

ISTD organised a series of five afternoon seminars in June and July 1990 on the Victim's Charter, Youth Crime Prevention and Race Issues in Criminal Justice. The 5th seminar on sentencing and the media will be featured in the next issue of CJM. Papers from speakers marked * in the text are available from the ISTD office for £1.

The Victim's Charter: A new deal for victims?

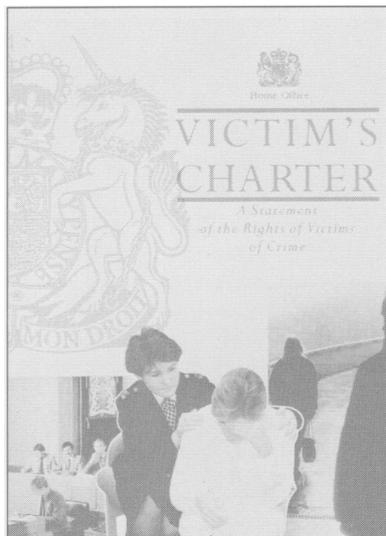
The Charter, said Helen Reeves OBE, Director of Victim Support was launched by the BBC on European Victims Day, 22 February 90; it contains little new information she said but is a summary of the needs of victims and a public declaration by the government that it intends to adopt policies to meet these needs.

In the early 1980s, she said, victims were concerned at the lack of care, consideration and concern given to them by the police and courts. There was a growing awareness that victims needed help soon after the event to offset the emotional trauma they were suffering and that they needed advice on security and some re-assurance they would not be re-victimised. Things began to change in the mid 1980s.

The Charter will encourage victims to learn their rights and may bring pressure for change. However no funding has been allocated to implement the Charter, no one has been made responsible and no time-table has been indicated for the implementation of the reforms.

Helen Reeves reported that as a result of the Charter, the Lord Chancellor had requested comments from the judiciary within two months, Victim Support was to have input into the training of crown prosecutors, magistrates are encouraged to ask victims if they have enjoyed their day in court and new witness areas for victims are to be provided in the courts.

David Miers, Senior Lecturer in Law at Cardiff * said that Criminal Injuries Compensation is currently for personal injury not property damage. There has been an appalling level of delay in the processing of compensatory claims in spite of recent improvements; nevertheless over 90% of claims still take over nine months to process. To receive compensation the victim must report the crime



to the police. In 1989/90 there were 53,000 applications for CIC - only 24% of eligible victims. Application forms had been sent to the families of all survivors of the Lockerbie disaster but very few applied. The minimum amount that can be claimed is £750, an amount that excludes many victims from eligibility. 63% of all applicants were successful.

The Criminal Injuries Compensation Board takes into account the character of the victim, so if the claimant has a previous conviction his claim may be jeopardized. Recently, train drivers who kill or maim persons attempting to commit suicide have become eligible for compensation.

Compensation from the convicted offender can also be paid to victims by order of the court. However, most offenders have limited means and this option is not viable. Also if victims have adequate insurance they may not want compensation from the offender, especially if it is to be paid in £5 instalments over a lengthy period.

The third speaker **John Stein**, Deputy Director of the National Organisation for Victim Assistance (NOVA), Washington DC thought that many victims wanted to make decisions about the sentencing of offenders. In the USA 90% of all guilty pleas are decided by plea bargaining, ie. there is no trial. The victim is involved in this decision making from the start and also gives an opinion on sentencing.

Victim Impact Statements which can be given in written or oral form have been introduced in forty eight States. Victims comment on the length of sen-

tence and, in those States where it is applicable, whether the death penalty should be enforced.

In spite of John Stein's conviction however most of the seminar participants remained unconvinced that British victims' interests would be served by closer involvement in decision making in the criminal justice system.

Kate Hannaford, an Australian criminologist, attended the Victim Charter seminar in June whilst in the UK on a Churchill Fellowship.

Youth Crime Prevention Causation, Diversion and Social Change

Youth crime is a topical issue. Each probation area, at the direction of the Home Office, has implemented an 'action plan' targeting young adult offenders (17-20 years), with the intention of 'diverting'. **Diversion is the word of the moment - diversion from prosecution, diversion from custody. Diversion from offending via prevention must however surely be the most desirable strategy for all concerned, as early prevention is critical in deterring offending behaviour in later life.**

Any seminar addressing youth crime prevention will inevitably focus upon causation, diversion and social change. Causation: what underlying causes contribute to escalating youth crime - the moral decay of society or social deprivation? Diversion: how can young people be diverted from criminality - and at what point should this occur? Social Change: what is needed to facilitate diversion - community regeneration, youth crime prevention projects or the rebuilding of society's eroding moral core? The answer to the last question is wholly dependent upon the answer to the first.

Graham Sutton, (Criminal Policy Department, Home Office) identified three facilitators of social change in the field of youth crime prevention - the family, education for promoting 'citizenship' and an expanded youth service.

The work of **Christopher Dare** and **Elaine Bozkurt** * (NACRO) fell within the third agent of change outlined by **Graham Sutton**. They gave an account of two innovative and highly successful youth projects (of the twelve which exist) run on 'disadvantaged high crime'

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housing estates. The schemes aim to facilitate early diversion from crime and are based on the principle that a lack of recreational facilities for youth fosters a high incidence of crime. In East Birmingham (Saltley) a motor project has been set up to curb a high rate of auto crime, whilst the creation of another youth project on the Golf-Links estate in Ealing has accompanied a significant drop in the youth crime rate over a two year period.

John Kinloch, Strathclyde Regional Council, Community Education, spoke extensively on disadvantaged youth, placing the plight of young offenders against a backdrop of high unemployment, social deprivation and the decline of the extended family. The issue, it would appear, is less one of moral degeneration and more one of social disadvantage. The important prerequisites for social change in terms of prevention were outlined as: first, adopting a more positive approach to youth, second, addressing the needs of disadvantaged youth and third, collaboration between welfare agencies, the aim being to empower youth through the provision of practical information, advice and help.

John Bright, Crime Concern, presented two current models of crime prevention. The first is reliant upon surveillance and includes neighbourhood watch schemes. The second posits that offending behaviour is influenced by social

forces which can be changed. Here solutions are offered in the form of neighbourhood regeneration programmes, effective management, support for families (pre-school and nursery provision), and youth crime prevention programmes. He suggested that only a move to the second model would challenge underlying causes.

Julia Davidson is research officer with the N.E. London Probation Service.

Race Issues in Criminal Justice

During the last few years major steps have been taken by the main criminal justice agencies, organisations and professions to tackle racial injustice. Despite this, we still face a situation in which ethnic minorities make up almost sixteen per cent of the prison population and, staggeringly, over a quarter of those in female establishments, although they are only between 4% and 5% of the population as a whole. Black people continue to be over-represented in those parts of the system which deal with wrong doers and those suspected of wrong doing, but are still under-represented in the staffing of the criminal justice agencies and professions, particularly at senior level.

The two seminars (Race Issues in

Police, Prison and Probation and Race Issues in Sentencing and the Law) were very knowledgeably chaired by **Navnit Dholakia JP**, Commission for Racial Equality and **Trevor Hall**, Community Relations Consultant at the Home Office, and were addressed by speakers working in different specialisations within the criminal justice system: **Cecil Ross JP**, who drew upon his experience as a youth and community worker in his talk about policing issues; **Yvonne Weekes**, Senior Prison Officer and Race Relations Officer at Holloway Prison; **David Reardon** * of the Association of Black Probation Officers; **Jocelyn Gibbs**, a Barrister and Assistant Recorder; **Dorette McAuslan**, who spoke about her experience as a magistrate and **Navnit Dholakia** * who spoke on sentencing and the law. It is still unusual to attend a seminar on criminal justice issues at which all the speakers are black or asian and it is also unusual for speakers to be asked to talk from their own personal experience of racial discrimination and what has gone wrong with efforts to eliminate it. This approach made more vivid the reality which underlies the more familiar statistical picture.

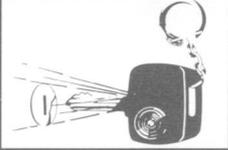
The aim of the seminars was not however to list the problems but to identify ways forward. There may be limits to what can be achieved by change within the criminal justice system itself: where black people commonly face discrimination in employment, there is little reason why they should respond positively to attempts to recruit them to work in the police or the prison service which are widely perceived as part of a racially oppressive system. Progress in terms of recruitment, retention and promotion of black staff is being made but very slowly. Radical changes and positive action are needed now.

It is not only a matter of employment practices but is also a matter of what can be done to address the over-representation of black people in prison. As **Navnit Dholakia** put it: the question we need to address in practical terms is not why black people came to be incarcerated but how the criminal justice system produced the discrepancy. A proper system of ethnic monitoring is required to address this question. As the two seminars showed, a great deal remains to be done to ensure racial equality in criminal justice.

Maggie Sumner is Principal Research Officer with NACRO.

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See article by Diana Lamplugh on p.20

Race Issues in Police Prison and Probation

The three speakers presented very different approaches to race issues in three institutions. These approaches seemed to be as much informed by the three speakers' professional and working knowledge of the actual impact of issues of race and racism within criminal justice as they were informed by the roles and responsibilities of the three agencies of which they spoke.

Cecil Ross presented a broad ranging analysis of the tensions and expectations of the black community and the police. He detailed fundamental problems which were related to the activities of the police and to the mistrust felt by a substantial number of black people toward the police and their methods. He suggested that general police attitudes toward black people were often negative within the lower echelons of the police structure and impractical and unrealistic at the higher levels. **Cecil Ross** posed the question 'Are we (that is those concerned about the matter) supporting the police enough?'. He felt that much more could and should be done to share the problems within both the white and black communities.

Yvonne Weekes, a senior prison officer and prison race relations officer at Holloway, gave a detailed description of her experiences as a black person working within the prison setting. She adopted an optimistic position. She felt that although there was racism within prisons it was being offset by the efforts being made by the Prison Department, and consequently by the individual establishments, to tackle the problem. She felt that a combination of these positive policies plus the increased recruitment of black prison officers was the way to deal with race issues and the way to tackle covert racism.

David Reardon*, Assistant Chief Probation Officer, and Vice-Chair of the Association of Black Probation officers, gave the meeting a comprehensive analysis of both the race dimension within criminal justice as a whole and within the probation service in particular. He clearly stated that there was now ample evidence, from both Home Office research and individual research, to demonstrate that the criminal justice system discriminates against black people. He

challenged the attitude that the system treats everyone alike by clearly indicating that research and statistics show that this is not the case. He felt that the probation service 'can break the circle of racism' through anti-racist strategies such as the monitoring of reports for racism and stereotyping and the gatekeeping of sentence recommendations so as to ensure that probation officers do not recommend harsher sentences for black offenders. Ultimately, he felt that in the probation service managers had a responsibility to initiate such strategies but that currently such developments seemed to originate from teams rather than from management policies and that they were therefore not consistently applied across the country.

Martin Davis teaches on the certificate in criminology course for ISTD and University of London and is Leader of the Special Programmes Unit, Middlesex Probation Service

A Future for Probation?

Research workers within the Probation Service, like researchers in every walk of life, have high expectations that public policy making will be well informed and conducted in the same rigorous manner to which they aspire in their own research enterprises. The same researchers also have a need, whichever direction public policy takes, to know what that direction is, so as to provide them with a context for the planning of their own work. From both points of view, this ISTD conference, which took place in September, brought a number of important issues to light.

Firstly, there appeared to be accepted amongst conference participants, a general view that the consistency of probation practice across the country ought to be improved, and that it would be possible to define a set of national standards with which all practice would be consistent. This viewpoint however is one which researchers would suggest cannot be supported by research evidence. Even if it could be so supported there is lamentably very little research to indicate which forms of practice ought to be built into a national standards guide.

A second issue relating to the use of research was the feeling that central government does now recognise the need for probation resources to be aimed not only at confirmed serious offenders, but also

at those who are at risk of becoming the confirmed serious offenders of tomorrow. Arising from this issue, there appeared also to be some recognition of the research findings which indicate that social work methods can be effective not only in tackling criminal propensities but are the only solution in a many cases. Both these government points of view could be supported by research evidence, but it is not known whether such evidence was used to inform the decision.

As a researcher in probation I was left with the feeling from the conference that the service will in fact be moving 'centre stage' in the criminal justice system, and will be required to be involved in more than, but not at the expense of, social work with offenders. Researchers in probation are therefore likely in future to need to be able to analyse the effectiveness of different kinds of supervision regimes in terms of their ability to contain as well as reform offenders.

As part of the 'centre stage' position it seems possible that research staff will be taking a similarly central position in the analysis of local criminal justice systems and arrangements. An enhanced role for probation services and probation committees in strategy development implies a need for researchers to be able to communicate their findings to non-professional staff, and also to be undertaking research activities more clearly related to strategic decision taking.

Partly because of some of the issues raised at the conference, research staff within the Probation Service are increasingly aware of a need for them individually and collectively to open up the debate about what is good practice so as to ensure consideration of the available research evidence and stimulate the commissioning of research in those practice areas where there is presently no evidence at all. NPRIE (the acronym for the National Probation Research & Information Exchange), which is an association of R & I staff in Probation, and ACOP (the Association of Chief Officers of Probation), have begun this process by producing a catalogue of the available research into probation practice. Both are also planning conference events in 1991 around the theme of 'What Works in Probation', which may be organised in collaboration with ISTD.

Paul Kiff is research and information officer with the NE London Probation Service and Chair of NPRIE