

editorial

dangerous offenders

Kevin Stenson and Penny Fraser put this issue into perspective.

The theme of this issue is the identification and management of dangerous offenders by the criminal justice agencies. Defining the 'dangerous' offender can be difficult. It depends not just on the characteristics and behaviour of the persons concerned but also on the shifting legal definitions and professional procedures employed to define, assess and manage people so defined. While it could be argued that the police and criminal justice agencies have perennially dealt with the dangerous, many commentators have argued that now they do so in a new legal, political, professional and wider cultural climate. The optimism of the pre-Thatcher welfare state era included the belief that the 'goods' of civilisation could be spread to all, social problems conquered, and that criminal justice dispositions could include measures to deal with the deeper individual and social causes of crime. Hence, many of the dangerous were viewed as salvageable.

Yet it is claimed that the advanced liberal democracies are now 'risk societies'. This thesis posits that man-made risks, such as pollution and crime, now dwarf natural ones. Sympathy shifts from the offender to the victim, less faith is placed in salvaging the dangerous, and protecting the public from actual and potential threat is prioritised. As Greer's article shows, the tabloid media can play a vital role in reflecting and reinforcing the public fears that help forge this climate of opinion through the generation

of successive moral panics about high profile cases. This is particularly important in relation to serial killers like Ian Brady and paedophiles like Sydney Cook, who achieve folk devil status and reinforce a morbid public fascination with gore (see Sheptycki). Yet this focus neglects the greater carnage created by dangerous drivers, who rarely enter the cast list of folk devils (see Corbett).

It is claimed that in the risk society, the role of state and law is increasingly to predict, identify, contain and distribute the 'bads', the intractable risks that resist easy solution. This is aligned, firstly, to the new doctrine that crime control measures must be based on officially accredited evidence about what works. Secondly, it is linked to shifts from universal state service provision to a surgical targeting of effort and scarce resources, through multi-agency partnerships, to people and places defined as most risky and needy. This has given rise to a plethora of actual and proposed legislation that redefines risk and dangerousness and the populations hence created by these categorisations (see Hudson, Smith, and Peay).

This includes for example, the *Sex Offenders Act 1997*, the *Power of Criminal Courts (Sentencing) Act 2000* and the criminal justice paper, *Justice for All*, proposing unlimited detention for people as long as they are seen as constituting a risk to society. This and other legislation gives rise to policies and procedures that facilitate the identification, enumeration, and targeting of high-risk

populations and individuals in order to warrant their better management. Broadly, the Home Office has claimed that there are in England and Wales around 100,000 recidivists — not all considered dangerous — who need specialist attention.

They are disproportionately resident in the 4000 worst housing estates identified by the Government, which attract the bulk of the urban regeneration funding. Within this population and in a surrounding fringe of potential offenders it is thought there are smaller numbers of dangerous people who may be managed in community settings. It has been estimated that the new Multi-Agency Public Protection Arrangements (MAPPA) will be responsible for managing in the community around 47,000 registered sex offenders and other violent offenders. However, the allegedly most fearsome and disruptive hardcore who may at times need custodial containment are defined and managed under the category of Dangerous Severe Personality Disorder (DSPD). It is estimated that this involves about 2000 people, including 1400 in prisons, 400 in secure hospitals, and 300-600 in the community.

However, there are fears that the risk measures may be scientifically dubious and foster excessive caution among professionals, leading to many being unnecessarily diagnosed and detained. There are also fears that where the concern — heightened at times of war — about potential crime trumps concern about actual offending, then the values underpinning civil rights, due process and the tolerance of difference and minorities will be eroded in the name of protecting public safety. This is the weasel excuse of dictators through the ages. For example, the case of young sexual offenders highlighted by Brownlie, presents, perhaps, an 'unsolvable justice problem'

because of the acute difficulty in simultaneously 'treating sexual abuse seriously while avoiding further brutalisation of the perpetrators'.

As Heberton argues, the belief in the scientific status and efficacy in risk technologies and measures may mask a moral dread and provide a comforting security blanket, performing a similar function to our mediaeval forbears' belief in the power of relics of the saints to ward off evil and make life better. While the public must indeed be protected, there are fears that these new categories and measures may accelerate the move to a new age of great confinement. Echoing the workhouses, lunatic asylums and prisons of the 19th century, we may increasingly exclude and warehouse all those who cause a flutter of fear in our hearts.

More optimistically, the new digital ViSOR (Violent and Sex Offender Register) may improve the knowledge base of professionals working with these offenders in the community. It may also, reinforced by the inspiring example of the Derwent initiative (see Hughes), bolster public confidence in the creative, inter-agency, community-based work of the MAPPAs (see Bryan and Payne) in finding the right balance between public protection and supporting, monitoring and rehabilitating high risk people. We should recognise that even in a punitive climate, the commitment and capacity of professionals to use their discretionary space to undertake creative rehabilitative work with even the most challenging offenders should not be underestimated.

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