

## Chapter 1: What is crime? Contrasting definitions and perspectives

As an intellectual discipline, criminology is often compromised by disputes over its fundamental object of study. Do the terms *crime*, *criminal* and *criminality* refer to 'real entities', in the sense that they exist in the 'real' world in verifiable forms, or are they created by social norms or more rigid legal definitions? If the second case is true, does this mean that criminology lacks a firm foundation, and therefore is it liable to be reduced to the status of ideology or cultural artefact? This chapter explores this fundamental issue through contrasting definitions of crime. Each of these definitions fits with a mode of explaining crime and policy implications. It will be suggested that the imaginative grasp of criminology - the *logos* concerning *crime* - is restricted within each definition. Key themes have been:

1. Accepting crime as that which is processually defined by the legal process. Many critics describe this as circular and/or historically relative, but does this also mean that criminology is the servant of state power and an apologist for the acts of the powerful? What are the institutional implications and consequences of this reliance on 'official power'? Does this imply that if the state has not 'criminalized' activities, or has not prosecuted, they are not crimes? What of state crime and genocide?
2. Attempting to escape from the law by taking a sociological notion of deviance. Most studies under the term 'sociology of deviance' come under this heading, but what notion of the normal and the deviant is applied?
3. Attempting to build 'theoretical' definitions that are inherent in the traditions that make up criminological history.

In our increasingly globalised world, definitions of crime have become ever more pluralistic, even nebulous. Understanding these different definitions and features of contrasting conceptions of the human condition may provide some orientation for the future.

## Chapter 2: History of crime

From the works of Sir William Blackstone in his Commentaries on the Laws of England in 1765 that represent the first attempt to fully elucidate the form and function of the English criminal law, to the pre 1970's domination by "Whiggish" notions of progress and the influences of positivism, crime has tended to be seen as an absolute: it was largely understood in terms of such things as theft and, to a lesser extent, violence. Crime was something perpetrated by 'criminals' on the law-abiding majority of the population. In the 1960s and 1970s movements were made towards a critical positivist approach with a particular emphasis on the value of quantitative methods in understanding crime. Since the 1980s empiricism and quantitative methods tend to be incorporated within a more "holistic" approach and a stronger engagement has been sought between historians of crime and criminologists, and to some extent with practitioners in the criminal justice system.

This Chapter looks at these theoreticians that have shaped the history of crime and the nature and definitions of criminality that have been provided over time with a particular focus on youth crime and the development of the idea of a “criminal class”. The Chapter further provides an overview into the history of the prosecution, police and institutions that make up the criminal justice system. It also examines the shift in methods of punishment from public physical sanctions to private penal servitude and considers whether there is a focus on punishment or reformation.

### **Chapter 3: What do crime statistics tell us?**

Taking crime to mean a “category of human acts that are proscribed by law and for which those responsible, if found guilty, are liable to some form of judicial punishment” this chapter explores a number of interrelated questions regarding the state of our knowledge about 'crime levels', 'crime patterns' and 'crime trends'.

The chapter begins by looking at the background against which crime statistics are defined and tries to examine the answers to what may sound like (but are not) straightforward empirical and methodological questions.

Generally crime statistics have been theorised applying two polarised views. The “realist perspective” (Emile Durkheim) that sees the official record as an indicator of the state of crime in society and the “constructivist perspective” (Aaron Cicourel) which concluded that official statistics could be understood only with reference to the way in which the agencies responsible for them carried out their work. With these in mind the chapter attempts to provide answers to these questions including ‘what is a crime statistic?’ ‘who counts crime?’ ‘what is counted and how is crime counted?’

The chapter goes on to consider what factors affect whether the police record something as a criminal offence and methods used for comparing counts of incidences and offences. Criminal offences may be carefully defined in law, but they are also *socially* defined and constructed: whether people perceive a particular action or event as a crime, let alone whether they report it as such to anyone else (including the police, or a survey interviewer), can vary according to their own knowledge, awareness or feelings about crime, which in turn may be influenced by the general public ‘mood’ or the preoccupations of politicians and the media. The Chapter focuses on household crime and victimisation surveys to investigate the accuracy of measurement in crime surveys and what these crime surveys therefore tell us about the reporting of crime and the counting of crime and its accuracy. The statistics in this chapter are essentially “descriptive” and the chapter concludes by setting out the dangers with using description alone and concludes it should be coupled with analysis to provide a more truthful picture of what crime statistics represent.

## **Chapter 4: Theoretical criminology: a starting point**

Theoretical criminology is a vast, sprawling subject that straddles more than two centuries of intellectual thought and a range of academic disciplines. The aim of this chapter is to offer those new to the subject a 'starting point', a very general (and hopefully gentle) introduction to some of the main criminological theories that have sought to explain and account for crime and criminality in the modern age. Although the approach in this chapter is to breakdown theories into short, independent sections, it is important to recognise that criminological theory is not something that is easily compartmentalized. It is essential, therefore, to think critically about both the origins and the contemporary roles of criminological theories, rather than just repeating some learning of their basic outline/structure. Hopefully this chapter will help you in this endeavour. One must also bear in mind that, whilst criminological theory is often viewed by many as an abstract, even esoteric enterprise (on this particular point see the following chapter by Claire Valier), in reality its impact over the last century in areas such as crime control (see chapters 21 and 22), juvenile justice (see chapter 19), and public and penal policy (see chapters 10, 26 and 27) has been profound and far-reaching. One need only think of the role played by criminological theory in such diverse policy initiatives as the 1970s 'welfarist' movement within youth justice, and the 'zero tolerance' policing phenomenon of the 1990s to recognise the influential, indeed potent, force of theory. In this sense, theoretical criminology should be seen as a vital, living subject, and not some historical or intellectual fancy. We hope that the ten theoretical vignettes that constitute this chapter serve as an interesting introduction to the vibrant world of criminological theory.

## **Chapter 5: Just theory: theory, crime and criminal justice**

To be read in conjunction with Chapter 4 this chapter provides an introduction to questions about the connections between theory, ethics and criminal justice. It looks at the character and merits of doing theory work in criminology that provides strategies for improving learning and teaching in this area. Integral to this is the concept of "doing theory" which gives an insight into what theory can do, what it is good for and what makes a good theory (just theory). The chapter goes on to assess notions of criminology as a moral enterprise, criminologists as moral witnesses and just responses to crime.

## **Chapter 6: Psychology and crime: understanding the interface**

Many students new to academic criminology are often confused by exactly what role psychology plays in the contemporary criminological enterprise. Very often they have visions of a discipline preoccupied with offender profiling, forensic crime analysis and the study of psychopathic serial killers. This chapter aims to set the record straight, by providing students with an introduction to the exact nature of the current relationship between psychology and criminology. To that end it combines a general introduction to

some of the more prominent psychological explanations of criminal behaviour, with examples of how this work has come to be employed in criminological theory and practice. These examples include – but are not limited to – the role of psychology in contemporary police work, and the ways in which psychological studies are being incorporated into crime prevention strategies.

## **Chapter 7: Crime and culture**

This chapter explores the ways in which criminal practices and cultural dynamics intertwine within contemporary society. Criminologists recognize, for example, that many forms of criminality emerge out of criminal and deviant subcultures, and that these subcultures are themselves shaped by shared conventions of meaning, symbolism, and style. Increasingly, criminologists also explore the intensely collective experiences and emotions that emerge within these subcultures—experiences and emotions that define subcultural members' identities and reinforce their marginal social status.

At the same time, criminologists note that those who undertake enterprises conventionally defined as "cultural" in contemporary society—popular music, art photography, film and television programmes—regularly confront public accusations of promoting criminal and delinquent behaviour, and may even face criminal justice actions ranging from police raids to obscenity trials. Moreover, in today's society all such phenomena—criminal identities, popular controversies, crime control campaigns, experiences of crime victimization—are increasingly offered and displayed for public consumption. All of these phenomena also take shape within a larger mediated universe—a universe in which criminal subcultures appropriate popular images and create their own forms of mediated communication; political leaders launch public campaigns of criminalization and panic over crime and criminals; and everyday citizens go about consuming crime as news and entertainment. Because of this, criminologists today realize that a critical awareness of cultural dynamics is necessary if we are to understand even the most basic dimensions of crime and crime control.

In this context a new form of criminology—'cultural criminology'—has now emerged. After exploring the British and U.S. roots of this new approach, and highlighting its basic orientations, this chapter focuses on five key intersections of crime and culture—intersections that cultural criminologists find to be of particular importance in analyzing contemporary crime and crime control. In each of these intersections, complex cultural dynamics shape not only the practice of crime, but the politics of crime control and criminal justice.

### *Subculture and style.*

Members of illicit subcultures create a collective ethos, an alternative orientation to social life, that often comes to be embodied in the subculture's distinctive styles of dress, comportment, talk, and interaction. These symbolic communities operate even when all members are not present, and so provide an ongoing and resilient way of life for those involved. Aware of this dynamic,

legal authorities increasingly turn to these very subcultural styles and symbols in their attempts to prevent or control criminal activity—and yet in so doing raise troubling issues of stereotyping, profiling, and symbolic criminalization. The mass media and multinational corporations also attend to and appropriate these styles for media products and marketing campaigns, and so forge yet another link between crime and cultural dynamics.

*Edgework, adrenalin, and criminological verstehen.*

Recent work in cultural criminology finds that much illicit behaviour is shaped by a variety of intensely emotional experiences—experiences that take on significant meaning within criminal subcultures. Similarly, criminologists increasingly find that many criminals seek and embrace the extreme risk that generates these experiences, rather than shying from it. Such risky situations and intense emotions integrate subcultural skills with collective identity, and so construct experiences that transcend the boundaries of everyday life. These findings suggest a significant critique of criminological theories attuned to ‘rational choice’ or ‘routine activity’; they further suggest that criminologists must employ ethnographic methods that can take them inside the immediacy of crime and criminality.

*Culture as crime.*

Contemporary debates over obscenity, indecency, pornography, and the mass media’s alleged promotion of illegal behaviour all highlight yet another contested intersection of cultural dynamics and crime. Significantly, two threads run through the majority of these debates. The first is the ambiguous nature of mass media influence on individual behaviour, and the often unfounded assumptions made by political leaders and others in this regard. The second is the role of these debates in often heated ‘culture wars’ over sexuality, ethnicity, and morality. A close examination reveals that most contemporary debates over obscenity and pornography have emerged within large mediated conflicts over issues such as lesbian and gay rights and the role of ethnic minorities in society.

*Crime, culture and public display.*

While crime is often thought of as a secretive activity, residual indicators of criminality often remain available for public scrutiny, and therefore for collective interpretation or misinterpretation. In fact, some of the most prominent and politically influential anti-crime policies of recent decades have been based on the alleged interplay between crime and public display. Careful criminological analysis, however, suggests a far more complex range of meanings and symbols than those assumed by these policies. Moreover, it is not only crime that functions as public display; so do crime control and criminal victimization.

*Media, crime, and crime control.*

In contemporary mass society, the mass media provide the preponderance of information on crime and crime control, and so shape the public’s understandings of crime and criminal justice. The mass media, though,

transmit emotion as well as information; through sensationalism, dramatization, and the conflation of news and entertainment, the media misdirect public fears and spawn passionate support for inappropriate crime control policies. In this sense the mass media, and those who employ it, construct the reality of crime and crime policy more than they simply report on it. And yet, in a final twist of crime and culture, illicit subcultures themselves increasingly produce mediated images and communications, and in this way contribute yet again to the cultural construction of crime.

### **Chapter 8: Crime and the media: understanding the connections**

We live in an age of 'media saturation', an age in which media play an increasingly central role in everyday life. It is also an age in which high crime rates and levels of concern about crime have become accepted as 'normal'. The rapid and relentless development of information technologies over the past 100 years has shaped the modern era, transforming the relations between space, time and identity (see Giddens, 1991; Castells, 1996; Jewkes, 2002; Greer, 2004). Where once 'news' used to travel by ship, it now hurtles across the globe at light speed and is available 24 hours-a-day at the push of a button. Where once cultures used to be more or less distinguishable in national or geographical terms, they now mix, intermingle and converge in a constant global exchange of information. Where once a sense of community and belonging was derived primarily from established identities and local traditions, it may now also be found, and lost, in a virtual world of shared values, meanings and interpretations. In short, media are not only inseparable from contemporary social life; they are, for many, its defining characteristic. In this context, understanding the connections between crime and the media is central to understanding the cultural place that crime and media occupy in our social world.

The chapter is divided into four principal sections. The first section offers some background information and addresses the crucial question of why exploring media images of crime and control is important. The second section considers how scholars have gone about researching crime and the media, and presents an overview of the main findings. The third section critically discusses the dominant theoretical and conceptual tools which have been used to understand and explain media representations of crime? And the fourth section considers the evidence for the effects of media representations, both on criminal behaviour and on fear of crime.

Fortunately, though sections of the popular press may suggest otherwise, most of us have little first-hand experience of serious criminal victimisation. Our understanding of the crime problem – how much crime is out there, what types of crime are most prevalent, who is most at risk, what are the best responses – mostly derives from sources other than personal experience. Paramount among these is the media. The media, then, are key producers and purveyors of 'knowledge' about crime, disorder and control. For this reason alone, media representations are worthy of in-depth investigation.

But precisely what kinds of knowledge do these representations generate, and to what effect? Below are some of the key questions which have perplexed students of crime and the media:

- Is it possible to discern a coherent picture of 'the crime problem' from the media and, if so, does this picture bear any resemblance to what we may claim, however tentatively, to know of the 'reality' of crime and disorder?
- Do the media merely reflect, objectively and impartially, what happens in the world, or are they active agents in socially constructing 'mediated realities' in which certain values, interests and beliefs are promoted, while others are downplayed, or even actively suppressed?
- Do the media reproduce and reinforce prejudice and the stereotyping of marginalised groups, or actively challenge it?
- Do the media undermine or fortify the existing structures of power and authority?
- Does violence in the media make us more aggressive, more fearful, or both?

Concern about the pernicious influence of the media is perennial, and academic research exploring media representations of crime dates back to the early 1900s (Pearson, 1983; Bailey and Hale, 1996). Yet despite literally thousands of studies, these key questions have generated few straight answers. It is important to be clear that the media cannot (if they ever could) be usefully thought of in the singular, like some monolithic, unified institution to be understood through generalised statements and assumptions. The media *are* a multiplicity of institutions, organisations, processes and practices which are hugely diverse in composition, scope and purpose (Fiske, 1990; Briggs and Cobley, 1998). Today there are more media forms (television, newspapers, magazines, radio, the internet, mobile phone Wireless Application Protocol (WAP) technology) and greater levels of diversity within each individual form (satellite, cable and digital television), than ever before. Understanding the media, therefore, requires a critical and reflexive appreciation both of the diversity of forms and formats involved and of the complexity with which images, texts, messages, signs are produced, transmitted and received.

One of the key points to grasp is that we do not all use, interpret, and respond to media representations in the same way. Images of violent crime, for example, may repel some and attract others, disturb some and excite others, frighten some and anger others. It is necessary to look beyond the instinctive desire to tackle complex dilemmas with simplified accounts and generalisations. The relationship between media images and the world around us is so fascinating precisely because it is complex and hard to pin down.

## **Chapter 9: 'Volume crime' and everyday life**

This chapter introduces the student to the social and cultural dynamics of what has become known as 'volume crime' including mobile phone theft, vehicle related theft, drug crimes, computer theft, stolen goods and especially anti-social behaviour. Everyday life is now characterized by the social, economic and cultural dynamics of the world of commodities where the drama and excitement of life becomes in itself leisure. These dynamics effect both the production and consumption of stolen commodities; that is both theft and consumption. The driving motivational force for both is the desire for distraction provided by 'having'. This chapter examines the culture of distraction that is part of everyday life and the striving for social survival that becomes a central motivational cultural imperative in contemporary society. Envy creates a permanent anxiety that produces the fear of being without and therefore left out. We must have, we must consume, to feed the fear of social loneliness. In this way markets, both legal and illegal are created and it is in this way that volume crime comes into being. Within this context this chapter concentrates on street crime and more particularly mobile phone theft which are seen to be an essential element of contemporary consumer patterns.

## **Chapter 10: Drugs, alcohol and crime**

Drugs and alcohol use are frequently offered as explanations for crime. The use of so-called 'hard' drugs such as heroin and crack cocaine is cited as one of the causes of a range of crimes, particularly acquisitive crimes; excessive alcohol use is perceived as closely connected with violent behaviour. For many members of the general public and the media, the relationship between drug or alcohol use and criminal activity is clear and the solutions straightforward. This contrasts sharply with the findings of research studies which identify the need for a more complex understanding and consequently, a multi-faceted response.

The chapter is divided into two main parts. The first part focuses on drug use and addresses three key issues: the nature and extent of drug use, the relationship between drug use and crime, and strategies for reducing drug-related crime. In the second part, the same issues are explored in relation to alcohol use. It is important to note that the material on drugs and alcohol has been presented separately to aid understanding of a challenging criminological issue. However, this approach runs the risk of glossing over the fact that both the causes and effects of problem drug and alcohol use may be similar, and that alcohol is often a common element in polydrug use among offenders.

In this chapter, the available evidence from research studies and official statistics is pieced together and its limitations acknowledged. This paints a picture of a society in which alcohol use, and to a lesser extent drug use, is widespread but problem use is confined to a minority. Males, especially young

males, are most likely to be engaged in problem drug or alcohol use and therefore more likely to come into contact with the criminal justice system.

The review of available evidence concludes with suggesting that current knowledge about the relationship between drugs, alcohol and crime remains patchy and prone to misinterpretation. The dangers of relying upon deterministic explanations are explored and it is suggested that 'chicken and egg' arguments about whether drug (or alcohol) use leads to crime or vice versa are both simplistic and unhelpful. A strong argument is advanced for developing a more complex understanding of the relationship between drugs, alcohol and crime which acknowledges the role of other social, economic and cultural factors. It is argued that current policy is based on a partial understanding of the relationship between drugs, alcohol and crime, and thus its impact is likely to be limited.

### **Chapter 11: Violent crime**

The chapter provides an overview of criminological and sociological analyses of violence. The sociological analysis of violence has tended to focus on criminal forms especially homicide, assault, child abuse, sexual violence and intimate violence and as a result it is argued it lacks overall theoretical coherence. Violence tends to be an extreme emotional experience as Norbert Elias (1897-1990) postulated in her "civilising process" theory. With these theories in mind the chapter goes on to look at patterns of violence and presents summary data on the prevalence of violence in the United Kingdom. There are four types of violence considered:

1. Domestic violence – including all violent incidents involving partners, ex-partners, household members or other relatives
2. Mugging – comprising robbery, attempted robbery and snatch from the person
3. Acquaintance violence – includes wounding and assaults in which the victim knew one or more of the offenders, at least by sight
4. Stranger violence – includes common assaults and wounding in which the victim did not know the offenders in any way

There appears to be a gender difference amongst perpetrators of violence and victims of violence. Males tend to be overrepresented in all the types of violence considered, although there is a rising trend of conviction of women in the same areas. The chapter gives an overview of the attempts to explain male violence including:

- Evolutionary lag
- Social theories and "hegemonic masculinities"
- Crisis of masculinity

Whilst males tend to be overrepresented in the types of violence considered above women tend to be overrepresented as victims of crime in private spheres including physical assault, rape and sexual violence, psychological or emotional violence, torture, financial abuse including dowry-related violence, and control of movement and of social contacts. The chapter considers the early problems of such actions not being seen as crime and the reasons for changes in attitudes.

Just as the prevalence of violence against women has increased so too has racist violence. The chapter looks at what constitutes racist violence and its cognitive, cultural and social explanations.

Of all violence homicide is the most serious, the chapter assesses the forms it takes and which cultural groups are most likely to be overrepresented as victims and perpetrators.

Taking all of these examples of violence as a whole the chapter concludes that unless one unravels the complex links between social, economic and cultural reproduction, gender socialization and the intersecting dimensions of identity and class, an understanding of how violence is embedded in everyday life cannot be achieved.

## **Chapter 12: Sex crime**

Sexual offending is often seen as somehow 'different' to other forms of offending – even other prisoners in custodial settings shun the sex offender. Sexual crimes and their management have moved up the political agenda over the last decade. Punishments have increased and a range of other measures been put into place to try and 'regulate' the sex offender in the community.

### *Some Background Features to Sexual Offending*

Sexual offending invariably takes place in 'private' in much the same way as consensual sexual activities. As such it is often difficult to bring it into the public arena of investigation, prosecution etc and is often a matter of one person's word against another.

Sexual offending also usually presumes an absence of 'consent' by one of the parties; the sexual activity is coercive and imposed or one of the parties lacks the capacity to make a valid consent. Children invariably lack this capacity to consent and we talk of an 'age of consent'. People with mental health problems or learning difficulties similarly lack the capacity to make a valid consent.

Some sexual activities may take place with consent but still constitute sexual offences because they are taking place within 'prohibited relationships'. Such relationships are usually between family members such as father and daughter, or brother and sister. Sexual relationships are also now prohibited

between some workers and the young people they work with even if they are over the age of consent; teachers and children's home workers for example might commit the offence of 'abuse of trust'.

### *Forms of Sexual Offending*

The idea of 'consent' – or the absence of 'consent' – being at the heart of sexual offending alongside that of the 'prohibited relationship' gives us a clue as to the different forms that sexual offending might take:

- Coercive sexual activity such as rape or sexual assault
- Sexual activity with children too young to consent
- Sexual activity with people with intellectual impairments making consent invalid
- Sexual activity with people unable to consent because of impairment by alcohol or drugs
- Intra-familial sexual activity (incestuous)
- The commercial exploitation of children even with their consent (this includes travel to other countries where law enforcement maybe more lax – sometimes referred to as 'sex tourism').
- The production of pornographic images (esp. those of children)
- Abuse of trust

### *Criminal Processes*

#### Investigation

The investigation of sexual crime is hampered by it's often 'private' nature; the challenge is to make that which is 'private' into a 'public' matter. The police have improved their interviewing techniques and forensic medical testing over the last twenty years.

#### Prosecution

Prosecuting agencies face the same challenges as the police to produce substantive evidence to place before a judicial hearing. In the past they have been accused of too easily 'giving up' (known as 'discontinuance') and contributing to the so-called 'attrition rate' whereby cases fail to get to court; attempts are continually made to improve the success rate of presenting cases in court.

#### The Hearing

Victims of sexual crime have not always had the best of court hearings. Remedies to improve the position of victims as court witnesses include the use of video links, pre-recorded testimony and other 'special measures' to assist the intimidated witness. Limitations have also been placed on the extent to which a woman's past sexual history can be brought into court as evidence; in the past it has been used to discredit and 'smear' women as credible witnesses.

### Punishment

Since 1991 the punishments available to courts for sexual offenders have been steadily increased in severity – longer custodial sentences – extended supervision in the community – automatic life imprisonment for repeat offenders – ‘imprisonment for public protection’ for those considered dangerous. At the same time offenders have been offered sex offender treatment programmes in prison – and in the community – to try and contain their offending.

### *Civil Measures*

Running parallel to these criminal processes are a range of civil measures designed *not* to punish but to contain and regulate the sexual offender in the community. In essence they follow the form of ‘injunctions’ telling offenders what they must desist from – *failure* to comply will put them into the criminal courts:

- The sex offender register - created in 1997 the register is not a register as such but ‘a requirement’ placed on designated offenders to notify the police every-time they change their address (or names) – the idea is that the police are going to improve their knowledge of the whereabouts of sex offenders in a given area at any one time. The register was not retrospective and applies only to offenders post September 1997.
- Multi Agency Public Protection Panels (MAPPPs) - were created in 2001 to oversee the register (as well as other people deemed a risk to the community) and ensure appropriate action is taken against those likely to re-offend whilst in the community.
- Sexual Offences Prevention Orders - may be applied for on those with known convictions for sexual offences who are now acting suspiciously and look likely to re-offend; the Order details activities they must desist from and – if not already on it – places their names on the register.
- Risk of Sexual Harm Orders – may be applied for on those who are trying to engage children in sexual activities – sometimes known as ‘grooming’. The subject of this Order will have to desist from the named activities; he does not need to have committed any previous offences.
- Foreign Travel Orders – may be applied for on those who might otherwise travel abroad for purposes of ‘sex tourism’; the Order prevents them from travelling.
- Notification Orders – may be applied for on sexual offenders who committed their offences in other countries but are now resident in the UK; the court would need sufficient evidence that the offences did take place. An Order places the offender on the UK register and requires them to notify changes.

### *Future Possibilities*

The government has been looking at various ways of tightening the regulation of offenders in the community; eg the scanning of irises as a form of

identification, the use of polygraphs (lie detectors) to help manage sex offenders, sophisticated electronic tagging systems etc.

There has been much debate about opening up the sex offender register for public inspection so that communities – and not just the professional - might know the whereabouts of sex offenders living amongst them. This is done in the USA where it is known as ‘community notification’ or ‘Megan’s Law’. At present the UK government has not been persuaded that this is something they wish to introduce here.

### **Chapter 13: Corporate crime**

The substance of this chapter is determined significantly by the relative invisibility of corporate crime from popular and academic view. It begins by examining the emergence of the concept of corporate crime, discussing what this term means, and then reviewing the extent to which corporate crime represents a crime problem. The main body of the chapter considers various dimensions of corporate crime, paying particular attention to issues of visibility, causation and control. The central aim of this chapter is to mark out corporate crime as a legitimate area of criminological concern.

In his famous Presidential Address to the American Sociological Association in 1939, and in various publications through the following decade, Edwin Sutherland introduced the idea of ‘white-collar crime’, and in so doing challenged the stereotypical view of the criminal as lower class. But his ‘clarion call’ to criminologists to focus upon such crimes fell largely upon deaf ears, at least until the end of the 1960s/beginning of the 1970s: at that point there occurred a re-emergence of interest in corporate crime as one aspect of a more general proliferation of both an academic concern with ‘white-collar’ crime and a popular and political concern with the socially harmful effects of corporate activity. More recently, however, some commentators, notably Snider (2000), have argued that this concern had diminished dramatically by the end of the twentieth century, as the social credibility of business had increased, with the rise of right-leaning political regimes and commitments to market economics, to the extent that critical scrutiny of corporate activities – not least under the rubric of ‘crime’ – had become less feasible and/or less desirable. Meanwhile, in the UK, the level of academic attention to corporate crime has never reached that of some historical periods in the US.

Corporate crime is a wide-ranging term, covering a vast range of offences of omission and commission with differing types of modus operandi, perpetrators, effects, and victims. A number of academic studies have focused upon a range of financial crimes, including: illegal share dealings, mergers, and takeovers; various forms of tax evasion; bribery; and other forms of illegal accounting. A second general area of corporate crimes are those committed directly against consumers, including illegal sales/marketing practices; the sale of unfit goods, such as adulterated food; conspiracies to fix prices and/or carve up market share amongst different companies,

false/illegal labelling or information; and the fraudulent safety testing of products. Thirdly, we can identify crimes arising out of the employment relationship. These include cases of sexual and racial discrimination and other offences against employment law; violations of wage laws; violations against rights to organise and take industrial action; and a whole range of offences against employee occupational health and safety. Finally, crimes against the environment include illegal emissions to air, water, and land; the failure to provide, or the provision of false, information; hazardous waste dumping; and illegal manufacturing practices.

Corporate crime has enormous economic, physical and social costs. Given its consequences, this raises an obvious question: why is corporate crime almost entirely absent from 'crime, law and order' agendas? To address this question we need to recognise that there are an array of social processes that contribute to removing such offences from dominant definitions of 'crime, law and order' (Slapper and Tombs 1999). These include: formal politics; law and legal regulation; the poverty and paucity of official corporate crime data; the nature and significance of ideologies surrounding business, and the difficulties these pose for naming corporations as potential offenders; representations of crime through various media which converge to produce 'blanket' conceptualisations regarding 'law-and-order' that reinforce dominant stereotypes of crime and the criminal; and the often peculiar victim-offender relationship entailed in many corporate offences. None of the various mechanisms whereby corporate crimes are rendered relatively invisible are particularly remarkable in isolation. What is crucial, however, is *their mutually reinforcing nature* - that is, they all work in the same direction and to the same effect, removing corporate crime from 'crime law and order' agendas.

One group to whom we might turn in order to bring to light issues which are rendered invisible through political and social processes are academic researchers. Yet one of the most intriguing characteristics of criminology is that it has focused relatively little energy upon bringing to light corporate crimes – historically, and to this day, the vast majority of criminological teaching and research tends simply to assume 'crime' as an activity engaged in by *individual* men (and sometimes women).

Certainly there are some concepts within dominant criminological theorising that can be used in attempting to explain corporate offending – even if these concepts were not developed with this type of crime in mind. More generally, those forms of criminology that have sought to place an understanding of power at the heart of their theorising have also produced, or have the potential to produce, insights regarding the nature and incidence of corporate offending. Yet to understand corporate crime causation we must take into account a range of factors at four distinct analytical levels: in terms of the individual, at the level of the immediate work-group or sub-unit within the organisation, by reference to the organisation itself, and in terms of the wider economic, political and social environments within which the organisation operates. The urgency of developing such a wide-ranging integrated

explanatory framework has been raised by some commentators on corporate crime – yet such theoretical development remains at an early stage.

Understandings of how corporate crime is caused inevitably influence claims regarding how it is to be controlled. And it is in the area of regulation that there is perhaps the most significant body of academic research around corporate crime. The most common finding of studies of regulatory enforcement, across business sectors and discrete areas of legislation, is that a co-operative regulatory approach is dominant. In short, regulators seek to enforce through persuasion – they advise, educate, and bargain, negotiate and reach compromise with the regulated. By contrast there is a body of work that seeks to posit alternatives to co-operative approaches. This advocates a more punitive approach to enforcement – though not suggesting that each and every violation of law by corporations be prosecuted. A key argument of this work is that corporate crime becomes defined as *real* crime. In any case, it is incorrect to view co-operative and punitive approaches to regulation as alternative strategies: in practice, all forms of regulation reflect a mix of each approach.

Notwithstanding these disputes, a key issue remains – namely that of sanctions that can be imposed once a violation has been taken to court and proven there. By far the most common sanction is the monetary fine. But such are the problems in the use of this sanction that there have been several alternative, imaginative proposals, some of which have been introduced in limited fashion, others of which remain at the proposal stage. A key reason for the failure to extend the use of more adequate sanctions is the lack of political will.

The fact that this chapter repeats a demand made by Sutherland over half a century ago – that corporate crime be given greater attention within the discipline of criminology – indicates the significance of the economic, political and social, obstacles to the task of taking corporate crime seriously. What is at issue here is power – for exposing corporate crime means exposing crimes associated with what are relatively powerful organisations, moreover organisations with which states (local, regional, national) have increasingly intimate relationships. There has, of course, been progress within criminology since Sutherland's 'clarion call' – but corporate crime remains a problematic and contested area of inquiry. Notwithstanding the definitional, conceptual, methodological and theoretical disagreement and problems, it speaks to phenomena which on almost any criterion one chooses – the nature and extent of economic, physical, and social harms – are significant crime and social problems. But in the current era, corporate crime research may be more difficult, even if it is more pressing, not least because of the increasing valorisation of business activity alongside the power of corporations to seek, via their political allies, the decriminalisation of their activities through the introduction of various forms of self-regulation or through simple deregulation, each of which appear to be significant trends in contemporary capitalist nation-states.

Lastly, and taking us back to the discipline of criminology, corporate crime research remains worthwhile simply because it can perform an important role for the discipline. It encourages criminological reflexivity. If the criminological imagination can shed important light upon corporate crime, then there is no doubting that the study of corporate crime is itself one means of reinvigorating that same criminological imagination.

### **Chapter 14: Understanding organised crime**

This chapter looks at some of the problems of understanding organised crime. It looks into the problems with defining organised crime and the disagreement that surrounds such definitions. Indeed it is difficult to define 'organised crime' as a coherent term describing a well-understood set of arrangements to commit crime. The best the 'United Nations Convention Against Transnational Organized Crime' could come up with was in Article 2 on the convention which states that an organised criminal group must have 'at least three members operating in concert to commit a serious crime.' This does not provide much clarity to defining such crime. Indeed the public perception of organised crime tends to be associated with American gangsters, such as the Corleone family, the central characters of the Hollywood blockbuster films *The Godfather*, or more recently with the angst-ridden mobster, Tony Soprano, hero of the award winning TV series *The Sopranos*. Against such a varied and contentious background the promise by policy-makers to target organised crime primarily requires a greater effort in understanding the nature of this particularly elusive beast. The USA has a more extensive literature on organised crime spanning over 100 years and the chapter gives an overview of this literature from the Pioneer Days with "robber barons" to the more recent cases involving the mafia.

The chapter then looks at the emergence of transnational organised crime that has emerged partly due to the rapid advance of technology. It looks at how global changes have affected the nature of organised crime and the way policy makers and law enforcement respond to it.

There are several theories of organised crime. As a social phenomenon organised crime can be explained in terms of a variety of relationships that the individual forges, or not, with society. Within these social explanations of organised crime are Robert Merton's "strain theory" which explains criminal behaviour as a way of resolving the tension between achieving the dominant goals of society and the obstacles that prevent certain individuals and groups from achieving these goals legitimately.

There are many ways in which data about organised crime can be collected. Those discussed in this chapter include media reports, police files and ethnographic research. The Chapter places a particular focus on the role played by the media in influencing the public's perception of organised crime

which may lead to an explanation of why the public's perceptions tend to be of the American gangsters outlined above.

### **Chapter 15: Terrorism and the politics of fear**

Following the events of September the 11<sup>th</sup> public concerns surrounding the threat of terrorism have inevitably deepened, with these fears perhaps not always being justifiable or even rationale. This chapter provides a general introduction to the subject and poses a series of crucial questions that rarely feature in mainstream criminological textbooks. Central to the analysis are the problems surrounding the definition of terrorism. Ultimately, however, the principle aim of the chapter is to examine the *actual* risk posed by international terrorism, in particular focusing on the psychological threat posed by terrorism, arguing that the demonisation of terrorist actors is counterproductive in that it may help transform them into an omnipotent and unstoppable force. Such an approach exacerbates the risks posed by terrorists turning them into a far more frightening and dangerous threat than is warranted by their capabilities. Inevitably, one of the possible consequences of this approach is to inflate public anxieties and thereby indirectly empower these terrorists.

### **Chapter 16: Economic marginalization, social exclusion and crime**

Taking the proverbs 'The devil makes work for idle hands' and 'Poverty is the mother of crime' the chapter assesses the relationship between economy, poverty and crime. The proverbs are suggestive of the two underlying relationships between economy and crime. The first suggests that gainful employment is important in preventing crime. However, as Hale notes, this ignores the idle rich and so does not provide the whole picture. The second maxim suggests that poverty causes crime so the poor will be more likely to be part of the 'criminal class'. However this is again silent on the crimes committed by the rich and middle classes. A review is therefore undertaken of what other criminologists have to say about the interaction of these factors and goes on to ask "Why might economic conditions affect the level of crime?"

1. *Strain theory* tackles the question of motivation and considers why individuals would want to commit crime in the first place? It argues that people would conform to prevailing norms and laws were it not for stresses and contradictions in their lives. There are two strands to this. Emile Durkheim's concept of *anomie* describes a situation in society where rules are breaking down, or are blurred and confused so that people do not know what to expect of each other. Robert Merton on the other hand states that crime is one possible response to the strains produced by the inequality of opportunity to the achievement of success.
2. *Social disorganisation theory* propounded by the Chicago School focuses on environmental factors and introduces "the zone of transition" within cities, characterised by run-down housing, high residential mobility and high levels of poverty and poor health. Such neighbourhoods are

described as socially disorganised and as a consequence are likely to be low in informal methods of social control and high in crime.

3. *Economic theory*: Rational Economic (Wo)man propounds an economic model of crime and posits individuals who choose between crime and legitimate work depending on the opportunities, rewards and costs of each. Individuals in this cost-benefit analysis will choose to work or to commit a crime depending on the chances of getting a job and the wages in the legitimate market compared with opportunities for illegal earnings, the risk of being caught and the probability and severity of punishment if they undertake criminal activity.
4. *Control theory* focuses on individual responsibility. Rather than asking why people do offend it looks at why they constrained not to offend. Individuals and their internalisation of moral rules and codes become a key focus.
5. *Opportunity and routine activity theory* suggests that in order for a crime to occur three things are needed: a motivated offender, a suitable target and a lack of guardianship. Rising unemployment therefore increases the number of motivated offenders and the level of guardianship.

With these theories in mind the chapter goes on to consider whether there is evidence for a relationship between crime and the economy. First correlations between unemployment and crime were the studies of Chiricos (1987) and Box (1987) which provide the basis for this analysis. Chiricos noted there was a positive correlation but this tended to be most strong in property crime. Other approaches to the relationship between the economy and crime include Field's study that found that consumer expenditure was the best indicator for explaining crime, Hale's study on the effects of the changing labour market and crime and inequality also made an important contribution to the body of work in this area.

The chapter concludes by looking at the emergence in the twentieth century of the underclass and social exclusion and looks at the effects inequalities have on determining whether someone will be a victim of crime.

## **Chapter 17: Gender and crime**

Sex and gender do not form the same concept. Sex differences are those based on biological criteria for classifying persons as male or female, including genital and hormonal differences and variations in reproductive capacity whilst gender differences are ascribed by society and relate to expectations about appropriate social roles. Criminology tended historically to ignore feminist perspectives, however 'second wave feminism' began to expose the male dominance yet 'gender-blindness' of criminology and was formative in the development of what has become termed loosely as 'feminist criminology'.

While there is no one set of perspectives which define 'feminist criminology', the main contributions to knowledge include:

- A more central focus on women as offenders and victims.
- A critique of earlier (male) criminological studies of crime
- The deconstruction of the sexist and stereotypical images of female offenders and victims
- The identification of institutionalised sexism
- An understanding of the effect of gender constructs on the propensity for women to offend
- An insight into the interrelationship between prior victimisation and offending.
- An increasing concern with examining how constructs of class, race and sexuality affect the gender dimension of crime.

Patterning of criminal behaviour and victimisation according to sex can be achieved in a number of ways and the chapter focuses on recorded statistics provided by the Home Office, self-report studies and victimisation surveys such as the British Crime Survey.

As stated, feminist influences on criminology inform us that inequalities between the sexes can differentially shape male and female experiences and behaviours. The differences between masculinities and feminities, in particular the nature of female conformity form one basis of distinction between the propensities for males and females to commit crime. Gender convergence, female criminality, gender learning processes power and control models are also offered as explanations for divergences between men and women in the criminal justice system. Further it is acknowledged that such differences cannot be explained by gender and sex alone and that factors such as age, race and class may affect how males and females experience the criminal justice system in both policing and punishment and sentencing. The chapter concludes by looking at the implications of a “gender agenda” for criminology and the criminal justice process.

### **Chapter 18: ‘Race’, ethnicity and crime**

The chapter explores the relationships between “race”, “ethnicity” and “crime” and how the terms are used interchangeably. In particular this chapter is based on the experiences of the principal author (Olga Heaven) as Director of the Female Prisoners Welfare Project/Hibiscus, a charity that works with foreign national women prisoners. The goal of FPWP/Hibiscus is to improve the conditions of female foreign nationals who find themselves locked in the criminal justice system.

The terms race, ethnicity, discrimination and crime are all used in criminology, the race relations industry and the criminal justice system. All concepts are challenged primarily on the basis that humans are 99.9% the same. However, people are still categorised according to these distinctions and often in a disproportionate manner. Penal policies associated with the disproportionate imprisonment of black people are examined including the USA penal policy

agenda which it is argued has been “unleashed” on the criminal justice system of England and Wales. In England and Wales the black prison population constitutes 10% of the prison population, compared to less than 2% of the general population in 1992, and rose to 13% in 2001. The chapter also looks at high profile reports of the police’s attitude to the black population including the Scarman Report that was set up in the mid 1990s to look at discrimination in the criminal justice system and the more high profile Macpherson report set up in light of the murder of black teenager Stephen Lawrence. Macpherson concluded the Criminal Justice System and, by implication, other aspects of British society, was ‘institutionally racist’, which according to Dr Robin Oakley, ‘can influence police service delivery...not solely through the deliberate actions of a small number of bigoted individuals, but through a more systematic tendency that could unconsciously influence police performance generally’. These findings are propounded by the tabloid press’s coverage of crimes and particular focus is given to the “moral panic” caused in the 1970’s over black muggers.

### **Chapter 19: Young people and crime**

This chapter looks at the development of the youth justice system. It is noted that whilst young offenders have a separate system of justice there are many similarities that can be drawn with adult offenders. One has to be careful in defining “young” as there are different ages which cause these different systems to be applied. Since the abolition of *Doli Incapax* in the 1998 Crime and Disorder Act the age of criminal culpability in England and Wales is ten. However Young Offender Institutions cater for those up to age 21. Indeed one study even defined young as 30. Two models of dealing with youth crime have emerged. The ‘welfare model’ sees offending as a symptom of psychological or social deprivation. The response rests with providing expert-led treatment in order to meet the child’s needs and so reduce offending. This was widely used as the basis for youth justice policies in the 1960s. The ‘justice model’, rather than focusing on deprivation and needs, places the offence at the centre, regarding it as an act of will, with the offender to be punished in line with the seriousness of the crime. This found favour subsequent to the 1960s but was gradually moved away from by the Conservative governments of the 1980s who despite their apparent tough stance on crime were found to be sending less offenders to prison. After a series of high profile youth crimes including the killing of James Bulger the justice model was restored with greater emphasis on penal sanctions for young offenders. Today New Labour proposes to be “tough on crime, tough on the causes of crime” and its recent measure have included:

- The removal of *doli incapax*
- Custody and tough community sentences
- Strengthening warning systems
- Reparation and restorative justice
- Anti-social behaviour orders (ASBOs)

- Curfews
- Child safety orders
- Parental involvement
- Establishing a national Youth Justice Board and local Youth Offending Teams

However, it is not just the welfare and justice models that have affected youth justice in England and Wales and the chapter looks at the concepts of Corporatism and Managerialism as affecting policy. The chapter concludes by looking at how youth crime is profiled including the use of self-report surveys. It also looks at children as victims (an area that has generally been overlooked in criminology) and makes suggestions for future directions.

### **Chapter 20: Older offenders, crime and the criminal justice system**

The first problem this chapter attempts to deal with is what exactly is meant by the term “older”? Social scientists who have researched older persons have failed to come to uniform agreement on what age constitutes ‘old’. However, although there is no definitive, nationwide or international standard for what constitutes an ‘older offender’, most researchers identify fifty as the threshold age. With this as its starting point the chapter looks at why older people are generally constructed as victims and why crimes committed by elders are absent from the criminological agenda. The literature suggests that, irrespective of age, those more concerned with the problem of crime and expressing most fear of crime are not necessarily the most likely to have experiences of victimisation. Indeed the statistics suggests old people are one of the lowest groups likely to experience victimisation. The chapter examines why it is then that older offenders are thought of as vulnerable and frail victims.

Older offenders like child victims, are an area that has tended to be overlooked by criminology. Older offenders tend to be associated with minor offences such as breach of the peace, shoplifting or driving under the influence of alcohol and the statistics do suggest that old offenders do constitute a small minority of the prison population. However, this population is likely to increase as people live longer and more offenders are given lengthy sentences. Older offenders who are likely to become inmates can generally be broken down into the following categories:

- Older first time offender currently serving a term of imprisonment
- The older offender who has had previous convictions but not served a prison sentence before
- The recidivist who may have spent a significant amount of her or his life in and out of prison
- Prisoners fulfilling a life sentence and who have grown old in prison
- Long-term inmates

Despite this the literature on crime in later life has largely been descriptive, with little attempt to provide a theoretical perspective to account for growing numbers of older offenders encountering the criminal justice system. The chapter therefore goes on to consider recommendations for the treatment of older offenders including consideration of whether segregation or integration is the best policy for such offenders.

### **Chapter 21: The Politics of Law and Order**

This chapter examines the history of law and order policies and how they have changed since the end of the Second World War. Its focus is based on the concept of 'punitive populism' where politicians follow what they believe to be electorate's wishes as expressed and reinforced by the media. This concept has shaped most law and order policies since the Second World War. Post 1945 the Welfare State was introduced to the United Kingdom, which guaranteed a minimum standard of income, health and education and was initially supported across the political spectrum as an approach to tackling crime. However by the 1970s the Welfare State was regarded by some as both a cause of the UK's economic problems and thus a reason for the growth in crime. This led the way for the emergence of Thatcherism with its tough stance on law and order and its anti-welfarism approach. Today the state's primary aim is still to protect its citizens, particularly so today with the increased threat of terrorism. However, punitive populism still has its part to play and Labour's rhetoric of being "tough on crime, tough on the causes of crime" resonates with this heightened public fear of and anger about rising crime, in several respects:

- Crime tackled more toughly rather than merely focussing upon the criminal
- Being tough on the causes of crime captures traditional Labour concerns with inequality and social problems
- This implicitly condemns the Conservatives for failing to make these connections since 1979 (Downes and Morgan 2002)

The chapter provides analyses of all these major time periods in terms of political rhetoric and examines the measures implemented by the respective Government's and their effects on law and order.

### **Chapter 22: The criminal justice system**

The Criminal Justice System forms a large burden on public resources. In 2005-2006, the Government will spend £18.336bn on police forces, prosecution and defence lawyers, courts, probation and prisons. The Criminal Justice System is a collection of autonomous and semi-autonomous agencies, such as the police, the Crown Prosecution Service (CPS), the Crown and Magistrates' courts and the correctional services (prisons etc). Each has its own objectives, principles and core responsibilities such as prosecuting and punishing offenders, reducing crime, maintaining community

safety, caring for victims as well as protecting the rights and interests of the accused. The building blocks of criminal justice can be summarised as follows:

- *Substantive criminal laws* - the police and the courts require legal authority to exercise their powers of investigation and trial. These are all based upon the existence of criminal offences. These statutory offences can be contrasted with 'common law' offences which are based on the decisions of courts. Nowadays the courts no longer have the capacity to create new crimes, although their decisions and interpretations inevitably shape the boundaries of offences.
- *Procedural criminal law* - empowers and constrains law enforcement agencies in their investigation of crime, providing them with the legal powers for arrest, detention and trial of suspects but also ensuring that suspects are treated with due respect. Such powers and procedures are primarily governed by such statutes as the Police and Criminal Evidence Act 1984 (PACE) or the Criminal Procedure and Investigations Act 1996 and underpinned by Article 6 of the European Convention on Human Rights which provides everyone with the right to a fair trial.
- Law enforcement agencies such as the police
- Prosecution of offenders
- Legal representation of offenders: the criminal justice system also provides for defendants to be assisted by lawyers, paid out of public funds (Legal Aid)
- Trial and sentencing of the accused
- A correctional system being either a fine, community sentence or custodial sentence.
- Policy formulation which in England and Wales is undertaken by a range of government departments responsible for differing parts of the criminal justice system.

The chapter provides an insight into all these areas and agencies and concludes that the key unifying principle to which all should subscribe is that the accused has the right to a fair and just process, from investigation to arrest, to trial and sentencing through to release from prison.

### **Chapter 23: Surveillance**

Over the last two decades, a range of new electronic and digital technologies have come to be employed as tools of formal control, security, exclusion and punishment, bringing with them 'new' social practices which many commentators – rightly or wrongly - have argued are likely to have profound consequences for established civil liberties.

This chapter offers the reader a general introduction to these new technologies, including an overview of exactly what forms they now take, how they function, and their usage both in the private sector (as a form of

surveillance and physical exclusion) and in the public domain as an instrument of criminal justice (e.g. the electronic tagging and monitoring of offenders). From a theoretical standpoint, these themes introduce the reader to the work of Michel Foucault, Jonathon Simon and Malcolm Feely, as well as Richard Jones' concept of 'digital rule'.

### **Chapter 24: 'Victims'**

This chapter introduces the academic study of victims (sometimes called Victimology) and the range of political and social changes which have brought victims of crime closer to the top of the agenda of those involved in planning and delivering services in the criminal justice system.

It reflects particularly upon the influence of feminism and other social movements on service provision, policy and legislation. Both in north America and in Europe, changes in the politics of gender, race and disability have impacted upon the ways in which we think about victims of crime. Alongside these social changes, criminology and victim studies have also moved with the times, and the somewhat unhelpful approaches to the study of victims from the 1940s to the 1970s have given way to a more critical and engaged approach.

The chapter goes on to consider the reactions and needs of victims of crime. While everyone is an individual and individual reactions are unpredictable, some patterns are discernable and these are described. When victims' needs and aspirations go unmet, there can be further victimisation at the hands of the criminal justice system itself. Some relevant research is summarised. The implications for service delivery are then considered.

As in other areas of social policy, it is instructive to compare policies between countries, and several aspects of policy and practice in relation to victims of crime are compared. The tendency in some countries to legislate and provide services 'for' victims without consulting them or victims' organisations about their real needs is discussed.

### **Chapter 25: Policing**

The chapter provides a broad introduction to the key themes and debates that have been explored in the body of work on the police and policing in England and Wales. It is important to note that the concepts of police and policing are separate, with 'police' referring to the agency tasked with law enforcement and peace-keeping and 'policing' referring to activities carried out by a range of individuals and organisations other than the police. The chapter further addresses the meaning of policing and how the study of policing has become an important area of concern within criminology despite being largely ignored around the 1960s due to criminology's focus on criminals themselves. However since that time, such approaches have been increasingly challenged by the emergence of 'labelling' perspectives that highlight the socially

constructed nature of crime and criminality. Policing was also receiving greater political attention due to the increase in public disturbances since the 1950s culminating in such things as the miner's strikes in 1984. This coupled with highly publicised miscarriages of justice brought policing to the forefront of public concern. Modern policing authorities have broadly three key functions:

- Crime fighting
- Crime prevention
- Order maintenance

Important contemporary debates about policing have focused particularly on the areas of police occupational cultures such as 'cop culture' and machismo. Police are expected to control a culturally diverse society, including the unemployed, the poor, people living in inner-city areas, immigrants and ethnic minorities, who consistently find themselves more likely to be on the end of police abuses of power. The chapter assesses the responses to such perceived discrimination and concludes by assessing those bodies responsible for overseeing police effectiveness, performance and their accountability.

### **Chapter 26: Punishment in the community**

The chapter explores and explains the history, philosophies, current practices and policy debates surrounding community punishment which is often mistakenly referred to as an "alternative to prison". Types of community punishment currently include:

- *Community rehabilitation orders* (formerly probation orders) – the traditional purposes of such orders was to offer advice, assistance and friendship to offenders, in the belief that they could thus be reformed or rehabilitated. Today probation orders, which can be between six months and three years in length, require the offender to maintain contact with their supervising officer and to tell their supervisor about changes in their circumstances. Failure to comply with these conditions constitutes a breach of the probation order and the offender can be re-sentenced, usually to a period of imprisonment. These can also have residence requirements attached to them requiring the offender to live at an approved residence or undergo psychiatric treatment.
- *Community punishment orders* (formerly community service orders) - requires offenders to undertake unpaid work in the community for a period ranging from 60 to 240 hours. Offenders typically work in groups on projects involving land restoration, painting, decorating and woodwork, or in individual placements with charity shops, voluntary organisations and so on.
- *Electronic monitoring* - electronic monitoring requires offenders to be fitted with a special bracelet or anklet which enables regular checks to be made as to the offender's whereabouts. Offenders have individualized

schedules requiring them to be at home between certain hours. Electronic monitoring has been used in two types of community punishment:

- *Curfew Orders* - Courts can sentence offenders to curfew orders with electronic monitoring. Prisoners may be released several weeks before the end of their sentence, on condition that they are monitored.
- *Drug treatment and testing orders* – aimed at those who are willing to cooperate, the orders require offenders to undergo a period of drug treatment in the hopes this will combat the propensity for addicts to offend and re-offend.

The chapter provides a review of all these measures and assesses them in light of punitive populism and whether such sentences are still seen as the “soft option.” The chapter concludes that non-custodial sentences should not be viewed as alternatives to prison but should be understood as representing a different sphere of penal regulation.

### **Chapter 27: Prisons**

The chapter provides an insight into prisons from the perspectives of the Chief Inspectorate of Prisons to those of the prisoners themselves. The Prison Service today has a settled structure and a system of accountability provided for by the Independent Monitoring Board (formally The Board of Visitors), the Prisons Ombudsman and HM Inspectorate of Prisons. The Independent Monitoring Boards are independent watchdogs drawn from the local community who are appointed by the Home Secretary to monitor the welfare of staff and prisoners and the state of the premises. Their duties are to raise prisoner and staff concerns with management, the Governor, Area Manager, Headquarters, or even Ministers and the Home Secretary. In the event of a serious incident at an establishment, a Board member must be invited to observe the way it is being handled. The Prisons and Probation Ombudsman is appointed by the Home Secretary, and is an independent point of appeal for prisoners and those supervised by the Probation Service. HM Inspectorate of Prisons is independent of the Prison Service and reports directly to the Home Secretary on the treatment of prisoners, the conditions of prisons in England and Wales, and such other matters as the Home Secretary may require. The chapter goes on to look at the prison population including sex, age, category, race and disability and how the experiences of these different types of prisoner differ, how prisons are run including assessments of the new regimes of purposeful activity and the proposals in the Criminal Justice Act 2003 that will give prisoners greater contact with the outside world.