a prison. The numbers of doctors and nurses that are available for redeployment into a prison for example may be limited. Space for additional consulting rooms or beds may be limited on a community hospital site. Particular security arrangements have to be made for prisoners in hospital which may place further demands on the infrastructure. In a review of prison healthcare in 1997 Reed and Lynne reported that physically ill prisoners requiring either a consultant opinion or transfer to NHS inpatient care “were often advantaged over NHS patients; the wait for an appointment or admission was generally not long” (p.1422).

Prisons are big institutions that make demands on local authority services such as roads, planning and environmental services. They are also places of crime. There were an average 15,000 instances of assaults in UK prisons per year from 2002 to 2006 (Hansard 2007) Some of these assaults required the local police to investigate and the local criminal justice system to prosecute offenders. Local authority and policing costs are partly born by local communities through the council tax system. They are also partly covered by central government grants. Local authorities may increase council tax but the police and other criminal justice agencies in the UK are not guaranteed more grant income to cover any additional costs that arise for them because a prison is built in their jurisdiction. This is because the UK Government has moved to multi-year settlements for local authorities. A prison population will therefore take some time to be factored into grant allocation decisions. Whilst sub-national population projections are used to review the level of grant given by Governments to local authorities, only prisoners who have been in a prison for six months at the time the population is counted are included in the returns. The Government also bases the amount of grant it gives local authorities on the projected number of band-D equivalent properties within an area. Depending on where it was built a prison might displace or reduce the number of band D properties within an area. If an increase in grant income is identified as being necessary, a local authority may still not qualify for it. This is because the Government ensures that every authority receives at least a minimum percentage increase in grant year-on-year if their projections reveal they need it. In order to pay for the cost of this, it scales back the increases in grant above the minimum percentage for some local authorities who require big increases. Depending therefore on the level of the average minimal increase chosen by Ministers, there may or may not be an increase in the amount of grant that local authorities would receive had a prison not been built in their jurisdiction. (CLG Local Government Finance Directorate-private communication 2008, WAG- private communication-2008).

Overall therefore, whilst the economic balance sheet in respect of siting a new prison is complex, what may be said is that there is very little peer reviewed research from the USA or UK that suggests that prisons have a strong positive economic effect on the communities in which they are built. The economic effects of different types of prisons are not known and most of the research relates to medium sized facilities. However if the effects of such a prison were to simply make more pronounced the effects that are already seen as a consequence of a medium sized prisons, a titan prison might be expected to have a slightly more pronounced, but not significant, negative economic effect on an area.
**Social Impact of Prisons**

Whilst political parties often find that promising harsher sentencing of offenders is a vote winner, ironically new prisons generally engender a negative reaction. This reaction comes from two quarters; from those opposed to increasing the numbers of people in custody and those likely to live in the immediate vicinity of such establishments (Hoyman and Weinberg 2006). Takashi and Gaber (1998) for example conducted a survey in the USA into public attitudes towards various types of controversial facilities (e.g. power stations, prisons, toxic dumps, homeless shelters etc) and found prisons to be one of the facilities with the highest level of community rejection. Maxim and Plecas (1983) in the US suggest there are four areas of concern: concern about the value of neighbourhood property, concerns for family safety, concerns for general quality of life and neighbourhood instability. Concerns of all these types have begun to be raised in relation to a prison in North Wales (Daily Post 18.3.08), and, according to Shichor (1992) arise routinely when new prisons are being proposed.

**Value of Neighbourhood Property**

Because prisons are negatively perceived, it is expected to be the case that people do not want to live near them and as a result property prices around prisons fall. DLMD (1998) note that the impact of a prison on house prices in a local area rest on the positive impact of a prison on local income and the perceived negative impact of the prison on the immediate vicinity and these influences vary over time. Overall however, studies in the UK find that prisons have little or no impact on house prices- the effect fluctuates and is more significant during the building phase but then disappears (Home Office 1993, Pieda 1995, DLMD 1998). Whilst the impact on individual houses may fluctuate, this overall finding holds true in peer reviewed research in the USA as well (King et al 2004).

Associated with this are concerns that a prison might act as a disincentive to new business ventures in an area. This might be because it soak up any reserve army of labour or because new companies are eager to avoid association, even tangentially, with any such institution. Very little research has researched this topic in the UK. Pieda (1995) however canvassed the views of business leaders and found that there was no evidence that indigenous or inward looking companies consider that prison development or presence has any impact on their investment decisions.

**Concerns for Family Safety**

Prisons are clearly designed to keep offenders, some of whom might be dangerous, away from the general public. There is evidence however that a widespread fear amongst those living close to prisons is that prisoners will escape and inflict harm on the local community (Carlson 1988). This eventuality is a feature of many stories about prisons that appear in the media. The Prison Media Monitoring Unit at Cardiff University found that in April 2006 there were 108 prison stories in a series of popular newspapers and some of the more common themes were that the regimes were too cushy, security was too lax, and escapes were occurring (PMMU 2006) Escape from custody however is a rare event. Absconds should be distinguished from escapes. When an individual is in an open prison they abscond and usually when they are already in the community- on home leave or working etc. The number of “escapes” from custody in the UK is low and there were only 3 escapes in 2006 (HMPS 2006).

Martin and Myers (2005) in the USA suggest that local residents fear is more related to concerns about those who visit prisons than those in prisons who are locked up safely behind concrete walls. Crime and criminality shows strong family links (Paternoster and Bachman 2001). Overall however research finds “no evidence” of increased crime rates around prisons (King et al 2004). Hawes (1985) for example looked at seven cities with prisons in the US and found they had crime rates 22% below the average for comparable cities without prisons. Millay (1989) tried to assess crime rates change before and after establishing a prison and found no significant changes occurred. This may be because in large conurbations the effect may be hidden. Equally it may be because no increase in crime occurs. If so it may be hypothesized that these findings may be due to the psychological effect being near or visiting a prison has, or the deterrent effect of having lots of ‘law enforcement’ related personnel in a given area.

That said, some research has suggested crime rates are higher in locations where prisoners are released and settle in the area of the prison (Shichor 1992). This presents as a more likely scenario in open conditions however where prisoners form associations in the community of the prison, than in secure conditions where no such allegiance can be formed. Shichor (1992) points out that this should be a greater concern for smaller communities because of the relative proportional weight prisoners may come to have in a small population. The larger the prison of course, the greater is the number of prisoners that might settle in its surrounding areas.

Despite prison facilities being generally perceived as negative, some research suggests that community reaction to a prison is not so negative once a prison is established in an area and its minimal social impact is more widely experienced. Martin and Myers (2005) surveyed 3795 people in a county in which the construction of a new prison had just begun. The majority (1659) were neutral at worst about a new prison. Some American research has considered people’s perceptions about quality of life before and after a prison is built in their locale. Most individuals report ‘no change’ (Abrams et al 1985).

**Quality of Life and Neighbourhood**

Fear of crime however is not an insignificant factor. It can create a sense of unease, breed mistrust and damage community relations. In the U.K. context a prison is likely to have an affect on the reported local crime rates. This is because since 2005, crimes committed in prison are counted in local crime reduction figures. Clearly, the larger the prison, the greater will be the effect on the crime rate. Whilst this crime has little bearing on the true crime rate in the community, nor significant direct impact on the populace as a whole, there are ancillary effects that might arise from this in terms of the association of an area
with high crime rates. There may be a loss therefore of community prestige, leading to practical consequences such as, at the very least, the potential of higher insurance costs.

Environmentally the picture is complex and depends on whether a prison displaces another potential industry. Clearly a prison may be more carbon neutral than a factory, or less carbon neutral than a farm park. The environmental impact a prison makes may be exacerbated or effectively displaced by ‘environmentally friendly’ or unfriendly practices. A prison will increase noise compared to a no build option in any area, but a standard specification for new prisons is non-opening cell windows to ensure noise disturbance is kept minimal by preventing inmates from communicating externally between cells (Cabinet 2004). A prison will also increase light pollution relative to a no build option, technologies exist however to ameliorate the effects.

In relation to differential social effects depending on the size of prison, clearly the more open the prison the more community interaction and potential for benefits and problems exist. On the other hand the more open the prison the more safe, theoretically, prisoners are meant to be. Titan prisons are new developments in the UK and so their effects cannot be known for sure. Concentrating prisoners, staff and visitors in one area however might make more visible some social problems that are currently not statistically visible for being diffused across several medium size prisons and locations. For example it would concentrate in one area the increased pollution, or additional crime that might otherwise be diffused across five medium sized prisons.

**Conclusion**

Further research is required on the issue of prison siting in the UK in general and the effects of different prisons in particular. However drawing on the available academic literature in the USA and research reports available in the UK some tentative conclusions may be drawn about prison siting issues.

In respect of arguments for a prison to be sited in a locale founded on the distance prisoners would otherwise be from their home area research exists which suggests that helping prisoners maintain links with their family and community ties promotes desistance from crime, rehabilitation and mental health. Economically, research suggests that when the balance sheet is drawn to include all relevant factors, the most common scenario is that a prison has a zero effect on the economy of a local area over time. Socially, compelling evidence that a prison produces negative social effects does not exist. Prisons mostly have little effect on house prices and crime rates and technologies exist to ameliorate their environmental impact. There is little published research on what the impact of a Titan prison in particular might be on prisoners and local communities. It seems probable that overall however such prisons might lead to more prisoners being housed further from their home areas than previously. Whilst research suggests issues of disorder are related to internal management structures rather than the size of the prison, outside the prison gates it is possible that concentrating offenders, staff and visitors in one area may make more significant and visible social or economic problems that have hitherto been hidden.

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RESEARCH REPORT: UNDERSTANDING COMMUNITY INVOLVEMENT AND ENGAGEMENT WITHIN COMMUNITY JUSTICE

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Abstract
Community Justice attempts to achieve various outcomes. Extensive community engagement and involvement is one of these and the extent to which this is achieved can distinguish Community Justice as distinct from traditional justice models. This article presents the findings of a research project exploring community engagement within Community Justice through a series of models and testing these to improve validity; assessing uniqueness of Community Justice; and, supporting implementation and understanding of Community Justice elsewhere. Adopting a realist perspective (Pawson and Tilley, 2007) the research employed a literature review and innovative e-Delphi method. Findings from the research corroborate the veracity of proposed models and demonstrate how they can be used to explore and understand Community Justice in different settings. Additionally several characteristics of Community Justice that can be classified as unique but highlight potential tensions are discussed.

Key words: Community Justice; Community Engagement/Involvement; Comparative; Realist Evaluation; Delphi; Supporting Delivery/Implementation

Introduction
Governments across the developed world are increasingly looking for approaches to reduce and prevent low level crime and anti social behaviour within communities. One approach has been to increase the involvement and engagement of local communities in the criminal justice system by taking a more 'problem solving' approach to crime prevention and reduction both in terms of dealing with offenders and responding to community concerns. From this the concept of 'Community Justice' has developed.

In its most general sense 'Community Justice' is a term that is often used to refer to several different concepts. The UK based Community Justice National Programme Team has identified eight key principles which underpin the Community Justice concept (2006).
These are common to the principles reported by community justice initiatives operating in other countries and it is this concept that this article refers to:

- court at the heart of the community
- visible and responsive to local people
- problem solving in approach and outcome
- collaborative working between criminal justice agencies, service providers, voluntary and community groups and citizens
- robust and speedy case management
- maximising judicial authority and leadership
- repairing harm to victims and the community; and
- promoting the social inclusion of offenders

Drilling further into the concept of community justice, research in the UK by one of the authors demonstrated the key role that the principle of community engagement plays in the concept of community justice and how, ‘the community engagement work done by the North Liverpool Community Justice Centre as part of its core business sets it apart from the majority of courts’ (ECOTEC, 2007: vi). This is a consequence of areas where anti-social behaviour is most prevalent also tending to be those in which residents feel the most excluded, let down by the criminal justice system and helpless in tackling the problems they face on a daily basis (Home Office, 2003). By adopting a community justice approach and putting justice back in the heart of the community, residents can be involved in activities and services provided by the criminal justice system, thus increasing their faith in the justice system.

This is not to say that work is not done as part of existing justice systems to engage with communities. In the UK for example, community engagement work is intended to contribute to improving public confidence in the Criminal Justice System (CJS) (as part of a Public Service Agreement) by strengthening links between courts, the communities they serve and the wider justice system whilst preserving judicial independence. The CJS Strategic Plan 2008-2011 (HM Government, 2007) reflects this, with community engagement a key strand of the plan. The methods of community engagement currently being rolled out by CJS agencies under these plans involve publicity campaigns and certain agencies having greater contact with communities e.g. neighbourhood policing units.

Community justice initiatives, however, typically form a key strand of the work of CJS agencies and demonstrate a more active and wider spectrum of community engagement activities. Analysis of high profile community justice pilot initiatives which have operated in the USA, UK and Australia, demonstrate that community engagement is more focused on a defined community which a community justice centre is seeking to serve (e.g. Berman and Fox, 2005, NJC Project Team, 2007, ECOTEC, 2007). Furthermore, active community involvement and engagement is promoted by community justice centres. Although consultation at the planning stages of these international interventions is evident (Berman & Anderson, 1997), additional opportunities for continued active engagement is also evident in respect of devising priorities (ECOTEC, 2007: 60) and/or ‘aggressive crime prevention’, i.e. solving problems in their early stages (Mansky, 2004: 254). It is this delivery of community services on site as an additional element of community justice that we argue sets these initiatives apart from traditional justice systems.

A key element of community justice therefore is about engaging and involving the local community, making the criminal justice system more responsive to local people. It is this element that potentially separates community justice from traditional criminal justice practices and it is the specific community involvement aspect of community justice that this study examines.

The international community justice initiatives referred to have been politically high profile and received considerable media and research interest (e.g. New Statesman, 2003, Berman and Mansky, 2005). Despite this there has been a limited comparison across community justice initiatives. This type of work can inform learning and delivery. This article presents the findings of a study conducted by ECOTEC Research & Consulting and the Hallam Centre for Community Justice at Sheffield Hallam University which sought to deepen understanding of how community justice initiatives achieve outcomes (in particular community engagement) and how they might be implemented and understood in different settings through a comparative approach and analysis. Key objectives of the research were to:

- identify primary outcomes of community justice, causal mechanisms and necessary contexts of and for community justice
- from these, specifically develop models of community engagement and involvement and test them to increase validity and explore uniqueness of community justice; and,
- examine how the models could be applied elsewhere in support of implementation, delivery and understanding

Following an introduction to the methodological approach for the research, the remainder of this article describes the community engagement models of community justice identified from the literature review and the key findings from the e-Delphi panel associated with them. This is followed by analysis of the applicability of models to a different setting. The article finishes with a discussion of findings and potential implications.
**Methodological Approach**

The overarching aim of this study was to gain a deeper understanding of how community justice operates and might operate in different settings. In pursuit of this a realist approach was adopted. This was felt to support the need for the research to understand the different environments in which community justice is implemented and explore the complexities of the approach. This makes a realist approach ideal for fully facilitating implementation and supporting future evaluation by describing exactly how interventions might work in different settings. Pawson and Tilley (1997) describe the key concepts that realist work makes use of:

- **Mechanisms** - the aspects of the intervention that cause it to work. These could be seen or unseen
- **Context** - the circumstances that allow mechanisms to activate change. These might be, for example, environmental, organisational or ideological
- **Outcome patterns** - the various results of the activated mechanisms. The interaction between different mechanisms and contexts is likely to produce more than one outcome pattern

Bringing all these concepts together within a realist evaluation approach creates ‘Context-Mechanism-Outcome-Configurations’ (CMOCs). CMOCs provide an explanation as to why and how an intervention might work. More formally, CMOCs comprise models indicating how programmes activate mechanisms amongst whom and in what conditions, to bring about alterations in behavioural or event or state regularities’ (Pawson and Tilley, no date: 8).

The same authors outline a number of other forms the approach can take including quantitative realist analysis; qualitative realist analysis; formative realist evaluation; and, realist synthesis. Principles of the latter were incorporated into the literature review method described below. Introduced by Pawson et al. (2004), this describes, in its fullest sense, a methodology for conducting a realist systematic review of evidence. Whilst this was beyond the scope of the current research the approach provided a useful means of applying realist principles to the benefit of the research. Key features of realist synthesis include searching for relevant theories in the literature; development of long list of programme theories; and, synthesis and refinement of these. Other principles such as testing article relevance and theoretical saturation were also enforced.

**Literature Review**

The first stage of the research was a desk based literature review which sought to collate literature from relevant sources and contacts in the UK, Australia and United States. Documentation was reviewed in order to identify contexts, outcomes and mechanisms relevant to community justice. The research started with a structured search of authoritative internet sources using the names of the key community justice initiatives and ‘community justice’ as key search terms. From thereon in, a snowball approach to the literature search was adopted, with articles cited within the early papers or documents found and articles mentioned in this subsequent literature sourced and reviewed. The literature found was mainly in the form of reports but also included information from websites, transcriptions of round-table discussions and press releases. Literature dating from pre-1996 was excluded from the review, as were any materials in languages other than English.

Although not a full systematic review of the literature, the research team considered it extensive enough to ‘cover the ground’ in community justice. By demonstration of this the research team found that a point of ‘theoretical saturation’ was arrived at in reviewing the literature. No new mechanisms etc. were emerging from the literature and to continue would have activated the law of diminishing returns. The end of the ‘long list’ had been reached. As might be expected a number of the mechanisms, contexts and outcomes revealed through the literature were duplicates, similar or ostensibly related to one another. A process of rationalisation therefore took place to rationalise the ‘long list’ into a more manageable format.

**e-Delphi Panel**

Much has been written regarding Delphi Panels and their application (e.g. Linstone & Turoff, 2002, Critcher & Gladstone, 1998, Hanafin, 2004). Given this the following simply describes the strategy applied to the current research. The Delphi approach used for this research was electronically-based (hence e-Delphi), innovatively utilising a web portal (www.cjp.org.uk). The portal allowed a dedicated and secure project room to be populated with materials relating to the Delphi research, with functionality allowing participants to respond to messages or debate the consultation questions using ‘Writeboard’ functions. There was also an option, should participants wish to remain anonymous, to download a document containing the key consultation questions and return it to the research team on completion. Fifty academics, practitioners, evaluators and others were invited to participate in the consultation. The criteria for invitation were that they were informed academics or practitioners working in the field of community justice. These were drawn from contacts suggested by both research partners.

The e-Delphi sought qualitative comments on the models of community engagement identified from the literature review. Models were presented to participants alongside examples drawn from the key community justice initiatives. The consultation point for each mechanism outlined a model of the context needed to activate the mechanism to achieve the outcome, with participants asked to provide an unstructured response on two key questions:

- To what extent do you think this statement is true?
- To what extent is this a key factor distinct to community justice as opposed to traditional courts?
Participants were asked for comments on the models of community engagement presented within a prescribed time period (c. three weeks). There was also the opportunity for participants to comment on the scope and design of the project (disappointingly, none did). Although the response rate was less than expected (c. 20%) the process did provide important and insightful contributions that allowed the models of community engagement developed through the literature review to be refined in light of academic critique and operational experience. Academic respondents made up just under half of respondents and practitioners a third. Two respondents were unidentifiable in terms of profession.

**Models of Community Engagement**

This research was particularly concerned with the community engagement and involvement aspect of community justice. In line with the realist approach adopted a number of CMOCs (Context-Mechanism-Outcome-Configurations’, see earlier), or more accessibly, models of community engagement, were developed. Armed with the models derived from the literature review the next step was to test their robustness. Additionally the research team were also interested in what specific elements of the models differentiated community justice from traditional justice systems. This approach in the realist tradition identified by Pawson & Tilley (no date) who proclaim ‘realist evaluation is about theory testing and refinement’ (p.8).

The models are presented below in their original format and accompanied by an analytical narrative of the results of the e-Delphi, testing their veracity and exploring the unique characteristics of community justice. Quotes in italics represent data sourced from the e-Delphi.

**Model One - Locating community justice centres within the communities they serve**

Community justice involves and engages communities (outcome) by placing buildings/centres in strategic and symbolic locations (mechanism) when it is implemented in an identifiable, disadvantaged and justice involved community (context).

This model is built on examples of community justice where community justice buildings are located in and serve specific communities. Locating buildings in target communities was argued to be of primary importance as otherwise there may be difficulties in, ‘the extent to which a community engaged response can be actioned in environments at a distance from and not integrated into local communities’. The diverse composition of communities was highlighted as an issue in relation to this model. Specifically how different groups within a community come to know that community justice centres are there to serve and engage with local communities and how different groups interpret the presence of a community justice building in their community. Whilst for some it may represent a welcome influence in the fight against crime and make inroads into fear of crime levels, others may view such a building as the unwelcome creeping encroachment of the state into personal lives and settings, or of evidence of an increased supervision of supposedly ‘dangerous’ groups.

**Model Two - Community justice centres as a one stop shop**

Community justice involves and engages communities (outcome) by providing a range of services and agencies in one location as a community resource (inc. justice agencies, community projects) (mechanism). This is possible when there are clear links with other social policy agendas and effective partnership working is in place (context).

The opinions gathered via the e-Delphi substantiated this model. The key reason for the support for this model was outlined as being the multi-agency approach now adopted in crime reduction in general. As one participant stated, ‘the provision of services in this way is consistent with the assumptions underpinning the…partnerships introduced by the Crime and Disorder Act (1998)’. The notion of a ‘one-stop shop’ was regarded as a, ‘key dimension’ of the community justice approach, separating it from traditional justice systems. This unique aspect of community justice’s character may be a result of agencies working together for a common interest in a community justice setting as opposed to the, ‘bureaucratically demarcated functions’ of the traditional courts where police focus on prosecution, probation support the client and so on.

Although the key tenets of this model were confirmed there were questions raised in relation to the actual delivery of services under this type of model. Questions are raised regarding the different agendas agencies must work to and the potential for conflict as well as the potential for the crime and justice agenda to dominate at the expense of other social policy agendas. There was also concern about potential conflicts between judicial and community functions and how these will be appropriately dealt with. Indirectly these questions actually further confirm the proposed model as it stands. These questions around delivery can only be managed if community justice is operating in an appropriate context where, as the model outlines, there are clear links with other social policy agendas and effective partnership working (i.e. communication, respect, openness etc.) is in place.

**Model Three - Wide ranging involvement in the operation of community justice centres**

Community justice involves and engages communities (outcome) by ensuring a wide-reaching definition of community and engagement (mechanism). This is supported when engagement is through a variety of methods (including formal where necessary) and utilises existing strong links into community networks (context).

Debate on this model was limited. However there were observations that made direct links between this model and the revised model number one. The model here refers to the inclusion in the planning and implementation of community justice of a wider range of actors, encompassing more than just the ‘usual suspects’. Recognising communities as, ‘heterogeneous and diverse’ will ensure that actors are engaged (through varying but most appropriate formats) with the community justice process and aims are met.

**Model Four - Setting priorities for community justice centres**

Community justice involves and engages communities (outcome) by the mechanism of producing local solutions to local problems and allowing the community to define the priorities for action (i.e. low-level offending that might
transferability of community justice models

In order to enhance the validity and explore the transferability of these models to different contexts the research then tested them against the most well evidenced alternative setting available – the Netherlands. This provides an example of how the models developed can be used to support implementation, delivery and understanding.

The ‘Justitie in de buurt’ (JIB) programme represents the community justice approach adopted here. The Ministry of Justice Netherlands (2004) describes how JIB (initiated in 1997), fits into a wider governmental security programme (‘Towards a Safer Society’) and was originally targeted at ‘unsafe’ cities and particular districts within these. The introduction of JIBs required consultation with relevant judicial agency heads. JIB offices are run by a Public Prosecutor, working in partnership with other judicial agencies. Key characteristics include a problem solving approach, a focus on ‘nuisance crime’ and ease of accessibility not only from other agency staff but also the public. This latter accessibility ensures ‘short-lines’ of communication between JIB officers and the public allowing for a more in-depth understanding of community problems.

A change in policy from 2003 introduced new-style JIBs whereby it was no longer necessary for initiatives to be carried out from a JIB office. What this meant in practice was increased flexibility for JIBs to focus on either a specific neighbourhood (as was previously the case) or broaden their geographical scope on a particular focus (e.g. juvenile offending). The introduction of the new arrangements left existing JIB offices with one of two options: transform the current office into a permanent office with local funding; or, adoption of a project-orientated approach, i.e. broadening a geographical scope on a particular issue, with a minimum physical presence.

Evaluation of the JIB initiative by Terpstra and Bakker (2004) reveals a number of issues pertinent to this research. These are replayed in the following section which tests the previously developed models of community engagement against the Netherlands’ JIB context. The aim of this is to further increase their validity and demonstrate how they can be used to support policy implementation.

There was not enough relevant evidence available to comment on all of the proposed models. Only those with sufficient evidence and thus subsequent analysis are discussed below.

Model One - Locating community justice centres within the communities they serve Prior to the introduction of new-style JIBs, this model of community engagement was appropriate for

be neglected by other justice processes) (mechanism). This is the case when there is clear demarcation of different justice systems and clear communication of the principles of community justice (context).

This model emerges from the strong emphasis across community justice initiatives on the involvement of the community in determining the priorities for the jurisdiction of the court and the additional activities pursued jointly by agencies based within the different centre’s under the banner of ‘community problem solving.’ The views gathered from the e-Delphi exercise raised some concerns about the validity of this type of community engagement. Particularly there was a concern about how the potentially different views of professionals from the criminal justice system fit with those of community members when designing the jurisdiction for community justice centres, essentially given that the division is potentially one of ‘class.’ There was also a concern that in engaging communities to define priorities for action whether the local community would act in an exclusionary way to offenders which would undermine the principles of community justice. Current legislation such as ASBOs, the wearing of visible jackets by offenders undertaking unpaid work and the general atmosphere of naming and shaming does not support the reintegration of offenders into the community as is the purpose of community justice. This reinforces, however, the need for the element of the model that proposes, ‘clear communication of the principles of community justice’.

Model Five - Community justice and pro-active crime prevention Community justice involves and engages communities (outcome) by enlisting community volunteers to repair signs of disorder, or operating more formal prevention procedures with offenders (mechanism). These work when ideologies of guardianship of society and society’s role in causing crime prevail (context).

This final model supports the focus of community justice on restorative and problem solving activities. There was support through the e-Delphi exercise for the prevention elements of this model being unique to community justice but as a means to support society’s role to prevent crime, rather than causing crime, to prevail. Participants felt that reference to restorative and diversionary principles were important because it shows that, ‘crime is a social act with social consequences for a wider grouping of people beyond the act itself and that their respective actions do not occur in isolation within the community’. Above all the operation of formal prevention activities such as the problem-solving meetings shows that all individuals have the capacity to influence and shape their environment which can then enable them to become integrated into the complex and stabilising networks, which constitute community life.

There was also a strong opinion articulated through the e-Delphi exercise that this model sets apart community justice from traditional courts in its approach to community payback. It was felt that traditional courts, ‘represent the state and society in an abstract sense’ and whilst some sentences may involve restorative principles and place an emphasis on reparation and compensation, there is still a tendency to stigmatise those individuals who are processed via the Crown and Magistrates’ courts. For example, some of those involved in community based punishments are required to wear high visibility jackets which set them apart from the non-offending population. By contrast, instead of creating a criminal ‘other’, the community justice model prioritises meaningful integration and inclusion.

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describing how the JIB approach would engage with communities. On introduction of the new style though this model becomes somewhat redundant as the context changed. As Terpstra and Bakker explain, ‘…[JIB]s turned to a larger working area…The strong orientation to the original small neighbourhood was lost’ (2004: 383).

Despite this, ‘…[JIB] contributes to the symbolic presence of the state…in problematic neighbourhoods’…’ (ibid: 388) indicating the continued relevance of the model mechanism. The symbolic representation of the state though should be non-threatening and culturally relevant if the model presented is fully accepted.

**Model Two - Community justice centres as a one stop shop**

Although joint-working between agencies is reported as operating well through JIBs (supporting the context of this model and comments made during the e-Delphi described earlier), similar to model one above, the change in style resulted in the mechanism being disrupted as, ‘…the relevance of its own office in the neighbourhood where citizens could drop in [was lost]’ (ibid: 383).

**Model Four - Setting priorities for community justice centres**

Counterfactual evidence was found in support of this context when Terpstra and Bakker explain how, ‘…the number of people who were well informed depended partly on the extent to which the [JIB] is oriented and presented to the neighbourhood’…’ (ibid: 385). This suggests that clear communication of community justice principles can support community engagement as the context postulates in the above model. Additionally there was a suggestion that the mechanism may be appropriate: ‘…[JIB] should be considered an important initiative because it promotes earlier, more direct, more rapid reactions to problems…more in tune with individual and local circumstances…’ (ibid: 387-388).

This analysis of the models developed in the first stage of this research against an evidenced European context demonstrates a mixed-bag of relevance. This does not invalidate the models – rather it indicates how they can be used to understand how local variation can impact on implementation, delivery and theory of change.

**Discussion and Potential Implications**

This article has explored the concept of community justice and in particular community engagement and community involvement within it. Drawing on existing examples of community justice initiatives from around the globe and research and operational literature a number of realist models of community engagement were developed. These were then refined through an innovative e-Delphi process that exploited key contacts of research partners as part of a focused targeting strategy.

The views from the e-Delphi process broadly corroborated the models of community engagement (discussed previously) but there was only sufficient critique to justify a slight alteration to Model One in terms of how community justice is communicated to and perceived by diverse sections of communities. Model One is therefore re-presented below incorporating these issues (revisions underlined):

*Community justice involves and engages potentially diverse communities (outcome) by placing non-threatening buildings/centres in culturally relevant, strategic and symbolic locations (mechanism) when CJ is implemented in an informed, identifiable, disadvantaged and disaffected community (context).*

The five models presented (incorporating the revised Model One above) can be conceived as a ‘toolbox’ for beginning to understand how and why community justice can engage and involve communities. This should support implementation, delivery or evaluation (depending on the stage of community justice development) via refinement of models, or the theoretical underpinning of projects, to suit local context and support measurement and understanding of intervention process and impact. To undertake this comprehensively for a specific setting would require evidence on levels of different types of recorded crime; existence of developed criminal justice systems; and, the nature of the legal jurisdiction.

A basic example of how this might work in practice was provided in relation to the Netherlands. Although the findings for this particular research are specific to the Dutch setting, the principles of understanding context and project theory to support implementation, project understanding and measurement remain the same across different settings. The worked example described here provides a basic blueprint for others to follow. Conducting a similar exercise (assessing the relevance of proposed models in specific settings) will help local planners, policy officials and evaluators understand how and why community engagement/involvement might be achieved through community justice, by acknowledging the context and setting in which community justice is being promoted.

The models presented also help us to understand why community justice is considered different to existing judicial systems. Part of this revolves around the one-stop shop approach of community justice. Whereas traditional criminal justice usually requires formal referral systems, community justice centres help offenders access support services quickly. Given this, valid questions might be raised about the plausibility of community justice systems that make use of existing court facilities without co-location of agencies to dispense community justice, namely: Can this still be badged as community justice? Should the same outcomes still be expected? Should similar mechanisms be evident?

Additionally, the research demonstrated that some of the penalties imposed through current legal systems, for example wearing of visible jackets by offenders undertaking unpaid work and the general atmosphere of naming and shaming, may be at odds with a true community justice approach. This illustrates the need for community justice to serve (and potentially alter and refine) sentences in recognition of its aims. This is an issue that the legal professions working within community justice should be aware of. Creating a
The report finds that the use of the suspended sentence order has grown significantly since its introduction. It is popular with magistrates and often used for summary offences. As a result, the suspended sentence order may be a route to prison for some offenders. There is little evidence that either the suspended sentence order or the community order is being used as an alternative to a short custodial sentence.

Some of the requirements available to the courts are only rarely used; alcohol treatment, mental health treatment, residence, exclusion, prohibited activity and the attendance centre requirements are all in this position. The use of unpaid work and curfew requirements have increased and the use of supervision and accredited programme requirements have decreased since 2005.

The probation officers interviewed in the study expressed reasonable confidence in the two orders. They would have welcomed the opportunity to use alcohol treatment and mental health requirements but these options were not often available. Thinking about the enforcement of orders, some probation officers argued that reoffending whilst subject to a suspended sentence order should always result in custody. Others also wanted the option to punish breaches of the requirements of these orders with a financial penalty.

The probation officers questioned voiced their weariness with continual organisational and legislative change.

The small sample of offenders interviewed as part of this study viewed their orders in a fairly positive light and spoke about the importance of the relationship that they had with their supervising officer. Probation staff were perceived as helpful, understanding and easy to talk to. One offender summed up the probation officer's role by saying:

"criminal other' may hinder meaningful offender integration and inclusion into society, rendering community justice redundant as it offers nothing different to traditional justice."
They’re like a police officer, Jobcentre worker and social worker. Yeah they’re all in one …they can send you to prison, they worry about what you’re up to, so it’s just like a social worker, and yeah like a Jobcentre person because if you miss they’re going to report you.

The report suggests that, given the importance of the relationship between offender and officer, consideration should be given to making a supervision element part of all community and suspended sentence orders.

The report judges these two orders to be a qualified success and notes that the probation service has implemented them smoothly. The authors conclude with some possible future difficulties:

- The decreasing use of supervision and accredited programmes could diminish the expertise of the probation service.
- Increased input into sentence plans by partner agencies which reduces contact between offender manager and offender risks making orders less effective.
- The introduction of the suspended sentence order blurs the boundary between the community sentence and the custodial sentence.
- The probation service is under considerable pressure with increased workloads.
- Probation service budgets are expected to reduce over the coming years.

The full report is available at http://www.crimeandjustice.org.uk/sentenceshreeyearson.html

**Evaluation of HM Prison Service Enhanced Thinking Skills Programme – Outcomes from a Randomised Controlled Trial**

This study was undertaken by Cynthia McDougall, Amanda E Perry, Jane Clarbour, Roger Bowles and Gillian Worthy from the University of York and published as part of the Ministry of Justice Research Series. The research is based on a randomized controlled trial (RCT), with a sample size of 408 offenders, carried out in ten UK prisons investigating the effectiveness of the Enhanced Thinking Skills (ETS) programme. This is the first RCT to be conducted in a UK prison setting for several years.

The research did find a statistically significant reduction in self-reported impulsivity in the intervention group. This reduction was sustained at a 3-month follow up point. Impulsivity is associated with offending and is behaviour targeted by the ETS programme. Prisoners who participated in the ETS programme also showed a statistically significant reduction in prison security reports, showing an improvement in general behaviour.

Offenders with a range of problems, difficulties and risk issues benefited from attendance at the ETS programme. However, greater benefits were obtained by those with fewer educational, employment and financial problems and the report authors suggest that some prisoners may be helped by individual assistance with specific problems. Prisoners convicted of minor violence, arson and criminal damage showed a greater reduction in the impulsivity measure than those convicted of burglary, theft, fraud and other dishonesty.

The report authors suggest that work could be done on the style and content of the ETS programme to make it more effective with this second group.

The authors conclude by recommending further research to look at the reoffending rates of the prisoners in this RCT after their release to see whether the link between a self-report of reduced impulsivity and a reduction in future offending is valid.


**Unmet Mental Health Needs in Prison**

A recent report from the Prison Reform Trust highlights the plight of prisoners who should have been diverted into mental health treatment or social care provision. The report draws on evidence provided by the Independent Monitoring Boards of 57 prisons.

Many prisons are said to lack the resources needed to make full psychiatric assessments of new inmates. Assessments are hampered by lack of information about prisoners, with custodial staff often having to rely on information disclosed by the prisoner. The report highlighted specific concerns for women and elderly people in prison.

The report also considered the position of prisoners with learning difficulties. It was felt that these issues were often missed in the prison environment leaving prisoners with learning difficulties unable to engage fully with prison regime and activities.

Some areas of good practice are identified. These include the multi-disciplinary Learning Disability Steering Group at HMP Holloway. At HMP Dorchester and HMP Chelmsford, multi-agency teams plan for release, ensuring GP care and housing and mental health support in the community.

The report makes a significant number of recommendations intended to improve practice in the areas of inspection, diversion from custody, transfer from prison under the Mental Health Act, provision for mentally ill people in prison and resettlement.

The full report can be downloaded from http://www.prisonreformtrust.org.uk/standard.asp?id=1686
Diversion – A Better Way for Criminal Justice and Mental Health

On a similar theme, the Sainsbury Centre for Mental Health has produced a report looking at the evidence for the effectiveness of schemes intended to divert people with mental health problems away from the criminal justice system. The report draws on a review of published evidence, visits to 16 diversion schemes in England and an analysis of the extent to which such schemes offer value for money.

The report argues that diversion schemes offer much in theory but often do not deliver in practice. The lack of a clear national policy framework means that schemes develop in a piecemeal and inconsistent way. The report describes a model for encouraging diversion at all stages of the criminal justice process. It also makes 21 recommendations. These include:

- The creation of a Diversion and Liaison Team in every primary care trust area in England.
- Diversion and liaison services should be jointly funded from mental health and criminal justice budgets.
- The contribution of the voluntary sector should be fully utilized.
- Full use should be made of the mental health treatment requirement by sentencers.

For more information, see http://www.scmh.org.uk/pdfs/Diversion_summary.pdf

Young Black People and the Criminal Justice System

The House of Commons Home Affairs Committee published an important report about young Black people and the criminal justice system in June 2007 (see Community Justice Files in British Journal of Community Justice vol 5 no3). The government committed itself to producing annual reports outlining progress in response to the 67 recommendations made and the first such report was published in December 2008.

A wide range of issues is reported on, including strategic issues, drug use and mental health treatment, gang membership, the role of the media, reducing fear of crime and the national DNA database. The progress report describes the initiatives, projects and campaigns which support the recommendations made by the Home Affairs Committee.

The report can be downloaded from http://www.justice.gov.uk/docs/young-black-people-cjs-dec-08.pdf

Appointment of Independent Victims’ Champion

In January 2009, Sara Payne was appointed to the post of Victims’ Champion. She will work with existing victims’ organisations and with the local Crime and Justice Coordinators. Since the murder of her daughter, Sarah, in July 2000, Ms Payne has been involved in a number of initiatives intended to improve both child protection and criminal justice procedures.

This is a one-year appointment and, according to the Ministry of Justice, Ms Payne will:

- listen to the views and concerns of victims and witnesses
- work with and learn from the experience of Victim Support who provide emotional and practical help to over 1.5 million victims and witnesses per annum
- represent the views of victims and witnesses to ministers, government officials and in the media
- challenge criminal justice agencies further to reform their practices in relation to victims and witnesses
- act in an advisory role on victims’ issues and prepare the foundations for the appointment of the Victims’ Commissioner in 2010.

The post of Victims’ Commissioner, intended as a long-term role, is outlined in the Coroners and Justice Bill which is currently before Parliament.

Violence Prevention Website: A New Resource

The purpose of this newly launched website is to provide resources for policy makers, academics and practitioners concerned with the prevention of violence. The website includes a range of helpful resources. There are abstracts of articles describing initiatives that have been successful in reducing violence and news of recent developments in this field. There is also data on violence for local authority areas across England, showing local patterns for hospital admissions, recorded violent crime and suicide. The website also provides access to TEACH-VIP, an education programme intended to train public health workers in key injury prevention and policy development principles.

The website is a product of the collaboration between the Centre for Public Health at Liverpool John Moores University and the World Health Organisation.

The website can be found at http://www.preventviolence.info/default.aspx
Forthcoming Events

Sickle Cell and Deaths in Custody
This conference is organised by the Unit for the Social Study of Thalassaemia and Sickle Cell at De Montfort University. It will take place on Wednesday 10th June in Leicester.

The conference will explore the health, justice and human rights issues raised by Sickle Cell disorders and deaths in custody. Speakers include Professor Simon Dyson from De Montfort University and Dr Adebayo Olujohungbe from University Hospital Aintree NHS Foundation Trust.

For more information, see http://www.dmu.ac.uk/partnerships/consultancy/innovation_centre/dmccc/conferences/sickle-cell/index.jsp

‘Crime’, Justice and Control: The Challenge of Recession
The 37th Annual Conference of the European Group for the Study of Deviance and Social Control is to be held at the University of Central Lancashire from the 26th – 29th August 2009.

The aim of the conference is to consider the impact of the global recession on issues of crime, justice and control across Europe, exploring the implications for various groups including migrant workers, women and Roma communities. It will consider likely changes in political responses to perceived social problems.

For more information, see http://www.sccjr.ac.uk/news/Conference-Announced-Crime-Justice-and-Control-The-challenge-of-recession/159

Community Justice Portal Annual Public Lecture
The 7th Annual Community Justice Portal Lecture will be held on the evening of Thursday 14th May at Sheffield Hallam University.

This year’s lecture will be given by Paul Hayes, Chief Executive of the National Treatment Agency and is titled ‘Managing Offenders in the Community - Everyone’s Solution, No One’s Job’

For further details see the Community Justice Portal at www.cjp.org.uk

BOOK REVIEWS

Edited by David Phillips, Sheffield Hallam University

CRIME REDUCTION AND COMMUNITY SAFETY: LABOUR AND THE POLITICS OF LOCAL CRIME CONTROL


In this book Daniel Gilling charts out New Labour’s crime reduction and community safety strategy over its first ten years in office. Looking closely at the policies and practices that have shaped New Labour’s ‘third way’ he manages to weave a coherent narrative through what could easily be described as a mind-boggling array of legislative and policy initiatives. This is no mean feat. Pulling together the seemingly disparate strands of New Labour’s approach to crime control Gilling demonstrates his ability to marshal a vast array of material to explore the conditions, limits and paradoxes inherent in the New Labour project.

The book is split into seven manageable chapters that tackle distinctive themes. Chapter 1 provides the broad introduction, outlining the discussion to come as well as raising some important political and policy-making constraints that have influenced the development of crime reduction and community safety under New Labour. Chapter 2 then begins a systematic review of New Labour which reminds us of the core motives of New Labour. Evidence-based policy, the third way, joined-up practice and new public management are succinctly outlined as key ingredients for understanding crime reduction and community safety. Chapter 3 then begins by considering the crime prevention legacy New Labour inherited from the Conservatives in 1997 had how this evolved under Blair’s first term in office into the crime reduction programme. Here Gilling begins to debate in earnest the early tensions in the New Labour project – the battle between a managerial doctrine and a community strategy of civic renewal.

Chapter 4 continues this debate by looking at New Labour’s second term in which it sought to reform both policing and local government; confirming them both as the key responsible agencies in the crime and disorder reduction partnerships. The upshot of this
phase was a gradual shift from crime reduction to community safety. The increasing emphasis on anti-social behaviour and localised problems birthed a community safety approach which included social exclusion, employment, leisure activities and neighbourhood renewal as central to tackling crime. In Chapter 5 Gilling addresses the reasons behind New Labour's focus on anti-social behaviour, arguing that the primary political drive for this focus was to address public anxieties about 'nuisance neighbours' and further invest a communitarian inspired neo-liberal ethos on individual responsibility and the civil society.

Chapter 6 develops this theme further, analysing the moral authoritarianism which underpins New Labour's approach to addressing both crime and social exclusion. The increasing focus on the depravities of a criminogenic underclass and their moral bankruptcy signify to Gilling a deeply flawed and 'impoverished' understanding of the causes of crime and how to address them. It is here and in his concluding chapter that he most effectively refutes the New Labour project; drawing together academic debate and policy initiatives to comprehensively deny a market driven, employment based and responsibilising approach to achieving inclusion. He argues that this approach belies a fundamental contradiction between the neo-liberal value to freedom and the need for government intrusion for this freedom to be achieved. Community safety under New Labour has therefore failed to offer a more socially just society, instead bolstering hegemonic neo-liberalism by further abandoning structural inequalities as relevant to any vision of either the 'good' society or its poor cousin the 'low-crime' society.

This is a good book with much to recommend it. Whilst reading it I found myself turning the corners of many pages (a terrible habit!) that I wanted to return to for one reason or another. It sits well alongside Hughes (2007) text 'The Politics of Crime and Community' and follows nicely on from Crawford's (1997) 'The Local Governance of Crime' as well as Gilling's (1997) earlier text 'Crime Prevention'. It will and should be useful to a wide audience of readers ranging from students of both criminology and politics through to academics, practitioners and policy-makers working in the field of community safety.

Yet I do have a couple of irritations with this text. The first is that it is more impenetrable than I think it needs to be. A fuller contents page and more subheadings would have made this text more accessible and more readable. The earlier chapters are reminiscent of some of Paul Rock's weighty chronicles (by no means a criticism) and given the number of abbreviations and policy discussions I think that this material could easily have been presented in a more 'bite-sized' style that would allow the reader to navigate through it more easily. Similarly, if you want to get to the more 'juicy' critical bits they are not well signposted and will require a certain amount of hunting to discover.

My second irritation with this book is that whilst it builds a strong critique of New Labour it doesn’t seem to go anywhere, ending on what feels like a rather pessimistic note. Wasted opportunity, neo-liberalism gone mad and impossible contradictions is where this book finishes. I would have liked to have seen some crumb of comfort, some speculations about more positive future directions, some policy or perspective that proffered an alternative. Given that the Conclusion's title is 'The Road to Where?' it would have been good if Gilling had managed to signpost at least a path or two less bleak than the road to nowhere he finally takes. In this book Gilling had a wonderful opportunity to begin to shape the future direction of policy under the next government. For a book that is as politically astute as this one it seems like a huge wasted opportunity and a tactical mistake of some proportion for Gilling not to have begun a debate about possible future strategies of crime reduction and community safety.

Simon Green, Lecturer in Community Justice and Criminology, The University of Hull

RAISING THE BAR: PREVENTING AGGRESSION IN AND AROUND BARS, PUBS AND CLUBS


The expansion in leisure culture and the considerable growth of the night-time economy are significant features of late modern societies. Economically motivated policies aimed at regenerating towns and cities have resulted in the proliferation of drinking establishments, assisted by the liberalisation of licensing laws. Consequently, cosmopolitan and increasingly feminised 'brandscapes' dominate many urban centres. The geographical propinquity of such establishments has facilitated greater levels of patronage, principally by young adults, who dominate city centres at weekends. This, in turn, has spawned homogenised global drinking patterns throughout much of the western world.

Opposition to this growth in the night-time economy has emphasised the deleterious effects of pubs and clubs, which are filled with heavily intoxicated revellers whose binge drinking often carries violent and anti-social consequences. Yet political and media discourse habitually propagates a simplistic pharmacological causal relationship between alcohol consumption and violence and aggression in and around bars, pubs and clubs.

Graham and Homel's book moves beyond this unsophisticated explanation to explore the various factors that may be predictive and meditative of barroom aggression and violence, providing an international summary of research. Their work emphasises the need to understand alcohol related violence and address it through evidence based preventative strategies. Whilst the consumption of alcohol clearly impacts upon the perception, emotions, thinking and risk taking that contribute to violent conduct, this work identifies how such behaviour is conditional upon a range of environmental and cultural factors.
Thus, Graham and Homel not only consider the macro situation of regulatory change but also place emphasis on the micro situation, by focusing upon individual barrooms, their patrons and servers.

Chapter Five explores the barroom environment seeking to identify why some drinking establishments are a high risk for violence. The chapter highlights how the physical environment may help generate an atmosphere of permissiveness that contributes to aggression. Chapters Four and Six consider the characteristics of patrons and the role of staff in contributing to, and controlling, aggression and violence. The normative use of violence by young males and other marginalized groups, which has been so perspicaciously detailed by Hall and Winlow (2006), is echoed here. Yet what is also evident from these chapters is that the specific characteristics of clientele and staff may not be as important as the ways in which individuals interact with each other and how this is mediated by the barroom environment itself. Increasingly problematic in many large-scale, multi purpose venues is the erosion of informal controls, based upon staff-patron relationships, which amplifies the opportunity for conflict.

Utilising concepts from environmental criminology, Chapter Seven explores the ecology of public spaces, and identifies the processes through which violence spills out from licensed premises onto city streets. As discussed elsewhere (Hobbs, et al., 2003) the practices of door staff and security personnel play an important role not only in the maintenance of order and control within a venue but also in the level of associated violence beyond its boundaries. Furthermore, clear patterns to the spatial and temporal distribution of violence within public spaces can be identified, with outlet density, operating hours, and the position of taxi ranks and fast-food outlets all contributing to the likelihood of conflict. This suggests that preventative policies must not only seek to reduce violent behaviour within licensed premises but also target street level disorder, which may well occur more frequently and be more serious in nature.

As well as appraising previous interventions, Graham and Homel’s book also seeks to identify and develop interventional models that achieve and sustain safer drinking environments. However, it is clear from this review of research that the task of establishing which factors act as indicators of barroom violence is complex, with empirical studies often producing contradictory findings. The ability to recognise key elements of effective prevention programs is undoubtedly essential if system wide good practice is to be implemented and maintained. Yet maybe most pertinently, the authors highlight that licensed establishments, their managers, staff and other stakeholders can be as influential as policy initiatives in reducing aggression and violence. The responsibilisation of the alcohol industry to reduce and prevent violent behaviour, both within and beyond the boundaries of their premises, is surely essential if safer night-time environments are to be achieved.

References

James Banks, Lecturer in Criminology, Sheffield Hallam University

R U LISTENIN’? HELPING DEFIANT MEN TO RECOGNISE THEIR TRUE POTENTIAL


Terry Bianchini is a personal advisor working in the Prison Service. He has written a book that is difficult to classify. In part it is about understanding male prisoners and enabling them to prepare themselves for release and resettlement. Bianchini also uses the prison experience as a metaphor for how we all restrict our freedom and he offers advice and a series of exercises through which we can release our own potential. The book aspires to be both about working with people who offend and a self help personal development handbook for everyone, particularly men.

The book’s chapters use a prison term as its title, e.g. ‘An accessory to the crime’, ‘Know your jailers’, ‘Sentence planning’, both to address a specific aspect of rehabilitation and to apply the approach to how we can all develop ourselves. Each chapter contains accounts of the author’s personal experiences working in prisons, a little theory, a reference to a relevant exercise (described in the final chapter), a case study, discussion of more general application and a summary of the key points.

The title of Bianchini’s book is taken from the poignant cry of the prisoner locked in a cell not knowing if anyone is paying attention to his voice: “R U Listenin’?” The book makes a strong case for listening and caring enough not to break promises to people who have experienced betrayal from an early age. Bianchini sees imprisonment as a positive opportunity to think about one’s life without the distractions of the outside world and to develop self discipline. For him prison can also be an escape from responsibility, a haven from expectations and disappointments.

The core of the book explains how the way we cope with the world can have negative effects on our well being. Our beliefs about what we need to do in order to survive can
AD DRESSING OFFENDING BEHAVIOUR: CONTEXT, PRACTICE AND VALUES


Receiving this substantial tome for review and identifying that there were 23 chapters (plus introduction and conclusion) from different authors or groups of authors and a total of 449 pages gave me a sense of the enormity of the editing task and the size of the project as a whole. I wondered how the book would read; was it a collection of disparate opinions vying for a voice with a structure just about holding it together?

The answer to this is a resounding ‘no’ and this is down to the skill and hard work of the editing team, plus of course, the expertise and experience of the contributors. The editors were motivated to produce this book because they were concerned with the lack of literature that brought practice and research into work with offenders, coherently together. They wanted to offer a critical appreciation of current policy and practice. As a result, the bulk of the chapters explore actual work undertaken with offenders including the skills required, the assessment tools and intervention strategies employed along with the strengths and limitations of underpinning theories. This clear emphasis on actual practice with offenders helps span intellectual and practical considerations.

What are the strengths of the book? Firstly the contributors; there are 26 of them (including the editors) and they have each written or shared in the production of chapters. Between them they have a huge amount of academic, research and practice experience to draw on and this expertise is evident in the quality and authority of the various chapters. The second strength of the book is its organisation as a whole. It is clearly structured with a helpful introduction which enables the reader to rapidly understand what the book offers and ensures that any student picking up such a weighty volume is not daunted by the prospect of using it. Reading the introduction I felt a strong sense of anticipation to delve into the chapters as the editors draw out themes which are explored subsequently in the chapters. For example, the way in which the pre-occupation with dangerousness and dangerous offenders has dominated the criminal justice agenda over the past 10 or so years at the cost of less serious and more common offenders whose needs get overlooked if they are not identified as contributing to risk. Thirdly, the writing style and structure of each chapter; each contributor has been asked to cover certain common issues, for example, the relevant skills and techniques that need to be employed by practitioners, and to include some discussion points along with some suggestions as to further reading. There are clearly differences in writing style and some of the chapters are

limit the possibilities in our lives. These beliefs may have been adopted in childhood and become internalised over the years. Often they are expressed and control us through self talk. Bianchini advises ‘diplomacy’, a method of distinguishing between rational guilt based upon one’s moral code and irrational guilt based on a previous traumatic experience. The author believes that being rational, taking independent decisions and having the self discipline to carry them out provide solutions not only to prisoners but also to the rest of us.

In addition to a healthy mind Bianchini has advice for a healthy body. Chapters address physical exercise, good sleeping habits, and nutrition. The book concludes that one’s freedom is ultimately about growing up or being mature and critically about the ability to set goals and be self disciplined in achieving them. To help us with this he outlines a structure for goal setting based upon the prison’s systems of levels: Basic, Standard and Enhanced.

Bianchini has a very positive view of both the opportunity that imprisonment offers to prisoners and to his ability to engage with and to advise prisoners. There is no critical analysis of the prison system and its effects. His approach is very much based upon the personal responsibility of the individual to make the best of a sentence by following the guidance in this book. He is accomplished at describing concepts and ideas in simple accessible language which must be a great advantage in his work.

However, it is difficult to assess who would benefit from reading this book. It is not academic. Other than Maslow, there is no real discussion of theory or research. Professionals working in prisons will be familiar with the ideas and may feel that the book does not reflect the complexity of rehabilitation and resettlement. While the metaphor of the prison in relation to personal development is compelling, I am not sure that it will attract those who visit the self help sections of bookshops. Ultimately it falls between the two stools of a professional practice manual and a self help book.

Tim Chapman, Criminal Justice Consultant, Northern Ireland
targeted at slightly different readers. For example, Ashworth (Chapter 6) looks at ‘Written communication’ which is an invaluable chapter for the student about to embark on placement for the first time whereas Phillips’ approach in ‘Beyond the risk agenda’ (Chapter 10) suggests the need for some preliminary familiarity with risk procedures as he gets into some quite complex discussions about the effects of risk-driven practice. However, all the chapters are written in a clear and engaging style with an emphasis on explaining concerns, free from obfuscation.

The book is divided into 4 parts though the middle section containing parts 2 and 3 contain the majority of the chapters. Part 1 of the book provides a contextual framework for understanding work with offenders including chapters which outline the legislative framework (Wasik) and policy context (Nash) whilst part 2 focuses on the generic skills required, for example, engagement skills (Tallant, Sambrook and Green) and written communication (Ashworth). Part 3 looks at specialist areas of practice including the treatment of vulnerable offenders and other neglected groups (for example, Canton discusses ‘Working with mentally disordered offenders’ whilst Senior examines resettlement practice with offenders after prison). Part 4 draws the book to a close with a review of the value base of the criminal justice system with all of the contributors within this section expressing degrees of dissatisfaction For example, Green argues that welfare and redistribution values have been replaced by those which emphasize personal and civil responsibility such that the issue and impact of poverty on offending is often overlooked.

Although each contributor has added their personal emphasis a number of common themes emerge within the book as a whole. These include the need to be sensitive to the impact of social influences when assessing and addressing offending and also to be cautious about the ‘one size fits all’ approach to offender management which undervalues the impact of diversity and difference. There is also ongoing concern about the evidence base for many of the adopted methods of intervention. For example, Senior in Chapter 16 argues that ‘what works’ should still be ‘what works?’ to encourage practitioners and managers to keeping evaluating and learning about ways of intervening with offenders.

The book will be useful for teaching and training purposes as the discussion points included in each of the chapters provide ideal essay questions or themes for debate within seminars. The straight-forward nature of the writing and the way in which common concerns are drawn out makes it a valuable resource for students to extend their knowledge-base and to support essay writing. It will also be a useful text for current practitioners who make time to read (though many feel they do not have the time to do so) as whilst it does not shy away from acknowledging many of the problems inherent within current practice it recognises lots of the strengths that recent practice developments have achieved, so it is not a depressing read.

Editing a book can involve hours and hours of work nurturing and supporting contributors to bring chapters to fruition and ensuring that they have fulfilled their original brief. It is to the credit of both the contributors and the editors that the chapters are of such high quality. ‘Addressing Offending Behaviour’ is an invaluable resource for students, academics and practitioners. Maybe the editors could be persuaded to produce an abridged version for politician and policy makers to help them appreciate some of the key dilemmas of practice today.

Kathryn Farrow, Director of Education, School of Social Policy, University of Birmingham