

# editorial

## justice in the dock

The criminal justice system of England and Wales has been the recipient of much criticism over recent months, and not just from the bunkers of civil libertarians, investigative journalists and critical criminologists. A look back over the events of recent weeks can provide only some flavour of that debate. For example, even before calls for the resignation of the Director of Public Prosecutions had quietened down following the High Court's recent ruling of unlawful killing in the case of Shiji Lapite and Richard O'Brien, the Chief Constable of the West Midlands Police was bemoaning the nature of the police disciplinary procedure, and specifically its inability to allow for the proper treatment of what he saw as corrupt officers. Meanwhile the Police Federation was finalising its own proposals for the introduction of an independent investigation system into allegations of police malpractice.

And it is not just the police and Crown Prosecution Service which have come under fire. Other component parts of the system continue to experience the wrath of penal reform groups, some journalists and academics, as well as ex-employees, serving staff members and officer associations be they in the probation service, the judiciary or the prison service. One need look no further than New Labour's continuation of the previous Conservative administration's policy towards the use of incarceration and the criticism it has received to gauge the temperature of hostilities towards issues of crime and justice at the end of the twentieth century.

Yet haven't we been here before? Of course! And, wasn't something done about it the last time? Again, of course it was, but, not necessarily for the better, as **Jacqueline Hodgson** contends in her introductory article to this issue. The Royal Commission on Criminal Justice which reported in 1993 failed, Hodgson argues, to provide the critical review of the process of justice which was so evidently needed following a number of high profile miscarriages of justice, but rather reversed the problem altogether; 'the original problem was turned on its head and the recommendations which followed did not tackle the routine injustices suffered by citizens and the malpractice of police and prosecution, but were designed instead to widen state powers of investigation and evidence gathering, placing the accused in an increasingly weak position'. Improvements in the system became not, Hodgson argues, about justice and fairness, but rather about efficiency, risk management and system surveillance.

It is within this context that we have put together this issue of CJM. In doing so our intention has not been merely to add to the criticism already directed at parts of

the criminal justice system, but rather to raise some issues about particular debates going on at the present time, and to outline and evaluate a number of mechanisms for complaint and redress.

As a result, contributions focus upon several aspects of the criminal justice system. After a note on disclosure, by **Michael Grant**, we begin with a look at the nature of police work and the role of the Crown Prosecution Service.

**Paul Whitehouse** in conversation with **David Kidd-Hewitt** talks about recent suggestions from within the police that not only are there corrupt officers but that the system of discipline is unable to call such officers to account; **Deborah Coles**, **Helen Shaw** and **Tony Ward** critically evaluate a number of issues surrounding recent deaths in custody and police malpractice; **John Cartwright** outlines the nature and role of the Police Complaints Authority; while **Bryan Gibson** offers a personal reflection on the case for the prosecution.

One consequence of the Royal Commission on Criminal Justice was the establishment of a new authority, independent of government, which would assume responsibility for cases of miscarriages of justice. The Criminal Cases Review Commission came into being on January 1 1997. **Leonard Leigh** in his contribution to this issue offers a review of the work of the commission since this time.

The use of imprisonment, and the Prison Service more generally, have also come under stringent criticism. **David Wilson** offers an insight into prisoners' complaints to the Prison Reform Trust; **Kate Akester** looks at the use of mandatory sentences for young people convicted of murder (Detention During Her Majesty's Pleasure); **Annabel Ferriman** focuses upon the plight of asylum seekers and **Mary Eaton** considers the position of women in Special Hospitals.

It has often been suggested over recent years that the public and media play too influential a role in determining criminal justice policy and practice. It is within this context that **Andrew Ashworth** takes to task some recent comments made by the Lord Chief Justice, Lord Bingham, regarding the pressure of public opinion and sentencing and **Nick Ross** outlines his own thoughts on the role the media can play in securing or undermining justice.

To complete the issue, **Mario Matassa** looks at the role that some play in exerting their own justice - in this case through a study of paramilitary style 'rough justice' in Northern Ireland; **Alison Liebling** offers a review of ISTD's recent *Deaths of Offenders* Conference held at Brunel University during the summer, and **Ann Clark** reviews a recent study of racial violence in Europe.

This examination of a range of issues in which justice may, differently, be said to be undermined will, we hope, provoke some reflection amongst readers.

*Peter Francis, Yolande Burgin and Julia Braggins*