

EDITORIAL

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The New Labour mantra of being 'tough on crime, tough on the causes of crime' arguably brought the inherent contradictions of the criminal justice system into sharper focus. Whilst a laudable aspiration, simultaneously addressing the aims of both criminal justice and social justice is difficult. The papers in this edition all address this issue in some way, highlighting some of the tensions and the moral and ethical dilemmas of the criminal justice system.

Rob Canton reminds us of the fundamental importance of human rights considerations, arguing that the increasingly instrumental and managerial approach to dealing with offenders contains the inherent danger of masking its underlying moral dimensions – punishment is a moral activity. Such approaches also lose the 'expressive and communicative aspects of punishment', which is paradoxical given the growing body of research that demonstrates the value and effectiveness of personal relationships in desistance from crime (e.g. Burnett & McNeill 2005; Farrell 2004). A human rights discourse can guard against 'over-zealous punitive or managerial approaches'.

Canton discusses two aspects of human rights – the avoidance of cruelty (such as torture, slavery) and enabling individuals to thrive (eg freedom of religion, right to education). Punishment inevitably infringes on the latter, with criminal justice disposals varying in the extent to which they limit freedoms and privacy, but they should not include any of the former, ie they should avoid cruelty. However, as Canton points out, the same punishment will be experienced differently by the individuals subject to it, as will the people around them. Some would argue that individual rights are not important when weighed against the greater good (hence the title of the paper) and that the rights of offenders should be balanced against the rights of victim and the community, but this argument is increasingly difficult to sustain given that offenders are members of communities and frequently are victims too. Being tough on causes can also be seen to be chipping away at individual rights and freedoms, especially those of children and young people and their parents, where the dogma of prevention and protecting their future is being used to justify intervention in their lives under the guise of improving their future.

One category of offender where these tensions are particularly apparent is sex offenders, particularly those who offend against children. This an issue taken up by Mike Nellis in his description of the introduction of Circles of Support and Accountability (COSA) to the UK, an innovative and controversial way of working with sex offenders on their release from prison. He describes how they were established at the end of the twentieth century, at a time when there was intense media interest and admonition of sex offenders, and demands that communities had the right to know where such offenders were living. The 'outing' by newspapers at the time led to harsh and unfair treatment of many sex offenders, making it difficult for them to find somewhere safe to live. In these cases the

human rights of those individuals and of the 'community' were clearly in tension. Legislation was introduced to more closely monitor the movements of convicted sex offenders and new arrangements introduced to manage the risk they were assessed as posing.

The COSA initiative was imported from Canada, supported by the Home Office and based on the principle of reintegration and restorative justice. The circles use volunteers to provide intense support for the offender but with an understanding that should any further offending be apparent this would be reported. Results in Canada demonstrated that issues of effectiveness and reducing offending were far from at odds with a humanitarian approach, as few offenders involved in such circles have offended. In a similar way to community service when it was first introduced, circles of support have the chameleon-like ability to fit a range of agendas, and thereby address the tensions highlighted by Canton.

The most successful pilot site for the Circles of Support initiative was the Thames Valley. It received some funding from the Home Office but was entirely voluntary and ran in conjunction with other statutory developments in the management of dangerous offenders, such as Multi-Agency Public Protection Arrangements (MAPPAs). All parties had an agreed end, the prevention of offending, and a key message from this work is that their focus on the common goal and willingness to compromise on the means to achieving it resulted in an approach that is both humanitarian and provides effective surveillance of serious offenders.

David Faulkner takes up the story of the Thames Valley Partnership in his paper, reviewing its experience over 15 years. Instigated by the then Chief Constable to provide a local co-ordination of community safety and responses to crime it involved both statutory criminal justice and non-criminal justice agencies, and voluntary agencies in the area. Faulkner describes the underpinning principles of the partnership and the changes and metamorphoses that have occurred during its lifetime. The beliefs upon which it is based have much in common with Canton's human rights principles, particularly that 'everyone deserves respect and is of equal value as a human being'. Partners may have had differing and sometimes competing objectives and priorities, but their overall aim of crime reduction and community safety have bound them together, providing an example of how a 'community justice' approach can find a way to manage the inherent tensions in criminal justice. The independence of the partnership is a key factor in its successful key role of innovation and providing a means to develop and pilot new ways of working, such as the circles of support described by Nellis. The partnership sees itself as a 'broker or a catalyst'. The lessons learnt from the partnership highlight the importance of concern for the individual, be that offender or victim (frequently both in the same person), and very locally based services addressing the issues and problems of those individuals within the concerns of their wider community, giving them 'some control, some choice, and some sense of their own responsibility and ownership'. The initiatives of the partnership have been wide ranging, from working with serious sex offenders through circles of support

through to early intervention initiatives such as supporting schools and pupils in the 'transition' from primary to secondary school.

The paper by Iolo Madoc-Jones is also concerned with community issues, but in a very different context – that of the potential impact on communities of building a new prison, particularly the proposed 'Titan' prisons. He presents the arguments for and against the presence of a prison for both prisoners and the local community, arguments that are both social and economic. Research on the issue in this country is scant, so he draws substantially on research carried out elsewhere, primarily in the USA. The value for prisoners of being imprisoned relatively close to their home community and the subsequent positive impact on both their well-being inside prison and their reintegration and reduction of reoffending afterwards is well established. This work suggests that a greater number of smaller units more locally located would be more effective than building a few very large prisons, but this option would not provide the potential economies of scale of the larger units. Again we have an example of the inherent tensions within the criminal justice system, and where attention to the human aspects of a policy can reinforce rather than dilute wider political and instrumental aims. Decisions about the location of prisons need full and well-balanced consideration and involvement of the local community in the area of the proposed site.

The final paper in this edition again addresses the human aspects of criminal justice, presenting a review of community justice initiatives, an approach that is about 'putting justice back in the heart of the community'. The research described here aimed to improve understanding of how community justice initiatives engage with their communities, and identified five models of community engagement by community justice projects. The findings highlight similar issues to those described by Faulkner in his review of the Thames Valley Project: that the most effective work has to be very locally based and involve the local community in its development.

Yet again we are returned to the key points raised by Rob Canton, who calls for a consideration of human rights as the start of a debate about moral issues in criminal justice where 'procedures must be not only effective, but just'. The papers in this edition show give examples of how a focus on the latter can produce procedures that are not only just but effective too.

References

- Burnett, R and McNeill, F (2005). The place of the officer-offender relationship in assisting offenders to desist from crime. *Probation Journal*, Vol. 52, No. 3, 221-242
- Farrell, S (2004). Social capital and offender reintegration: making probation desistance focussed in Maruna, S and Immarigeon R (Eds) *After Crime & Punishment: pathways to offender reintegration*. Cullompton: Willan Publishing.