The victims of racist violence

Hilary Brown looks at institutional racism within the criminal justice system and the consequences for victims of racist violence.

The following outlines the circumstances relating to an unprovoked racist attack on two Black teenagers and the five year old sister of one of them on August 19th 1997.

What distinguishes this attack and makes it all the more disturbing is the response of the relevant authorities, including the police and CPS. What emerges is a culture of institutionalised racism which, without the intervention of the Butetown Citizens Advice Bureau, the 1990 Trust and the Society of Black Lawyers, would undoubtedly have resulted in the innocent victims of this vicious attack being convicted of serious offences under the Public Order Act; offences which attract potential custodial penalties.

The attack

In the early evening Marcus Walters (then 18) his sister Emma (then 5) and his friend Francisco Borg (then 17) left their homes in the Butetown area of Cardiff in Marcus' car to travel to Roath. While driving Marcus slowed to a virtual standstill to negotiate a narrow traffic calming grid. As he moved over the grid a cyclist, Sean Canavan, rode off the pavement and tried to force his way past the oncoming car.

As the cyclist passed the cars occupants heard a loud bang against the side of the vehicle and, thinking that some accidental collision had occurred, Marcus stopped to inspect the damage and see that the cyclist was unharmed. As he got out of the car the cyclist approached the car, shouting and before Marcus was able to say anything punched him in the face. A scuffle then started as Marcus defended himself against the continuing attack and in the meantime, Francisco got out of the car to attempt to calm the situation.

At this point an associate of Canavan, John Shepherd arrived with an aggressive dog and menaced the two teenagers, while inciting the dog to attack them. He threatened to put the agitated dog in the car with the terrified child and racially abused all three. At this point a bystander extricated the child, shouting that he would take her to a nearby shop and wait for the teenagers. Marcus drove the car into an adjoining street and Francisco escaping on foot. They were reunited as they returned to search for Emma but then encountered a larger group, including their two original attackers, which necessitated their escaping in the car. It was whilst escaping that they spotted a police vehicle and flagged it down to ask for help. After explaining briefly what had happened and emphasising their fears for the safety of the child who had of necessity been left with a stranger they followed the officer back to the scene.

As they arrived they spotted their two attackers amongst a group of around five or six running across the road towards them. The group surrounded the car, throwing a bicycle at it and smashing the driver's window, before trying to drag them both out. Only at this point did the officers (now numbering three) intervene, the attack continued and the terrified teenagers tried to escape by jumping out of the car and running away.

The arrests

Other police units arrived and, seemingly oblivious to the fact that it was the teenagers who were being subjected to such a determined attack, proceeded to arrest both. In the process of making these arrests the officers felt it necessary to employ CS gas on one of the Black teenagers, later justifying this by saying the boy was resisting arrest; both were handcuffed and thrown into the back of a police van.

Only one of the white group was arrested and was neither gassed nor handcuffed, but left to sit unattended in the back of a police car, despite the fact that he had attacked the car with the bicycle and smashed the driver's window in full view of at least three officers and is visible on CCTV footage of the incident struggling with an officer, along with others in the attacking mob.

In custody

Following the arrest the Black teenagers were left to sit in the locked van with no ventilation (this was in the middle of August) for approximately ten minutes, further aggravating the effects of the CS spray, whilst the police (numbering around eight) directed traffic. A protracted journey to two police stations meant they remained in the police van for over one and three quarter hours so could not wash off the spray. During the time they spent in the van they were told it was "too fucking bad", when they informed one officer they could not breathe because of the gas.

Once in the police station, they were denied access to washing facilities for the effects of the CS spray, but had to make do with a cup of water passed through the door of the cell. They were also not given any medical treatment for the injuries sustained during the attack or the subsequent arrest.

Having been placed in the cells at around 8pm, Marcus was interviewed at about midnight and Francisco was then interviewed from about 1.00am. They were both released from custody at 3am but were obliged to wait for the car to be released to them. They then sought medical treatment at the Cardiff Royal Infirmary, where doctors noted severe irritation from the spray, deep cuts, widespread bruising and swelling. The following day Francisco found the skin peeling from his face and continued to suffer a burning sensation from the effects of the spray for four to five days.

It is important to remember that the reason for the boys being accompanied to the location at which they were ultimately arrested was their concern for young Emma. Despite that, it was not until the bystander who had removed her contacted the police to inform them that she was under his protection that any steps were taken to find her. She was then transferred to Cardiff Central police station, extremely distraught, where she was eventually reunited with her mother.

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"These two victims of racial violence were left with the impression that the criminal justice system is not designed to provide them with justice. The overall impression given to them (and their advisers) was that their views were not welcome, they had nothing to contribute and that they should stop trying to interfere with things which did not concern them."

Charges and criminal proceedings

The two Black teenagers were charged as an immediate consequence of the incident, the charges being as follows:

- **Marcus Walters**
  violent disorder (contrary to S2 Public Order Act 1986)
- **Francisco Borg**
  violent disorder (as above)

These charges were ultimately withdrawn as on the third appearance at Cardiff Crown Court on 15th April 1998 the CPS opted to offer no evidence. There was still, however, an insistence that Marcus be bound over for 12 months. The above was only achieved after seven court appearances over a period of five months, and despite the fact that the evidence, in the form of the statements of police officers, contained innumerable contradictions. The accounts presented, all differed in significant ways from the CCTV video of the incident.

In contrast to this, the charges made against the white attackers were as follows:

- **Sean Canavan**
  violent disorder
  criminal damage
- **John Shepherd**
  violent disorder
- **Raymond Lovell**
  violent disorder

The first defendant was the only one arrested at the scene and was charged later that evening. The others were arrested on the 18th and 19th October respectively and only then after some pressure on the police from the local MP and Butetown Citizens Advice bureau. These latter two arrests were only possible as a result of the defendants being recorded as witnesses by officers at the scene.

The first two defendants were eventually convicted of violent disorder (although the charge of criminal damage was not mentioned) following pleas of guilty being entered, and the third pleaded guilty to a lesser charge of using threatening words and behaviour (contrary to S4 of the Public Order Act 1986).

The case against the prosecution

The above results were arrived at following a period of sustained pressure and intense campaigning in support of these two young Black men, and it is almost without question that had they relied on the advice they originally received, and pleaded guilty, they would now be serving prison sentences. What went wrong and what should have happened to ensure that this result was arrived at without the extraordinary intervention that did take place? Considering the circumstances of the attack why were the two Black men arrested, let alone charged and prosecuted?

CCTV footage shows a gang of white men attacking a car in full view of at least 3 police officers. It is clear who are the aggressors; why was it so unclear to the officers present? When the officers who eventually make the arrest arrive, they would not have seen the attack but why, out of all the people involved, are the Black men the ones arrested?

Why was it felt necessary to use CS gas? The police statements give the impression that Francisco Borg was wildly flailing around in some sort of violent rage, and *"shouting [these] obscenities directly into the faces of the two officers who were attempting to restrain him as if in a show of defiance towards them."* The CCTV shows this is clearly not the case. Is this an exercise in the post-justification of the use of CS gas or is this genuinely how these officers perceived the situation to be? In either case it seems a highly inappropriate response and suggests that the officers were not approaching the situation objectively, but instead saw a Black youth involved (in whatever role) in a disturbance and considered that he should be apprehended with all the force at their disposal.

It is hard to speculate as to the exact motivation of these officers, but the facts are that out of perhaps seven or eight people visible on the CCTV footage as being involved in the incident, only one (who is clearly not behaving in the manner described), was CS gassed. While the boys were at the police station officers had expressed disbelief that neither had previously been in trouble with the police.

It is perhaps this last point which best illuminates the police attitude. That as Black people they must *surely* have been at some time in trouble with the police. This must surely be seen as an example of institutionalised racism, in that these Black teenagers were treated in a way which falls far short of how they, or any other person would expect to be treated, and that this treatment resulted from the preconceptions held by officers and assumptions made about the character and behaviour of young Black men. The fact that the case against them continued unquestioned merely serves to demonstrate how entrenched and all-pervading these attitudes are.

Contrast this with how police responded to the white attackers. Police statements describe how moments before this incident, they gather in a mob, shouting "we fucking hate blacks", before moving off to hunt their victims, yet the officers do nothing. The CCTV footage shows this gang run across the road and attack the car unhindered by the police. The pictures show the attack continuing in the presence of officers and the arrest of the victims, yet the police statements show a picture of two violent and uncontrollable Black criminals who can only be pacified with the use of CS gas. The white attackers are seen as potential witnesses and are only arrested after pressure has been brought on the police.

All of the above leads naturally to a consideration of the role of the CPS in the conduct of this, and other cases where racial motivation is a factor. In this instance, following the three white attackers guilty pleas the trial judge ordered a Newton hearing to examine the issues of racial motivation. This is of course essential and quite proper to ensure 'justice is seen to be done'. However, in order that this function may be achieved, it is essential that all concerned understand and discharge their responsibilities comprehensively, not least the CPS. For the CPS this includes doing their utmost to secure a finding of racial motivation where appropriate; in this instance it is felt that this standard was not reached.

There are a number of drawbacks inherent in the use of the Newton hearing. Firstly, it can involve the victim "reliving" what is inevitably a traumatic experience. In this instance, both victims were required to give evidence in lengthy testimonies, facing cross examination from separate counsel for each of the 3 defendants. Despite being the primary witnesses, the CPS on this occasion did little to protect the credibility of the teenagers' evidence. Instead, suggestions were made that they had only started to claim they were victims of a racial attack after they were "contacted by Black activist organisations". The CPS had in their possession police statements indicating that the victims felt they were subject to a racial attack and correspondence from the Cardiff and Vale Race Equality Council confirming that the incident was recorded as racially motivated in September 1997, yet did nothing to correct the impression given to the court. Similarly the CPS had an enhanced copy of the CCTV footage prepared by the boys' solicitors at their disposal but made no use of this, and it was left to one of the boys to present the standard footage to the court.

It can of course be argued that these are not an indication of any form of racism. However these two victims of racial violence were left with the impression that the criminal justice system is not designed to provide them with justice. The overall impression given to them (and their advisers) was that their views were not welcome, they had nothing to contribute and that they should stop trying to interfere with things which did not concern them. Add this dismissive treatment from the court to their treatment by the police, and it is unsurprising that Black people will feel excluded from the very system that professes to protect them.

Conclusions

Many of the conclusions which may be drawn from this case, although obvious, must not be overlooked. Police conduct which is informed by racist attitudes

cannot be acceptable. The police are there to uphold the law and to protect all law-abiding citizens equally.

All citizens must have safeguards and when these are overlooked there must be an effective system of redress. In a case like this, where charges laid are so inappropriate, officers must be subject to scrutiny from a senior level. Where a complaint is made the investigation of that complaint must be transparent and accessible. The conduct of the police is currently the subject of an investigation, following the police voluntarily referring the matter to the Police Complaints Authority. The progress of this however has not been without problems, in that both the boys and Mrs Walters who is complaining about some of the aspects of the police treatment of her family, have not been kept informed of developments or what steps have been taken. Although individual investigating officers have been helpful and accommodating, there is still a feeling that the thrust of the investigation is not for the benefit of the victims, on whose behalf it is being carried out. Indeed, the fact that the police voluntarily referred the case has ensured that the victims do not 'own' the conduct of the investigation.

Little more can be said at this stage about the PCA investigation as it is still ongoing. However, is hoped that it will come to a favourable conclusion and thus at least salvage something for the future of relations between the police and the Black community.

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Hilary Brown is Manager of Butetown & Grangetown Citizens' Advice Bureau in Cardiff.

Denial of truth, pain of injustice

Phil Scraton discusses what happens to survivors and the bereaved in the aftermath of 'state-sanctioned violence'.

The political optimism of Mahatma Gandhi is reflected powerfully in the words "we have truth and justice - and time - on our side". When Augusto Pinochet was arrested in London in October 1998 it had taken 25 years for international law to confront the former head of the Chilean military junta with "the elimination, disappearance or kidnapping of thousands of people, who were systematically subjected to torture" (1). Pinochet's lawyers argued he had a right to immunity from arrest and extradition for acts carried out as head of state. The Law Lords disagreed and the Home Secretary endorsed extradition to Spain to face charges.

Voices reheard

Throughout the case the voices of those abducted, raped, tortured and bereaved by Pinochet's regime have been heard again. They demonstrate that Chile's 1991 National Commission on Truth and Reconciliation (2) failed in its aims to "satisfy the basic demands of justice and create the indispensable conditions for effective conciliation". The Commission acknowledged the collective truth of those who suffered and legitimated their accounts but did not name those responsible for the atrocities. Justice could not be achieved without prosecution, thus there could be no reconciliation; no closure.

Bill Rolston considers that while the Commission "confirm[ed] ... the argument of victims and human rights activists about the past" (3)... "healing can only begin when the state acknowledges its crimes" (4). Similarly, Elizabeth Stanley comments of the South African Truth and Reconciliation Commission: "...when victims and perpetrators live side by side ... knowledge itself is not enough ... they already know ... their concern is focused on developing an acknowledged truth" (5).

The issue of justice arises for the bereaved and survivors when truth-telling is exchanged for amnesty, when prosecution is sacrificed to a "broader desire for reconciliation" (6). Undoubtedly "the requirement of disclosure and the public recording of acts amount to a significant form of punishment in itself" (7). Yet, as the mothers of the Argentinian disappeared emphasise, the way forward is often a "double sentence - political and penal - for the crimes committed by the dictatorship" (8). Truth, argues Marjorie Agosin, has to be complemented not by a "punitive furor[e]" but by "a need to have justice carried out".

Can an "unconditional dialogue" of reconciliation be achieved, overcoming the pain endured by individuals and communities subjected to the "callous inhumanity" (10) of state forces? When such acts are followed by the calculated demonisation of victims, the cynical denial of culpability, the neglect of due process and the incorporation of criticism through public inquiries, not only is truth degraded but the harm of injustice is exacerbated and prolonged.

In discussing the persuasive case for a Truth Commission in Northern Ireland, Bill Rolston reflects on the appropriateness of

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applying a process usually associated with the collapse of military dictatorships or totalitarian regimes to situations which arise in democratic societies. Where liberal democratic states employ unreasonable force, act negligently and tolerate miscarriages of justice "the logic of seeking the truth is equally valid ... is needed for individual and social healing" (11).

Spiral of denial

Applying Cohen's human rights analysis to policing and the administration of criminal justice in democratic states is instructive. The "spiral of denial" infects investigative procedures from complaints to controversial inquests. First is the typical claim "it didn't happen", followed by "what happened is not what it looks to be but really something else" then finally, it "was completely justified" (12).

When state-sanctioned violence, the continuum of negligence to brutality, is normalised, 'victims' invariably are demonised or dehumanised, their experiences denied and their accounts disqualified. The marginalisation of victims, of survivors, of the bereaved, was brought into stark relief in the Metropolitan Police reaction and response to the brutal murder of Stephen Lawrence. It dominated the early and subsequent investigations. There is no simplistic jump here which suggests that senior officers' actions were comparable to the torturers in Pinochet's Chile or South Africa's apartheid regime, but the political-ideological processes of explanation and denial, their associated techniques of neutralisation and disqualification, are strikingly consistent (13).

It is a decade since 96 men, women and children were crushed to death on the terraces as a top soccer match kicked-off at Hillsborough stadium. Four hundred were hospitalised, 700 injured and thousands traumatised. The stadium's safety certificate was ten years out-of-date, the venue was in a poor state, stewarding disorganised and medical facilities and equipment minimal. Over the years crowd management and safety had been neglected as clubs and the police put resources into containment, control and regulation. The 'mind-set' was hooliganism and disorder.

Minutes before kick-off the South Yorkshire Police match commander ordered the opening of an exit gate to relieve congestion at the turnstiles. Over 2,000 fans entered, unstewarded and unpoliced, walking down a steep tunnel opposite the gate and unwittingly into the rear of two already packed central pens. Pens like cattle pens - fences at the front and sides. Police failure to seal off the tunnel and divert fans to the half-empty side pens made the fatal crush inevitable; there was no escape. It was later referred to as a "blunder of the first magnitude" (14).

Within days of the Hillsborough disaster a Home office inquiry was announced, under Lord Justice Taylor, and the West Midlands Police conducted the criminal investigation. The bereaved and survivors expected that given the breadth and depth of the inquiries the 'truth' of Hillsborough would emerge and those responsible would face prosecution. This expectation solidified when Taylor found that the "main reason" for the disaster was a "failure of police control" (15). He roundly condemned senior officers for their ineptitude on the day and their behaviour at the inquiry.

The demonisation of victims

In the immediate aftermath the bereaved and survivors looked on as their loved ones were demonised in the media and in police submissions to the inquiries. As the South Yorkshire Police sought to deny their negligence, it emerged that as the disaster was happening the match commander lied to Football Association officials that fans had forced entry causing an "inrush" into the ground. The lie was broadcast around the world. Later in the day the coroner took the unprecedented step of ordering blood alcohol levels to be taken from all who died, including young children. Police officers used off-the-record briefings to allege that fans had stolen from and sexually abused the dead and urinated on police officials attempting resuscitation. The South Yorkshire Police line was they had done their best in the face of drunken, violent and ticketless fans determined to force entry.

Despite Taylor's findings, the Director of Public Prosecutions decided there was insufficient evidence to prosecute any officer. Although the Police Complaints Authority recommended disciplinary action against the match commander and his assistant it was abandoned when the former retired on the grounds of ill-health. As so often the case in controversial deaths, the full weight of discovery and truth fell inappropriately on the non-adversarial inquests (16).

At the longest inquests in legal history the bereaved were told wrongly that their loved ones died quickly after losing consciousness. The evidence concerning the circumstances of each person's death was summarised and presented to the jury by a West Midlands investigating officer. It was not disclosed in full nor could it be cross-examined. Imposing a 3.15 pm cut-off on evidence, a time when many who died were still alive, the coroner disqualified all evidence of rescue, attempted resuscitation and medical treatment (17). The eventual verdict on all who died was 'accidental death'.

Without disclosure of the statements, the opportunity to cross-examine and access to events after 3.15 pm the bereaved and survivors felt that the demonisation of the dead had been compounded by an orchestrated denial of the truth (18). Under pressure, in 1997, the Home Secretary announced a 'judicial scrutiny' into 'new evidence'. It reported in 1998 simply endorsing all that had gone before (19). In my submissions I provided evidence that police statements had been systematically altered prior to their submission to the various inquiries and investigations. The Home Secretary placed all the statements in the House of Commons Library.

In the hours after the disaster police officers were instructed not to write in their pocket-books. Days later they were told to provide written recollections of the day, including emotions and feelings. These were collected and sent to the force solicitors, then returned with recommendations for 'review' and 'alteration'. A team of senior officers visited colleagues, gained their signatures to the alterations and forwarded the reconstructed statements to the criminal investigation and Taylor inquiry teams. As the research shows, the West Midlands investigators, the Treasury solicitor and Lord Justice Taylor knew of and accepted the review and alteration process (20).

Justice undermined

This brief excursion into the complex Hillsborough case demonstrates that it does not take institutional racism or institutional sectarianism to create the context in which police and criminal justice agencies fail in their investigations, distort evidence and marginalise the victims. While Hillsborough was not Chile or South Africa, deep political and ideological assumptions, coupled with professional self-interest and survival, combined to demonise, deny and neutralise the 'truth'. In so doing, justice was undermined.

For victims, for the bereaved, for survivors, there is no hierarchy of death. Whether victims of state violence or of institutionalised brutality or negligence, the 'pain' of death is equally real and must be acknowledged through truth-finding and justice. The bereaved and survivors should not become further victims of demonisation, denial and disqualification. It is time to reconsider the structure, procedures and appropriateness of official inquiries, controversial inquests and criminal prosecutions and their ambiguous interrelationships. The objective being a human rights discourse, agenda and process that "extends to all forms of human suffering"

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(21), providing a real alternative to the law and criminal justice system which, as shown above, is deeply "implicated in this suffering" through the denial of truth. ■

***Phil Scraton** is Professor of Criminology and Director of the Centre for Studies in Crime and Social Justice, Edge Hill University College. His new book Hillsborough: The Truth is published by Mainstream in March 1999.*

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Probation work with victims of crime

Brian Williams describes recent developments in the probation services' work with victims.

There has been a huge change in the emphasis of probation work over the last decade, although it has received little public attention. Since the publication of the *Victim's Charter*, especially the revised edition of 1996, probation officers have been responsible for providing new services to victims of serious crime, and this has led to far greater involvement with victim issues. Although there have been problems in implementing the new arrangements, there is no doubt that probation service attitudes towards both victims and offenders have been radically changed as a result of the new responsibilities.

In the past, probation staff came into frequent contact with victims, and to some extent worked with their needs in mind, but this was rather haphazard. For example, violence within the home often led to the making of probation orders and to work with both parties, offender and victim. Victims' involvement was ad hoc, and non-statutory. Similarly, probation officers' decisions about whether to recommend the release of long-term prisoners were taken with the victim's feelings and needs in mind - although these were often surmised rather than being sought in a direct interview. Reports for the courts were expected to contain an assessment of the impact of the offence upon its victim. What was lacking, however, was a systematic framework for keeping victims informed and finding out their views, and there was no policy - and little discussion about the proper relationship between the needs of offenders and those of their victims.

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The *Victim's Charter* and the probation service

In some countries (such as the Netherlands) keeping victims informed and protecting their interests is the responsibility of the police and prosecution services (Wemmers, 1996). Although the *Victim's Charter* placed new requirements upon these agencies in England and Wales, it also recognised the central role of probation officers in working with offenders and their potential for using the same skills to engage with victims. The first edition was rather tentative in its recommendations, and some managers within the probation service argued that there was no need to reorganise services with victims' needs in mind. The legal status of the Charter was unclear, and no new funding had been made available to implement it. There were strong suspicions that it was more about being seen to champion victims' interests, than about real change (Mawby & Walklate, 1994). In the early 1990s, however, the Home Office issued several circulars and new national standards for probation work which made it clear that the new responsibilities must be taken seriously. By 1996, most probation managers were clear that something had to be done, and some probation areas had already developed their policies and practice.

Implementing the new requirements was problematic at first. Where it was attempted without consultation, there was some insensitive practice, with victims occasionally being contacted 'out of the blue' about offences they had spent years putting behind them (Kosh & Williams, 1995). In some areas,

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protocols were agreed with local Victim Support schemes to ensure that appropriate support was available after probation intervention was completed, and that victims and survivors of serious offences were not suddenly and unexpectedly contacted years after an offence with a view to compiling parole reports about offenders.

Supporting victims

Too often, services for victims have been developed with the primary aim of contributing to the rehabilitation of offenders. While this is an important aspiration, not necessarily incompatible with supporting victims, it should not be confused with meeting victims' needs. Perhaps inevitably, probation staff whose primary commitment was to offenders tended to develop victim services from the offender rehabilitation perspective. However, this was questioned by many within the probation service, and local services increasingly developed specialist victim units. By this means, many of the problems encountered by probation officers trying to meet the needs of offenders known to them, and the needs of their victims, were surmounted (Williams, 1999). There is no reason, in principle, not to allocate victim support work to the probation service. Indeed, probation staff have many transferable skills developed in the course of working with offenders which are of service to victims. Where other agencies have been given similar duties, these have been treated as marginal to the main work of the service concerned, for example by the Dutch police (Wemmers, 1996). No comparable study has yet been undertaken of the probation service in England and Wales, but there is considerable evidence of innovative practice, developed in consultation with Victim Support. Work with victims is gradually being incorporated as a mainstream concern of probation staff

Listening to victims' organisations

As part of the local state, the probation service has tended to look to Victim Support schemes for advice on victim policies and services, but not to liaise with other bodies working with victims. This is hardly surprising, given the guidance - both explicit and implicit - received from central government. *The Victim's Charter*, for example, endorses the services and publications provided by Victim Support and the NSPCC, but makes no reference at all to those of Rape Crisis centres, Women's Aid refuges or local racial harassment projects. The victims of sexual and racial abuse are not always seen as 'real' crime victims (Mawby & Walklate, 1994). The tendency to prioritise the services provided to 'ideal' victims is replicated in local inter-agency liaison arrangements, and in the allocation of funding (Williams, 1999). Services to victims of conventionally-defined crime are provided, sometimes literally, at the expense of provision for the needs of the victims of male and racist violence. The *Victim's Charter* encourages criminal justice agencies to confine their consultation with and funding of victims' groups to Victim Support, further marginalising the more challenging arm of the victim movement. There are signs, however, of an increasing recognition in central government that the feminist and anti-racist victims' organisations should be listened to. For example, guidance issued under the *1998 Crime and Disorder Act* encourages local authorities to consider racial crime and domestic violence, and to consult hitherto hard-to-reach groups in the process of compiling their crime reduction strategies (Home Office, 1998). This guidance applies to probation services, and will doubtless come to influence their policies.

In most areas, services to victims routinely provided by the probation service now include contacting them after serious offenders are sentenced to find out whether they want to be kept informed and consulted. Where they welcome such contact, they are eventually consulted about the conditions under which the offender is released (although these provisions do not apply to offenders sent to special hospitals). The arrangements for incorporating a victim perspective in pre-sentence reports have also been revised; although direct contact is still unusual, considerable efforts are often made to obtain accurate information about the harm suffered by victims of crime, and there is far greater awareness of victims' needs. This is reflected in the increasing tendency to incorporate victim perspectives in group work with offenders subject to probation supervision, both in custody and in the community. Getting offenders to think of the impact of their behaviour upon victims can be a powerful way of motivating change, if done by well-trained staff With the implementation of the *1998 Crime and Disorder Act*, and the introduction of Reparation Orders for young offenders, this area of work is likely to see further expansion and development in the new Youth Offending Teams.

Services to victims beyond the *Victim's Charter*

The *Victim's Charter* was first published in 1990, and was criticised for the way it characterised victims as individual consumers of criminal justice services - as if they had a choice. Many people suspected that its main purpose was rhetorical, an attempt to use victims politically as they had previously been used by politicians in the USA (Mawby & Walklate, 1994; Williams, 1999). In practice, there were very few services available for them to use, and their choice was further limited by the paucity of information, in the Charter itself and more generally, about underfunded local services. The Charter gave selective information about services for individual victims, and told them how to complain if criminal justice agencies treated them badly. Perhaps inadvertently, it also created expectations about the level of service people could expect. Rather than pursuing individual complaints, as recommended in the Charter, victims are increasingly using the growing power and influence of campaigning organisations to draw attention to the inadequacies of existing services and to demand improvements. To its credit, the probation service has responded by developing new services and revisiting previous assumptions about the role of victims. A process has begun which would be difficult to reverse.

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***Brian Williams** is Senior Research Fellow in the Community and Criminal Justice Studies Unit at De Montfort University, Leicester.*

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