

I would give up...

As part of our Justice Matters initiative we are challenging people to think about a criminal justice practice, policy or institution to abolish or abstain from, here contributors offer their choices...

Tim Hope: The police service, particularly the uniformed branch, and its officers

There is no evidence that they are effective in any of the tasks and functions they set themselves to perform in society, especially those deterrence, surveillance and apprehension functions that have now become a perversion of the 'Peelian Principles' that are still claimed to be their mandate.

Their leadership is self-serving and obsessed with the exercise of power and the garnering of status, the rank and file riven through with a culture of prejudice and blind morality, which counterpoises 'us' (i.e. them) against 'them' (i.e. us). They crave the public's respect for their role in safeguarding liberty while resisting any democratic accountability to the communities they purport to serve, smirking in their canteens and messes about the Commissioners elected to supervise them.

They spend public money on their establishment with reckless abandon, justifying their existence with claims to a spurious expertise in fighting crime (which they cannot) while fiddling the figures and stopping and searching those whom they regard as 'police property' - populations whom they believe they have an authority to consider suspicious. The police fail to support and protect the vulnerable against the harms they experience to the extent that they are ineffectual against those who cause them harm.

The case for Police Abolitionism is derived from the ethical and moral principles of abolitionism often voiced with regard to penal institutions. In our contemporary world, a uniformed police cannot be a civil society institution; yet genuine control and prevention of crime is only achievable through the institutions of civil society, since the harms of crime are suffered by powerless citizens.

What to have instead?

To serve the public good, the uniformed police service should merge thoroughly with the community health, ambulance, fire, youth and social services to become a harm-response service with the delegated task of protecting and offering succour to the victims of crime, harm, negligence and abuse. Alongside the other public services, the police should promote community safety as a means of fostering public health based upon a genuine commitment to the well being of the community, in all its many varied and diverse ways of life. When not needed, the police should not intrude upon the privacy and liberty of citizens. As Bob Dylan noted, '...the cops don't need you and, man, they expect the same'.

To fulfil their role as a public service, a level of education and training is needed for entry into a profession that can stand alongside other public servants such as nurses, teachers and social workers instead of the in-service indoctrination of impressionable recruits lacking in either higher education or life-experience.

As for the many investigative and regulatory functions performed by the state, including law enforcement, appropriate agencies need to be formed and staffed by their own investigatory officials, with as much, or as little, powers of investigation and arrest as their statutory foundations allow them. Since much of this activity now takes place or is known about in cyberspace, regulatory and supervisory functions need to be focussed appropriately and competently by suitable agencies, within frameworks of accountability, rather than seen as simply another task to be grabbed by a squad of hastily trained police officers with half an eye upon lucrative post-retirement consultancies in the private surveillance industry.

Finally, the maintenance of public order and safety should fall within the capability of the civil harm-response service. Local Government Support Officers, whose role is to support the Community rather than the Police, should underpin the everyday peace of citizens, protection of whose civil rights is their primary duty. Political liberties upon which the police were founded did not sanction paramilitary force, nor do we need it now. ■

Professor Tim Hope is Chair in Criminology, University of Salford

Chris Stanley: youth courts

Many people working in the Youth and Family Courts systems believe there is a need for change. Some argue for a joining of the youth and family jurisdictions to form a Family Justice Court dealing with children holistically, with care and crime together. This is how the Scottish Children's Hearing system has operated for over 40 years. Children and young people who commit crimes are often the same children that are abused and neglected. Why not deal with them in one single jurisdiction?

Youth Court magistrates, week after week, see children and young people who they have to sentence for their criminal behaviour. They often come from families with a multitude of problems. If the main principle of a Youth Court is to reduce reoffending, how can a purely criminal court tackle these problems that are the underlying cause of the offending? A mainly criminal range of sentences does not address the needs of these families. Only by addressing these can we hope to make a start in reducing offending.

Our Youth Courts are mini adult courts. Much of the legislation is drafted for adults and handed down to the Youth Court with no regard for the particular needs of children. The Youth Court is often an inappropriate venue to deal with children and young people whose criminal behaviour has brought them to the notice of the criminal court, which cannot then address the underlying causes of that behaviour. Much of Europe has a holistic approach to dealing with children that are troubled or are in trouble. Some jurisdictions have inquisitorial systems. Would this approach be more suited to our young people?

Could it not be said that the way we treat children and young people should be the most important legal jurisdiction? The system needs to protect children that have been abused and neglected and prevent them committing further offences.

This 'Cinderella of the courts system' needs a complete overhaul. I would argue that we have in some respects gone backwards since the *Children's Act 1908* and the whole system needs a complete overhaul. A Royal Commission should be set up to examine the way we treat our children and young people under 18. Drawing on the experience of Scotland and Europe, the Commission could propose a more appropriate system for the twenty-first century. ■

Chris Stanley JP is Trustee, Michael Sieff Foundation

Tracey McMahon: short prison sentences and community payback

As a female serving a suspended sentence and an active voice in the rehabilitation arena, I have direct experience of the oppressive and destructive channels we are forced to overcome. I am self-employed and have experienced mostly, intelligent and forgiving people from varying arenas. However, the biggest obstacle I have faced is (with first-hand experience of what is lacking in rehabilitative tools), working with the very services that claim they have rehabilitation covered. Here are my thoughts on what should be abolished.

Short prison sentences for Summary Offences

The Prison Estate is packed to the rafters. There is little point in sending people to prison for short periods. Having spoken directly with women in particular, who have served short sentences, I have recently developed a programme that I intend to run in my town, where services are lacking particularly for women. Short sentences are expensive and nothing is gained from them apart from an increased burden on the long-suffering taxpayer. A community-based alternative to prosecution for low-level summary offences (as recently piloted in Hull) has a far more productive outcome than a short prison sentence could possibly achieve. Despite great moves to improve literacy in prison, there is absolutely no way a person can learn to read effectively in less than six months. A more tailored programme and gender-specific programmes will cut offending. If the government and the public insist on treating people who have the long arm of Regina pointing at them, with a lack of intelligence and respect, then what is reciprocated is likely to be the same.

Without a doubt, the abolishment of short-term prison sentences is necessary. They are costly, ineffective and do absolutely nothing to cut offending. Bring in programmes to work with people and address the cause, not try to appease the effect.

High visual vests with 'Community Payback' displayed

I have worn a vest when I was ordered to undertake 60 hours community 'payback'. Despite the fact my community was not involved in the process whatsoever, these vests are the twenty-first century version of black and white striped prisoner outfits from bygone eras. These serve no purpose apart from ensuring the public see quite clearly that those who commit offences are being 'dealt with'. If you want to see parents steering their children away from the 'wrong uns' then these are the vests to do it. If community payback is a sentence, how hard can it be to make the sentence work both for the community and the person ordered to undertake work that benefits both? These high-visual vests are nothing to do with health and safety, only to 'punish' the person further.

The other aspect of community payback is that of the work. Often carried out geographically away from the direct community the person lives in, the time wasted is vast. I have experienced community payback; from 9am-3pm, the majority of time is spent waiting around to be collected by the van to be transported to the area of work. I specifically timed the hours worked in a six-hour period, this was two hours, and the rest was spent travelling and waiting around for the course providers to appear. This does nothing to address offending behaviours or the cause of crime. Community payback has far more substance if used correctly.

There are many community projects, which will assist a disengaged person into re-engaging with their direct community. Much is made of restorative justice; why not use it to help communities come to terms with accepting those who have found themselves in a dock. Effective use of communities can install pride and care for those who have become disengaged. Abolish the current work arrangements and use the time more effectively. ■

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Ben Bowling: suspicionless stop-searches

Thousands of police hours every year are wasted stopping and searching through the pockets, bags and belongings of entirely innocent people. It's not only worthless in terms of its preventive effect, an unnecessary intrusion into liberty and privacy and a drain on police budgets, but contributes to weakening public confidence and trust in the police. The wasted time and effort could be used to speak to young people as citizens rather than suspects, to find out what would make them safe and happy and to contribute to building up resources in the community that could make a positive contribution to well-being and community cohesion. ■

Ben Bowling is Professor of Criminology and Criminal Justice, King's College London

JM Moore: using criminal justice to solve social problems

When faced by the challenge of identifying 'what bit of the criminal justice' I would give up I was tempted to refuse. For me it is a bit like asking what methods of capital punishment would you abolish? By focus on one aspect, and by identifying it as particularly problematic, other aspects are, unintentionally, legitimised. So my first reaction is that the whole criminal justice system is so toxic, (with its single solution – state inflicted blame and pain – offered to every single problem it confronts), that we should not pick and choose but abolish the whole system, lock stock and barrel.

But on reflection there is something specific I think we need to focus our energies on abolishing, what Joelandeuitt Beijerse and Rene Kool have referred to as the 'traitorous temptation of criminal justice'. In contemporary society it is clear we face a whole range of social problems which need solutions. The common sense of our age has increasingly been to conceptualise these problems in a manner that makes criminal justice the obvious response. Homelessness, poverty, pre-natal care, squatting, hunger, protest, poor mental health, drug use and abuse and the failure to buy a TV Licence are all seen as problems best solved through criminal justice interventions leading in many cases to the infliction of punishment through imprisonment. Readers of this blog would most likely agree that these are all areas where criminal justice interventions could (and should) be rolled back, even possibly abolished, but what about killing and sexual violence? Surely we need the criminal justice system to protect us from those serious harms?

Distorted perceptions

Death is something we all legitimately want protection from. But our perceptions of dangers are highly distorted. For example, although the media focus on violent murder in 2012/13 three times (30) as many people were killed in fatal 'police related road traffic incidents' than were murdered by firearms (10). Even if we look at the total number of murders, 551, it is a much smaller number than the number of suicides, 6,045; preventable deaths in hospitals, estimated to be 11,859; occupational exposure to asbestos, which resulted in 6,846 deaths; smoking, responsible for 79,100 deaths and alcohol which contributed a further 8,748 premature deaths.

Criminal justice by focusing on one, relatively small, cause of avoidable premature deaths, deflects attention away from far greater harms. These avoidable harms which kill far more people are as a direct consequence placed in a 'lesser' category and are allowed to continue either unregulated or subject to 'voluntary' codes or light touch regulation. They are not so serious. But their victims are no less dead than a murder victim. But even when it comes to murder where the criminal justice system claims success its focus is on individual blame. However as Danny Dorling has highlighted, murders are not just random events, their distribution and causation have geographical and social roots. Whilst the richest 20 per cent of the population saw the incidence of murder decline over the last 20 years of the twentieth century by 5.5 per cent, the poorest 20 per cent experienced a 36.5 per cent increase. Criminal justice ignores both the wider social context in which murder takes places and the opportunities this knowledge has for reducing future harm.

Gendered and sexual violence is a major social problem on an epidemic scale. But despite the successful campaigning of feminists resulting in radical changes to the law concerning rape and other sexual offences, the criminal justice system continues to fail victims or hold perpetrators to account. Even official figures, which are likely to be an underestimate, suggest that only about 1 per cent of rapes result in convictions. The overwhelming majority of those who perpetrate sexual violence do so with complete impunity under a criminal justice regulated system. Far from protecting the victims of sexual violence it has consistently re-victimised them and protected the perpetrators. Even the token number convicted and incarcerated are disproportionately drawn from the social groups whom criminal justice target, the poor, those with learning difficulties and black and ethnic minority communities – the usual suspects.

Resisting temptation

By falling for criminal justice's 'temptation' and accepting the myth that, at least for those behaviours considered to be serious crimes, criminal justice exists to protect us we effectively legitimise it as a proper and effective solution to (at least some) social problems. Whilst this legitimisation does not lead to any refocusing of the criminal justice on the most significant harms we face it does reinforce the legitimacy of the criminal justice systems continued disproportionate focus on the poor, homeless, ill, BME communities, and socially excluded. Not only are we 'traitorously' exposing these groups and individuals to the pain infliction which is the ultimate impact of criminal justice interventions but at the same time we are not protecting society from those individuals and behaviours which represent the greatest threats to our well being.

Social problems, be they homelessness or sexual violence, premature unnecessary death or poverty, need solutions. Creative solutions to these problems need to be based on social justice not criminal justice. By abolishing the 'traitorous temptation of criminal justice' and rejecting criminal justice solutions we can redirect the considerable resources currently focused on inflicting pain on some of the most vulnerable in our society to more constructive and productive solutions ■

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Note: Beijerse and Kool's paper, 'The Traitorous Temptation of Criminal Justice: Deceptive Appearances? The Dutch Women's Movement, Violence against Women and the criminal justice System' was first presented to a European Group for the Study of Deviance and Social Control Conference in 1988 and will be republished later this year in *Beyond Criminal Justice: An anthology of Abolitionist Papers*, (eds. J.M. Moore, B. Rolston, D. Scott and M. Tomlinson) E G Publications.

Jordan Beaumont: the term 'criminal justice system'

The 'criminal justice system' (CJS) promotes, reproduces and creates injustice, but the presence of the word 'justice' implies that it is a source of justice. Victims and society as a whole do not experience justice beyond outdated punitive notions while the perpetrators, who have often been victims themselves, are predominately drawn from the most vulnerable sections of society and sucked into a cycle of criminalisation.

So why then do we call it the criminal 'justice' system? This clearly is at odds with the reality. In the same way others have called for us to not label those found guilty of an offence as 'offenders', 'ex-offenders' or 'criminals', on the basis that this reinforces and supports a master status of their supposed inherent criminality, we should not continue to refer to the criminal 'justice' system. Our continuing use of the word 'justice' means that we are colluding in the idea that the CJS really does dispense justice.

Continuing to call it a criminal 'justice' system also has a negative effect on those who advocate a move towards a social justice system. The argument in favour of a social justice system is weakened so long as we continue to collude in the idea that the current criminal system in the UK is a 'just' system. The mere presence of the word and our continuing use of it implies that both are a form of or a route to 'justice'.

So what term might better fit the bill?

The 'prison industrial complex' is a term used to describe the situation in the United States, where a collection of organisations and institutions benefit from and structurally reinforce the prison estate. I would argue that in the UK we have a 'criminal industrial complex', with a media that ideologically reinforces and promotes criminalising interventions, private companies that are increasingly involved along the lines of the American system and third party organisations that are also being drawn in.

We now have a dense network of institutions that benefit and structurally reinforce criminalisation as whole, which means that the 'criminal industrial complex' risks becoming our only way to deal with societal issues and harm.

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