

### Further reading

#### ***Community penalties:***

- **Zedner, L. (2004)** *Criminal Justice*. Oxford, Oxford University Press, Chapter 6 on community and financial penalties

#### ***Ethnic minorities and the CJS***

- **Holdaway, S. and O'Neill, M. (2004)** 'The Development of Black Police Associations' *Brit. J. of Criminology* Vol 44, 854-865.
- **Youth Justice Board (2004)** *Differences or discrimination. Minority ethnic young people in the youth justice system*

#### ***Fines***

- **Brownlee, I. (1998)** *Community Punishment*. London, Longman. [See the chapter on financial penalties for a very detailed review and commentary.]
- **Carter, P. (2003)** *Managing Offenders, Reducing Crime: A New Approach*. (The Carter Report). London, Stationery Office. [See p.27 *et seq* for proposals for greater use of fines and for the introduction of 'day' fines.]
- **Einat, T. (2004)** 'Criminal Fine Enforcement in Israel' *Punishment and Society* Vol 6(2) 175-194. [This article reviews and evaluates empirical research on the Israeli enforcement system introduced in 1995 and also briefly reviews research in Europe and the USA.]
- **Home Office (2004b)** *Reducing Crime - Changing Lives*, London, The Stationery Office, Appendix paras 33-35: for the Government's response to the Carter report proposals.
- **Raine, J., Dunstan, E. and Mackie, A. (2004)** 'Financial Penalties: Who Pays, Who Doesn't and Why Not?' *Howard Journal* Vol 43(5) 518-538. [This article analyses research for the Home Office 2000-2002 about non-payment and fine default .]

### ***Impact of penal policies***

- **Cavadino, M. and Dignan, J. (2005)** *Penal systems: a comparative approach* London: Sage.
- **Cook, D. (2006)** *Criminal and Social Justice*. London: Sage. [Cook analyses the relationship between penal policy and social policy in Britain under New Labour Governments, with reference to social exclusion, citizenship and human rights, and considers ways of reconciling criminal and social justice.]
- **Dyson, S. and Boswell, G. (2006)** 'Sickle Cell Anaemia and deaths in Custody in the UK and USA' *Howard Journal* Vol 45(1) 14-28 [This article gives information about the medical context for *R v Green* (1992) 13 Cr App R (S) 613: see book p 222.]
- **Piper, C. (2007)** 'Safeguarding and Sentencing' *Family Law* Vol 37 pp 336-9.
- **Piper, C. (2007)** 'Should impact constitute mitigation?: structured discretion versus mercy' *Criminal Law Review* pp 141-155.
- **Watson, S. and Rice, S. (with prisoners at HMP Wolds) (2004)** *Daddy's Working Away*, (Care for the Family, London).

### ***Mentally disordered offenders: policy and research***

- **Bui, H.S. (2004)** 'Criminal Justice and Mental Health' *Probation Journal* Vol 51(3) 260-261. [Reviews the main conclusions of the report *Snakes and Ladders: Mental Health and Criminal Justice*.]
- **Centre for Reviews and Dissemination (1999)** *Systematic Review Of The International Literature On The Epidemiology Of Mentally Disordered Offenders*, CRD Report 15, York, York University. [Summarises the findings of the systematic review of the literature by a team at Reading University. Available at: <http://www.york.ac.uk/inst/crd/report15.htm> ]
- **Cummins, I. (2006)** 'A Path Not Taken? Mentally Disordered Offenders and the criminal Justice System' *J. of Social Welfare and Family Law* Vol 28 (3-4) 267-281. [This article examines the reasons why mentally disordered offenders are still not being diverted from the criminal justice system and from custody. It focuses

particularly on police powers and the role of the appropriate adult at the questioning stage of police investigation rather than the sentencing stage.]

- **Home Office (1990)** Circular 66/90 *Provision for Mentally Disordered Offenders*. London, Home Office.
- **Home Office (1995)** Circular 12/95, *Mentally disordered offenders and inter-agency working*. London, Home Office.  
For Guidance for the CPS and the NHS on these circulars see:  
[http://www.cps.gov.uk/legal/section3/chapter\\_a.html](http://www.cps.gov.uk/legal/section3/chapter_a.html)  
<http://www.nhs.uk/zerotolerance/mental/mental.htm>
- **Powell, R. (2003)** 'Sentencing the Mentally Disordered Offender' *Magistrates' Courts Practice* Vol 7(3) 6-13.

#### ***Mitigation and the Impact of custody***

- **Easton, S. (2008)** 'Dangerous Waters: Taking Account of Impact in sentencing' *Crim LR*. 105-120.
- **Jacobson, J. and Hough, M. (2007)** *Mitigation: the role of personal factors in sentencing*, London, *Prison Reform Trust*. [The authors of this report summarize on p.vii their key findings as the following:
  - Personal mitigation takes many forms, relating to: the offender's past; the offender's circumstances at the time of the offence; the offender's response to the offence and prosecution; and the offender's present and future.
  - Personal mitigation plays an important part in the sentencing decision; it can be the decisive factor in choosing a community penalty in preference to imprisonment.
  - Judges cited at least some factor of personal mitigation as relevant to sentencing in almost half of the 162 cases observed in the study.
  - In just under a third of the 127 cases where the judge made the role of mitigation explicit, personal mitigation was a major – usually the major – factor which pulled the sentence back from immediate custody.
  - In a just over a quarter of the 127 cases, mitigation including personal factors resulted in a shorter custodial sentence.

- Respondents were asked to rate the importance of different mitigating factors in three cases; they were in agreement about the importance of some forms of personal mitigation, but expressed very mixed views on others.]
- **Light, R. and Bryony Campbell (2006)** 'Prisoners' Families: Still Forgotten Victims?' *J. of Social Welfare and Family Law* Vol 28 (3-4) 297-308. [This article reviews the issues relating to what the authors call the 'forgotten victims' – the children and partners of those in custody. The article then examines recent initiatives and suggests that more data on the problems needs to be gathered and inter-agency responses set up.]
- **Piper, C. (2007)** 'Safeguarding and Sentencing' *Family Law* Vol 37 pp 336-9.
- **Piper, C. (2007)** 'Should impact constitute mitigation?: structured discretion versus mercy' *Criminal Law Review* pp 141-155.