

editorial

public perceptions and participation

Rob Allen puts this issue on Public Perceptions and Participation into perspective.

It is ten years since the ill fated implementation of the 1991 *Criminal Justice Act*, the last attempt in England and Wales to restrict the use of prison to the most serious cases and move community sentences to the centre of the stage. The prison population fell. But complaints by judges and magistrates that their discretion to sentence properly had been curtailed, the perceived failure of the unit fine scheme and a campaign by the police about bail bandits and persistent young offenders led rapidly to a change in direction. Since then both policy and practice in criminal justice have developed in the context of 'penal populism' with initiatives introduced and decisions taken with more of an eye on their effect on public opinion than on crime and offending. Earlier this year, the senior Law Lord Thomas Bingham told the *Spectator*: "Everybody thinks our system is becoming soft and wimpish. In point of fact, it's one of the most punitive systems in the world...It's the perception of crime not the reality..."

Sitting not always comfortably alongside 'penal populism' has been a growing interest in encouraging greater participation in various public institutions, including criminal justice. This flows in part from a desire to revive democratic forms of governance, to ensure that culturally conservative agencies – the police, courts and prisons reflect our increasingly pluralistic society. It also reflects a desire to strengthen links between the state and civil society and the

need for accountability.

It is the twin issues of perception and participation which form the focus of this edition of CJM. Mike Hough shows that the trend which has given us 30,000 more prisoners today than we had in 1992 is not confined to the UK and offers two scenarios, one optimistic, one pessimistic. He accuses the media of having "systematically misinformed the public and encouraged politicians to respond to the sense of public anger about crime that they have fuelled." Michael Teague sees the work of the probation service in particular as being undermined and undervalued by the media who at best misrepresent it and at worst ignore it. Steve Taylor's crime survey in Stratford upon Avon suggests fear of crime out of all proportion to the likelihood of becoming a victim. The role of the media is explored in more detail by Marie Gillespie and Eugene McLaughlin. Their analysis of focus groups suggests that the media's role is a good deal more complex than is often appreciated. Personal experience has a major impact on how media representations of crime and punishment are interpreted.

Such experience obviously starts at a young age. Richard Sparks *et al* give a fascinating insight into how children think and talk about these questions. It is well known that experience as a member of an ethnic minority means low levels of confidence in criminal justice agencies, especially the police. Neil Chakraborti and Jon Garland illustrate this with

reference to minorities in Suffolk. The clearest message from their work is the need for improved levels of communication between criminal justice agencies and minority ethnic communities. There is a growing interest more broadly in how best to communicate with people about criminal justice. Marion Janner shows how the disciplines of social psychology and marketing can be harnessed to create effective campaigns while Martine Stead *et al* apply a social marketing perspective to the question of how to reduce the prison population. Their focus groups revealed that there are many features of non-custodial sentences that people like and which tap into their underlying needs from sentencing. This is consistent with Rob Allen's analysis of recent poll findings of what the public think of prison.

It is widely accepted that greater public participation in the criminal justice system will increase confidence. Laura Edwards thinks criminal justice is missing a trick by not involving the public more, although she lists a wide range of opportunities which are described in more detail in other contributions. Trevor Grove reflects on his experience as one of 30,000 JPs, quoting with approval Lord Bingham's description of the lay magistracy as "a democratic jewel beyond price". Rod Earle has helped to evaluate the Referral Order pilots. The 5000 new Youth Offender Panel members who deliberate about what to do with first time young offenders may not be truly representative of the local community – something Lesley Simmonds found in her study of victim support volunteers. None the less for Earle they represent "an advance of the democratic impulse". Interestingly too he found that the integral participation of unqualified members of the public

provoked mixed feelings among professional Youth Offending Team staff.

No doubt similar feelings are likely to arise when ordinary members of the public play an inspectorial or advisory role. Since 2000, lay inspectors have worked with the CPS inspectorate to assess the CPS dealings with the public. Andrew Billington describes some of the difficulties of breaking into a closed professional world and the need for careful recruitment, training and support. For Lou Lockhart Mummery, a Board of Visitors member for eight years, prison "can still strike me as being somewhere on the other side of the moon". Rosemary Drewery outlines what is expected of the Metropolitan Police Independent Advisory Groups set up in the wake of the Stephen Lawrence case and the Admiral Duncan pub bombing. The roles and responsibilities are set out from the police side in an admirably clear way.

Such clarity of expectation currently seems sadly lacking in respect of the participation of victims of crime in the criminal justice process. Andrew Sanders is critical of Victim Impact and Personal Statements which are "probably more popular with people who have never used them than those who have". He argues that victim policy as it is currently unfolding serves to accentuate "the us and them of the popular media and populist politician".

For Vivien Stern, civil society has a key role in countering such a vision. Writing particularly about people working in prison, she argues that the most important role for outsiders is to be the conscience of the community. They must ensure people know what is being done in their name and help the politicians understand that their penal policies will not do.