

**The London School of Economics and Political Science**

*Conditions for Sustainable Decarceration Strategies for Young  
Offenders*

Denis W Jones

A thesis submitted to the Department of Social Policy of the  
London School of Economics for the degree of Doctor of  
Philosophy, London, January 2012.

## **Declaration**

I certify that the thesis that I have presented for examination for the PhD of the London School of Economics and Political Science is solely my own work.

The copyright of this thesis rests with the author. Quotation from it is permitted, provided that full acknowledgement is made. This thesis may not be reproduced without the prior consent of the author.

I warrant that this authorisation does not, to the best of my belief, infringe the rights of any third party.

## **Abstract**

Between 1978 and 1992 the number of juvenile offenders aged under 17 in England and Wales who were removed from home under sentence and sent to institutions such as detention centres, borstals, youth custody institutions or residential Community Homes with Education fell from 14,000 to 1,800. This thesis documents how this significant decarceration came about, and why it has been given little attention in the criminological literature, placing it in context of developments in juvenile justice legislation and practice between 1965 and 1996 and theories of policy change. It suggests that the key development was the funding of charity and voluntary sector organisations to provide Intensive Intermediate Treatment programmes to juvenile courts as an alternative to custody, and the development of a small group of practitioners willing to act as campaigning advocates for young offenders in court. Interviews with key politicians, civil servants, academics and practitioners from this period are used to explore these trends in more detail, and consideration is given to the respective roles of the Home Office and the Department of Health and Social Security and the tensions between them over responsibility for young offenders. The development is then situated within theories and examples of decarceration, deinstitutionalization, abolitionism and reductionism, drawing on attempts to close institutions or to reduce institutionalization in the fields of youth justice, mental health and learning difficulties in the UK and other countries. Alternative explanations of what happened in juvenile justice in England and Wales are considered and challenged. Conclusions are then drawn as to the conditions that are necessary for any decarceration strategy to be successful and sustainable

## Acknowledgements

During the ten years that it has taken to produce this thesis, I have become indebted to a large number of people. David Downes has been enthusiastic and supportive of me since I first approached him with the idea for the thesis in 2001, giving detailed comments on a series of drafts, offering new ideas and encouraging me to complete. Tim Newburn has also offered a supervisory role in the final period.

In the first few years of the thesis I was supported by my managers Chris Taylor and Bob Skinner of East Sussex County Council, who helped with my fees in the first three years.

I would like to thank the staff of LSE library, particularly Clive Wilson; the University of Sussex Library; the British Library; Phyllis Schultz at Rutgers University; Lila Booth at the National Council of Crime and Delinquency in San Francisco; Ben Tomes, of the Information Commissioner's Office; Jane Mason, Libraries web co-ordinator with East Sussex County Council; the National Youth Bureau, Leicester; Alison Skinner of the Centre for Social Action, De Montfort University; Julie Grogan at the Centre for Criminal Justice Studies; Lewes Magistrates' Court; the Institute of Psychiatry; the School of Advanced Legal Studies; Kings College library; the Institute of Education; the House of Lords library; the Institute of Criminology at Cambridge; Dartington Social Research Centre; the Kings Fund; NACRO; NAPO and the Howard League, all of whom helped me access publications.

Special thanks must go to those who gave up their time to be interviewed by me: In alphabetical order: Rob Allen; Baroness Bottomley; Roger Bullock; Paul Cavadino; John Croft; Frances Crook; Brian Cubbon; Helen Edwards; Lord Elton; David Faulkner; Cedric Fullwood; Loraine Gelsthorpe; Bryan Gibson; Dr. Henri Giller; Lord Hurd; Lady (PD) James; Richard Kay; Declan Kerr; Rod Morgan; Michael Moriarty; Pauline Owen; Andrew Rutherford; Chris Sealey; Stephen Shaw; Barry Sheerman, MP; Lord Soley of Hammersmith; Nic Stacey; John Stacpoole; Chris Stanley; Vivian Stern; Norman Tutt; Sir William (Bill) Utting and Lord Waddington. All the people that I interviewed were sent a copy of the material that I planned to use from the interview, and given the opportunity to amend or correct this. Several of them also took the opportunity to develop their views or add to their interview by letter, and where I have used this letter I have added "personal correspondence" in the text. Michael Cavadino and John Pratt responded to a series of questions from me by e-mail. Sean McConville helped me to make contact with people on the list above.

Several people completed questionnaires that I distributed to former youth justice practitioners, with the assistance of the National Association of Youth Justice. Some wished to remain anonymous. Thanks go to them and to Tim Bateman, Denise Campbell, Michael Cavadino, Mark Hamilton, Richard Hester, Pam Hibbert, Phil Kendrick, Dave Mann, David Miller, Geoff Monaghan, Adrian Neal, Richard Smith, Roger Smith, Wendy Underwood, James Waud and Brian Williams.

My former colleague Josie Cavendish provided a thorough proof read of a near-final

draft, and Barry Luckock at the University of Sussex provided helpful advice on the final revision.

Finally, the support of my partner, Aideen Jones, has been essential throughout this period. Her inspirational work providing individual and group home support for those decarcerated from the back wards of long-stay learning difficulty hospitals was what led to the idea of combining prison and other institutional decarceration strategies in this thesis, which would otherwise have been simply a youth justice history.



## Table of Illustrations

<b>Figure 1: Boys and young men under 17 sentenced to custody and care for offences: England and Wales 1964 – 2000</b>	<b>12</b>
<b>Figure 2: The Juvenile Justice Tariff</b>	<b>122</b>

## Abbreviations

<b>ACOP:</b>	<b>Association of Chief Officers of Probation</b>
<b>ACPO:</b>	<b>Association of Chief Police Officers</b>
<b>ACTO:</b>	<b>Advisory Council for the Treatment of Offenders</b>
<b>ADSS:</b>	<b>Association of Directors of Social Services</b>
<b>AJJ:</b>	<b>Association for Juvenile Justice</b>
<b>AMA:</b>	<b>Association of Metropolitan Authorities</b>
<b>BASW:</b>	<b>British Association of Social Workers</b>
<b>CCETSW:</b>	<b>Central Council for the Education and Training of Social Workers</b>
<b>CHE's:</b>	<b>Community Homes with Education on the premises (the former approved schools)</b>
<b>CJA:</b>	<b>Criminal Justice Act</b>
<b>CLC:</b>	<b>Children's Legal Centre</b>
<b>CPS:</b>	<b>Crown Prosecution Service</b>
<b>CRPC:</b>	<b>Children's Regional Planning Committee</b>
<b>CYCC:</b>	<b>Centre for Youth, Crime and Community (at Lancaster University)</b>
<b>CYPA:</b>	<b>Children and Young Person's Act</b>
<b>DC:</b>	<b>Detention Centre</b>
<b>DHSS:</b>	<b>Department of Health and Social Security</b>
<b>DYS:</b>	<b>Division of Youth Services (in Massachusetts)</b>
<b>HMSO:</b>	<b>Her Majesty's Stationery Office</b>
<b>IT:</b>	<b>Intermediate Treatment</b>
<b>LBCRPC:</b>	<b>London Borough's Children's Regional Planning Committee</b>



<b>NACRO:</b>	<b>National Association for the Care and Resettlement of Offenders</b>
<b>NAJC:</b>	<b>New Approaches to Juvenile Crime</b>
<b>NAPO:</b>	<b>National Association of Probation Officers</b>
<b>NCH:</b>	<b>National Children's Homes</b>
<b>NHS:</b>	<b>National Health Service</b>
<b>NITFED:</b>	<b>National Intermediate Treatment Federation</b>
<b>NYB:</b>	<b>National Youth Bureau</b>
<b>O&amp;A:</b>	<b>Observation and Assessment Centre</b>
<b>PAPPAG:</b>	<b>Parliamentary All Party Penal Affairs Group</b>
<b>POA:</b>	<b>Prison Officers Association</b>
<b>PROP:</b>	<b>Preservation of the Rights of Prisoners</b>
<b>PRT:</b>	<b>Prison Reform Trust</b>
<b>RAP:</b>	<b>Radical Alternatives to Prison</b>
<b>SER:</b>	<b>Social Enquiry Report</b>
<b>SSD:</b>	<b>Social Services Department</b>
<b>YC:</b>	<b>Youth Custody Centre</b>
<b>YOI:</b>	<b>Young Offender Institution</b>
<b>YTC:</b>	<b>Youth Treatment Centre</b>

## **Chapter 1**

### **Introduction, Aims and Methodology**

In the spring of 2000 I was invited to attend the 10th United Nations Congress on Crime Prevention and the Treatment of Offenders in Vienna. Throughout the week of the Congress there were presentations of projects working with offenders from all over the world, many of them claiming to be 'alternatives to custody'. Yet none of them made any reference to custody rates among the client group to which they were referring, or seemed to see this as a valid criterion of success. As imprisonment rates were rising in most parts of the world, it appeared that 'alternatives to custody' were allowed to exist, and be evaluated, without any reference to sentencing patterns. There exists a substantial literature on 'alternatives to custody' which mirror this (e.g. Dodge, 1979). My attempts to raise concerns about 'net-widening' (Cohen, 1979; Austin & Krisberg, 1982) or to use the terms 'deinstitutionalization' and 'decarceration' only resulted in blank looks and a lack of comprehension.

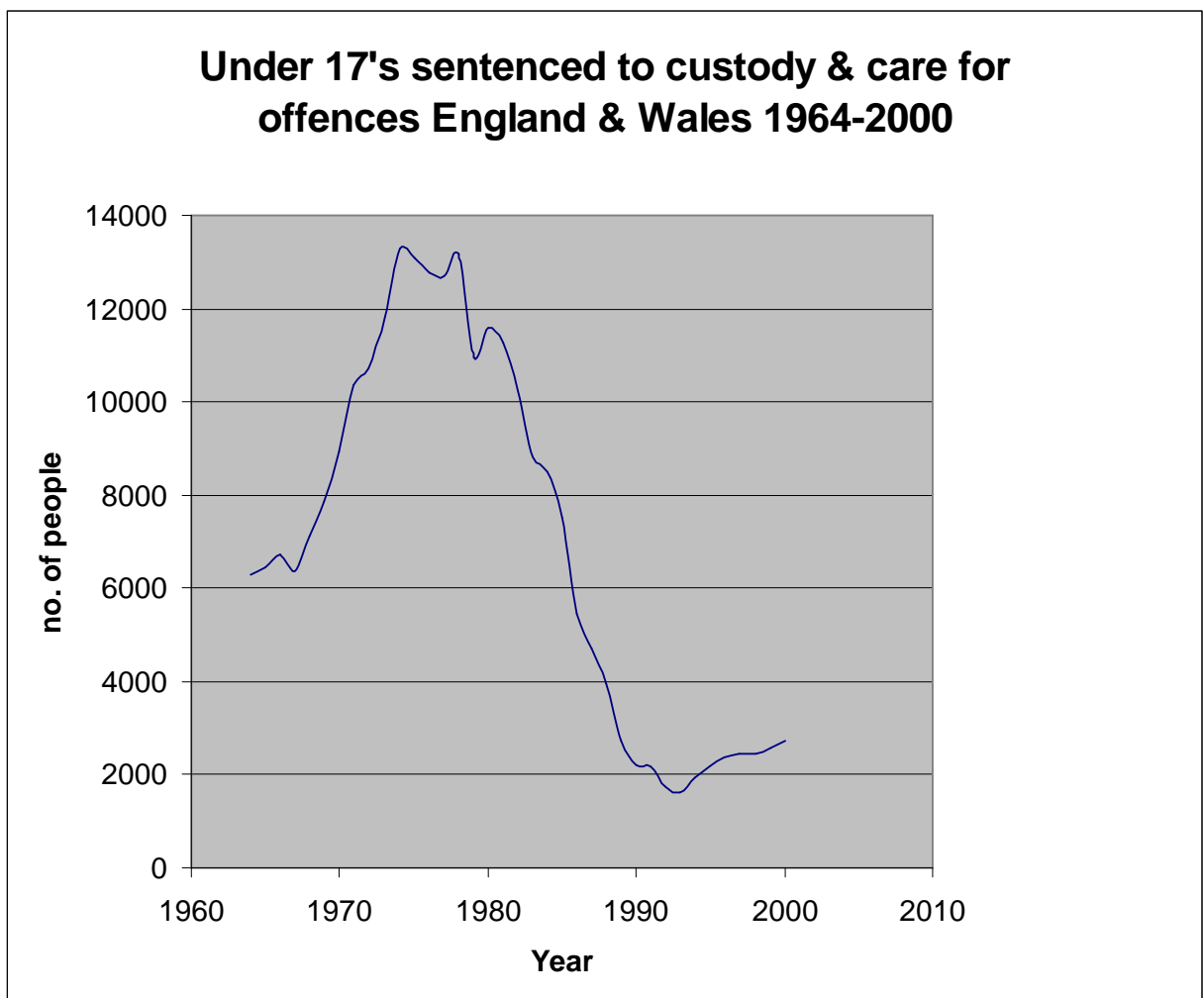
In England and Wales, between 1978 and 1992, a major development of 'alternatives to custody' for young offenders took place. There was a significant reduction, from 14,000 a year to less than 2,000 a year, in the numbers of young people aged between 14 and 16 who were removed from their home and family and placed in institutions as a result of criminal convictions (See Figure 1). Over the same period recorded crime rates by this group fell dramatically, the number of juveniles aged between 10 and 16 found guilty of indictable offences falling from 90,200 in 1980 to 24,700 in 1990. A large number of institutions were closed, with significant central government savings. It has been described as a period of 'remarkable deceleration and humanising' of

youth justice (Rutherford, 1994) and ‘one of the most remarkably progressive periods of juvenile justice policy’ (Rutherford, 1995). This happened through the use of ‘Intermediate Treatment’, a concept developed in 1969 that ceased to be used in the 1990s, which was used to refer to work with young offenders in the community.

There has been considerable academic debate about how the above fall in juvenile incarceration came about. Some claim that it was part of a systematic attempt by practitioners, supported by politicians, to reduce custodial sentencing (see Rutherford, 1995), while others believe it was due to various changes in police practice, legislation and a declining age cohort that had the unplanned result of a fall in juvenile custody. This academic debate is set out in Chapter 9, which includes a consideration of other explanations of the fall in youth crime and custody, and an examination of the strategies and motives of relevant academics, politicians, civil servants and campaign groups.

The overall focus of the thesis is to re-evaluate previous accounts of juvenile justice policy and practice in England and Wales and to analyse the reasons for their apparent failure to understand the significant role played by practitioners in transforming the sentencing of juvenile offenders in England and Wales. For a few years, the near abolition of custodial sentencing for young offenders seemed a distinct possibility. This abolitionist perspective almost achieved cross-party recognition in policy terms, and the analysis extends to explore how the changing politics of crime control in the post-1992 period led to a renewed agenda to be tough on young offenders, seemingly regardless of the balance of evidence.

**Figure 1: Under 17's sentenced to custody and care for offences: England and Wales 1964 – 2000**



The remainder of this introduction sets out and considers my methodology, discusses a range of theories of policy change, and chooses Kingdon's model as the most relevant to the thesis. Developments in juvenile justice in England and Wales are then set out. Chapters 2 to 6 offer a history of the development of juvenile justice policy and practice in England and Wales between the early 1960s and the early 1990s. While there are many such histories, I hope this will offer a different perspective on the role of politicians, policy makers and practitioners than has been previously published. Chapters 7 and 8 then consider a range of theoretical approaches to decarceration and the lessons from practical attempts to develop decarceration or deinstitutionalisation in criminal justice, mental health and learning disability services in a range of countries. Finally, in Chapter 10, I amalgamate the whole material to draw lessons for future attempts to develop and sustain decarceration strategies.

I set out, and believe that I largely succeeded, in reading everything published on juvenile justice and IT between 1964 and 1996, even though not everything was subsequently used (my original bibliography was double the length of the present one, and would be a significant contribution to a future bibliography of juvenile justice for this period). Material was identified by following up every reference in everything read, and searching out every entry in the bibliography of IT published by Skinner (1985) for the National Youth Bureau [hereafter NYB] and a later unpublished update which I was co-editor of. I visited the IT archive of the NYB and was also given access by Skinner to the material that she had taken with her, which the NYB did not want, when she moved to the Centre for Social Action at De Montfort University. Specialist libraries were visited that held relevant material, including archived material, at the National Association of Probation Officers [hereafter NAPO], the

National Association for the Care and Resettlement of Offenders [hereafter NACRO], the Howard League, Dartington Social Research Unit, the Institute of Criminology, the Institute of Education and the Centre for Criminal Justice Studies. The Annual Reports of all the relevant organisations were also searched.

A great deal of the literature on IT was published in professional and practitioner journals, and I read through every issue of the following journals to identify relevant material: The Abolitionist; AJJUST; Approved School Gazette; British Journal of Criminology; British Journal of Delinquency; British Journal of Social Work; Childright; Child Care; Child Care Quarterly Review; Christian Action Journal; Clearing House for Social Services Research; Community Care; Community Schools Gazette; Community Homes Schools Gazette; Criminal Law Review; Criminal Justice Matters; Critical Social Policy; Home Office Research Bulletin; Howard Journal; IT mailings (NYB); Journal of Adolescence; Justice of the Peace; NAPO News; New Law Journal; New Society; Prison Report; Prison Service Journal; Probation Journal; Research, Policy and Planning; Social Work Service; Social Work Today; The Magistrate; Youth and Policy; Youth in Society; Youth Justice; and Youth Social Work Bulletin.

In order to cover the political debates about juvenile justice I searched the index of every issue of Hansard for both the House of Commons and the House of Lords for the period, using a prepared list of around 50 key words, names of ministers and opposition shadow ministers for the time, and other members known to contribute to juvenile justice debate, such as Robert Kilroy-Silk and Lord Longford. All relevant debates and parliamentary questions were read. All relevant Bills were followed

through all of their parliamentary stages, including the full unpublished accounts of the standing committee stages, which the House of Lords library allowed me to access. I searched the annual catalogues of the Home Office and the Department of Health and Social Security [hereafter DHSS] to identify and then read relevant publications, and used the annual HMSO catalogue to identify relevant Parliamentary Papers and Command Papers, again all of which were read, as were all relevant proceedings and reports of relevant House of Commons Committee Inquiries: these included the Home Affairs Committee; Expenditure Committee; Social Services Committee; Health Committee and Estimates Committee.

The statistics on the process and sentencing of juvenile offenders, which are presented in Appendix 1, were gathered through a detailed study of the Annual Statistics published by the different government departments (Home Office; DHSS; Prison Service etc.) and their supplementary tables and have been identified in the bibliography under 'HMSO', 'Home Office' or 'DHSS'. These tables did not always agree with each other, and I have added a note at the start of Appendix 1 which explains why. I believe that the tables in this thesis are the most accurate now available on the disposal of young offenders in the period covered.

It has also been necessary to narrow the area for consideration in the thesis. In looking at juvenile justice in England and Wales I have concentrated on young male offenders, and only mentioned issues about female crime and justice in passing. I have also ignored the remand stages of the juvenile justice process, focusing on final sentencing outcomes. When considering mental health and learning disabilities, I have chosen to focus on the literature about adults, not children, so as to allow a focus on

decarceration and deinstitutionalization without engaging with a totally separate and complex debate about residential and compulsory schooling for children with learning disabilities or mental health problems.

Initially I had planned to include a detailed section in the thesis on comparative attempts to reduce juvenile incarceration in the USA in the 1960s and 1970s through the Deinstitutionalisation of Status Offenders, Diversion, and the California Probation Subsidy programs. A 30,000 word chapter has been removed from the thesis due to word length, and in the end only a section on the Massachusetts experiment has been included. In order to gather this material I again tried to read everything published on juvenile justice in the United States in the 1960s and 1970s, working through government publications, Senate and House of Representative committee hearings and reports, over 100 University Law Journals, other key journals (Crime and Delinquency; Research in Crime and Delinquency, for example) and the materials of campaigning organisations.

A similar 30,000 word draft chapter on decarceration in mental health and learning disability services in the USA, UK, Italy and elsewhere was removed from the draft thesis and instead some of the key findings are summarised in chapter 8. This was based on a total follow up of all relevant references, trawls through every issue of key journals, Web of Science searches of 'decarceration', 'deinstitutionalization' (with various spellings!), government publications in the USA and UK, and visits to specialist libraries like the Institute of Psychiatry and the King's Fund.

The London School of Economics library has the largest collection of US



Government publications in the UK, though it is not well catalogued. Eventually I was allowed direct access to the restricted access space in which they are stored, rather than having to complete search requests for every item which the staff were often unable to locate. I accessed several thousand documents, though most of these were used in the chapters which were subsequently deleted from the thesis.

For the abolitionist perspective and the theoretical issues around criminal justice abolition, social control, net-widening and reductionism, I found literature searches less helpful. A search on 'abolition' produced material on the slave trade, for example. Instead, this material was found by following up references, the publications of key authors, and the previous journal searches carried out mentioned above.

Noaks & Wincup (2004) stand in a long tradition of social researchers to suggest that there is no need to be restrictive about using both qualitative and quantitative research in the same project, and it was considered that some useful material would be generated by interviewing the leading politicians, civil servants and academics involved in the development of juvenile justice and IT policy. My supervisors and I made a list of Home Office and DHSS/DoH ministers and other politicians who had contributed to juvenile justice debate or as opposition spokespersons throughout the period; key civil servants involved in policy (whose names were often attached to departmental circulars, for example); civil service members of the Children's Division of the Home Office, the Social Work Service at the DHSS, and criminal justice sections of the Home Office; leading local government and probation figures involved in juvenile justice; key figures in pressure groups; people involved in significant IT projects (such as the Woodlands project in Basingstoke) and academics

who had written widely about juvenile justice policy. Two academics, Mike Nellis and David Smith (of Lancaster) were deliberately left off the list as it was hoped that one of them might become the external examiner for the thesis. 'Who's Who' was then checked to identify those on the list who might be deceased, and internet searches carried out to identify contact addresses for the others.

Initially, 62 names were identified which my supervisors and I went through on three occasions to firm it up and use other contacts to identify some who we could not find addresses for. An interview schedule of 14 questions was drawn up, which I piloted by interviewing three former colleagues in youth justice. It was then revised, and approved by the LSE research ethics committee. Letters were then approved by my supervisors and sent out to all 62, asking them if they would be willing to be interviewed by me at an agreed place and time of their choosing, subject to my own diary commitments. Of these, 28 accepted the offer and they were interviewed around the country over the following two years (2006-7), in a variety of locations: their home, their club; their office, and in restaurants. By allowing them to choose the location I was giving power to the interviewee and allowing them to choose where they felt most at ease (see Noaks & Wincup, 2004: ch. 5). Several of those written to engaged in correspondence with me before declining an interview, in some cases allowing me to use this correspondence in the thesis. I made the interviewees aware of the other people I had approached, and some of the interviewees suggested other people whom they thought would be important to interview, and contact was made with another five people, though most interviewees agreed with the names that had been chosen, which has hopefully reduced the risk of distortion of the historical record (Jensen, 1981), and suggests that the interview sample was representative

(Lummis, 1998). Guarantees about confidentiality were addressed in the letter (Fry, 1975; Robertson, B M., 2006). Christians (2005) suggests a code of ethics for qualitative research that involves informed consent, no deception, privacy and confidentiality and accuracy, all of which were met in this study. While Eisner (1991) claims that it is virtually impossible to avoid exploiting the interviewee, I believe I did as much as possible to minimise this risk, by recognising my own inclinations and biases (Fischer, 1995).

One danger was that, as I knew some of the interviewees, this could also have affected the interview (Yow, 1995; 1997; Sarantakos, 1994: 199). I ensured that all the interviewees approached had a clear sense of who I was and what I was trying to do, that my questions would be clear, that they were free to consent or decline the interview and that this consent was informed, and that I offered the right to privacy, anonymity and confidentiality (Sarantakos, 1994: 1 - 24).

Preparation was essential (Grele, 1991a; Cutler, 1970; Sommer & Quinlan, 2002; Quinlan, 2011: 29ff; Robertson, B M., 2006: 8ff). I prepared for each interview (Thompson, 2000: 222ff) by reminding myself of the role that the interviewee had had in juvenile justice and over what period, for as Harris (1991: 5) says, 'a cardinal rule is to come to the interview thoroughly informed and then to let the subject do the talking', as 'interviews ... reflect the participants' self-conscious attempts to preserve what they remember for the future'. Interviews were tape recorded, with the questions I asked being followed up during the interview as appropriate, and certain questions that seemed irrelevant to the specific interviewee not being asked. Rapport was established with all interviewees (Cutler, 1970; Morisey, 1998). The style of interview

was what Grele (1994: 2) has described as a ‘conversational narrative’, acknowledging that the interview is a joint activity influenced by both participants’ perspectives (Grelle, 1991: 135). Almost all the prepared questions were open-ended, and were then followed up with more probing questions (Morisey, 1998; Quinlan, 2011). Sarantakos (1994: 177ff) acknowledges the value of ‘unstructured interviews’ with no restrictions on the order of questions and the value of flexible, neutral probing, whereas mine were ‘semi-standardised and open’ (ibid: 187). Silverman (2001) believed that open, unstructured interviews *do* elicit authentic accounts.

Full transcripts were not made of each interview, due to the amount of work this would have generated, but comments and statements that I considered relevant by the interviewee were written down. As I borrowed the tapes and recording equipment, and reused tapes after making notes on the previous interview, I also did not keep copies of all the interview tapes, something which I later discovered that oral history texts strongly recommend. I promised to send a copy of the parts of the interview I would be using to each interviewee for their approval, and did so, copying the relevant draft sub-sections of the thesis to them so they could see the wider context in which I was using their information (This is consistent with the recommendations of Borland, 2006). All but one of the interviewees agreed with the text and were happy for it to be included.

One interviewee insisted that I included a context of over 1,000 words, that he drafted, before quoting him, but I did not consider that I could justify using this amount of word space, much of which replicated historical context material included elsewhere in the thesis, and after a substantial amount of correspondence we agreed

that I would withdraw all reference to him in the thesis except in the acknowledgements.

While it was impossible to test reliability ('the consistency with which an individual will tell the same story about the same events on a number of different occasions', Hoffman, 1974: 25) by repeating the interviews, validity ('the degree of conformity between the reports of the event and the event itself as recorded by other primary sources', *ibid*: 25) could be checked against that of other interviewees, and the document record, to help with verification, as part of the wider research (Tuchman, 1972). Lummis (1998) notes how factual details can be 'triangulated' for general accuracy by using other sources and other interviewees, a term also used by Jupp (2001: 308) to refer to 'the use of different methods of research, sources of data or types of data to address the same research question'. Maguire (2000) argues the case for using as many different and diverse sources of evidence as possible. Sarantakos (1994: 308-9) suggests that interviews can be interpreted by noting the patterns and themes coming out of them, which also allows the checking of their plausibility. However, written memoirs, biography and autobiography are more accepted as part of the documentary record than interviews, but also have questions of accuracy (Portelli, 1998), and there is danger in putting more weight in a source simply because it has been written down (Ritchie, 2011). Ritchie (1995: 92) argues that oral history evidence needs to be treated 'as cautiously as any other form of evidence'.

Fischer (1995) is very supportive of the use of interviews to assess policy change, suggesting that this is the best means 'to tap the cognitive realities of those knowledgeable about the situation' especially the policy stakeholders (*ibid*: 80). As

those who had been involved have unique ‘experiences and ideas’ the interviewer sets out to draw out their perspectives, to understand how they interpreted their experiences, how they defined the situation that they were in, how they identified the problems they faced and how they formulated the plans to respond to these problems.

Reliability of interview data and the notion of ‘historical truth’ are contested concepts (Hodgkin & Radstone, 2003; Ritchie, 1995: 6), as is the question of what is historical ‘evidence’ (Thompson, 2000: 118 - 172). Frisch (1979: 74) asked ‘what happens to experience on the way to becoming memory? What happens to experience on the way to becoming history?’ and noted how the reality of what happened at the time is filtered by time and subsequent experience. As Samuel & Thompson (1990: 10) say, ‘any life story ... is in one sense a personal mythology, a self-justification’. As Fontana & Frey (2005: 696) point out, interviewing is not merely the neutral exchange of asking questions and getting answers, and total neutrality is not possible: it is important to be aware that two people are involved, and it is the *exchange* in the interview that leads to a ‘contextually bound and mutually created story’. Abrams (2011: 10) suggests that ‘there are two people in an interview, which means two worlds, or subjectivities, are colliding’. Miller & Glassner (2004) note that radical social constructionists suggest that *no* knowledge of reality can be elicited from an interview, which is *only* an account of an interaction between the interviewer and interviewee, but challenge this by arguing that, while the interview is itself a symbolic interaction, this does not discount the possibility that knowledge of the social world beyond the interview can be obtained. Holstein & Gubrium (2004: 141) believe that ‘interviewers are deeply and unavoidably implicated in creating meanings that ostensibly reside within respondents’.

Oral historians have given substantial attention to accuracy of memory (see Abrams, 2011: chapter 5; Grele, 1991; Perks & Thomson, 2006; Robertson, 2006; Thompson, 2000; Thomson, 2011) As Darien-Smith and Hamilton (1994: 14 – 15) say ‘what gets remembered, and how, is of critical importance in the process of remembering’.

There has been a lack of interaction between oral history studies and psychological studies of memory (Hamilton & Shopes, 2008), and when they are brought together Hamilton & Shopes point out the need to explore *what* people remember, *why* they remember it, and the *meaning* of their recollections, being aware of the gaps and silences in the transmission of memory and the collapsing of the past and present in individual recall. Myths can become accepted as fact over time by the interviewee (Grele, 2006: 85ff). Even ‘errors, inventions and myths lead us through and beyond facts to their meaning’ (Portelli, 1991: 2).

In using the interview data I was aware that this was information about what people, in 2006-7, remembered about the 1960s to 1980s (see Grele, 1979; Grele, 2006: 81ff). At the same time, it was necessary to acknowledge that this information would not exist, in this form, without my own motivations, interests, questions, values, ambitions and ideas (Grele, 1991b). Clearly, interviewing people about the past, in some cases about 30 years ago, carries dangers (see Ritchie, 1995: 57 – 83), and I am grateful to my examiners for drawing my attention to the literature in the field of oral history, particularly from its early years when a range of ethical issues were addressed in the key journals and texts. There is some evidence that all interviewees (Lummis, 1998), and particularly older respondents, could be prone to errors of recall (Jensen, 1981; Menninger, 1975) and to forgetting uncomfortable information (Fry, 1975;

Sypher et al, 1994) in order to explain their own role in the best possible light. Moss (1977) points out that interviewees own recollections can be influenced by hearsay, self-defence and self-promotion; what they believe, in retrospect, is significant enough to remember and recount; and that 'a recollection is itself a complex piece of evidence' which should be separated from 'reflections'. Portelli (1998) notes that 'memory is not a passive depository of facts, but an active process of creation of meanings' which reveal how the interviewee makes sense of the past, and Richardson (1990: 23) that 'people organise their personal biographies and understand them through the stories they create to explain and justify their life experiences'. Hoffman & Hoffman (2006) note the problem of reliability and validity of memory, as does Ritchie (1995: 11ff). Samuel (1994: x) argues that memory is 'an active, shaping force', and is dynamic, with what it forgets being as important as what it recalls, as memory is historically conditioned, revisionist, and can be altered. Research in experimental psychology has identified that older adults can be more biased in verbal hindsight (Bernstein et al, 2011). Leary (1981) found that individuals retrospectively overestimate the degree to which they expected certain events to occur – possibly to maintain their own self-esteem or appear positively to the interviewee or to the historical record, while previously known information that does not fit with what the interviewee wants to go in the record can be forgotten, de-emphasised or reinterpreted. Fischhoff (1975) referred to 'creeping determinism' as one of the characteristics of 'the silly certainty of hindsight'.

Initially it was hoped that a questionnaire completed by people who were working with young offenders during the period, which is reproduced in Appendix Two, would be useful, despite the known disadvantages of questionnaires (Sarantakos, 1994:



158ff). This was sent out as a paper copy within a mailing to all 400 members of the National Association of Youth Justice in 2005, and also sent to every Youth Offender Team manager in the country as an e-mail attachment, asking them to ask any of their staff who had been in practice in the 1980s or early 1990s to complete. However, almost all practitioners in youth justice before 1997 (including myself) left their posts in response to the 1998 Crime and Disorder Act, which completely changed the culture and ideology of practice and which required every existing practitioner to forget everything that they had ever done before and be ‘retrained’ to a new set of standards and philosophies laid down by the new Youth Justice Board. As a result I received only 12 returned questionnaires and have only made minimal use of them in Chapter 9. The partial response limits their validity as little other than illustrative material (Sarantakos, 1994: 159).

### **Theories of Policy Change**

My examiners also asked me to locate this thesis within a more detailed consideration of theories of policy change, which I had only given limited space to in my first submission. The policy studies and political science literatures provide a range of models which authors have promoted to explain the policy making process. These have also been applied to the understanding of decision-making, the development of policy, the transfer of policies across different areas of provision or from one country to another (see Benson & Jordan, 2011; Dolowitz & Marsh, 1996; 2000; Dolowitz et al, 2000; James & Lodge, 2003), how policy is influenced by lobbying, how uncertainty is dealt with and other issues. It has been necessary to try and focus on a model that explains *policy change* in the context of this thesis, without turning the

thesis into a case study of the same.

One of the problems is that most of the material is based on examples from the USA, despite the titles of many of the books and articles seeming to intend that they have international application.

Sabatier (1999) provides the best overview of the main theories of the policy process, identifying several distinct approaches:

### ***Institutional rational choice theories***

This approach focuses on the leaders of a few critical institutions or organisations within the area being studied, and assumes that these leaders are pursuing material self-interest. Study can focus upon key institutional categories, such as legislators, interest groups or lobbyists, all of whom are assumed to be aiming to achieve the most rational (for themselves) decision, and how institutional rules affect the behaviour of these rational actors. Ostrom (1991, 1999) suggests that it is most effective when applied to institutional change: the ‘shared concepts used by humans in repetitive situations’ with ‘rules that are mutually understood and predictably enforced’ as everyone shares the norms. Schlager & Blomquist (1996) consider that the model falls short of being a complete explanation of policy formulation and change. As my thesis is mainly concerned with unplanned, unexpected and unintended consequences of developments in juvenile justice, I have chosen not to use this model.

### ***Advocacy coalition theories***

This approach is based on the assumption that belief systems are more important than institutions, that actors and decision makers have a wide variety of objectives, and that the policy decision results from the outcome of all these objectives being synthesised into a politically acceptable outcome. Sabatier (1986; 1988; 1991; Sabatier & Jenkins-Smith, 1988; Heintz & Jenkins-Smith, 1988) has been its main advocate, and it continues to gain attention (Weible et al, 2011). It is suggested that ‘coalitions’ are formed of those interested in achieving a certain outcome in the policy process, and there has been substantial focus on how these coalitions come about (see Schlager, 1995). It is based on five premises: the role played by technical information; a time perspective of more than a decade; a focus on a policy sub-system; consideration of the role of journalists, researchers and policy analysts; and the belief that priorities can be valued, that important causal relationships can be identified, and that policy instruments can be effective (Sabatier & Jenkins-Smith, 1999). It has been applied to 34 different case studies, but these are mainly to do with environmental issues or energy policy (ibid). Heintz & Jenkins-Smith (1988) suggest that the approach is more concerned with the *roles* of policy analysts and economists than with policy change, and Schlager & Blomquist (1996) that it falls short of being a full explanation of policy change.

### ***Theories of stages in the development of policy***

Various attempts have been made to develop a series of ‘stages’ to explain the development of policy. For example, in criminal justice, Morris and Tonry (1990: 17)

have documented a pattern that they suggest that successful new policies in criminal justice go through:

1. The experiment is launched
2. it works well
3. it is written up
4. it makes excessive claims of success
5. the enthusiasm of its supporters diminishes
6. key players move on to other jobs
7. other agencies are not excited by it
8. and the reform dies.

To be embedded into the infrastructure, they argue that new initiatives need long-term funding and long-term resources, not just experimental money (ibid: 17 - 18); evidence of real cost savings, not just marginal cost savings (ibid: 157 and 233); and the project must deal with the constitutional, legal, political, organisational, bureaucratic, ideological and financial complexities (ibid: 221).

Most of these theories will identify stages of agenda setting, policy formulation, policy implementation and evaluation, leading to revision. One of the earliest models was that of Lasswell (1956), which had seven stages: intelligence, promotion, prescription, invocation, application, termination, and appraisal. Brewer (1974) revised this structure into six stages (set out in most detail in Brewer & De Leon, 1983) of:

1. Initiation: problem recognition, selection of criteria, determination of goals and objectives, and generation of alternatives

2. Estimation: of the various alternatives
3. Selection: from the choices identified above
4. Implementation: which will be affected by the source of the policy, its clarity, the level of support, the incentives for implementation, resource allocation and the complexity of administering the policy
5. Evaluation
6. Termination.

Lasswell (1974) later stressed the role of professionals, and Lindblom (1959, 1979; Lindblom & Woodhouse, 1993: 27ff) added the notion of ‘incrementalism’ to the framework: the idea that fast moving sequences of small changes can achieve a drastic alteration of policy. This has received some criticism (Bendor, 1995). Jones (C.O., 1984: 36) used a very similar model but termed the stages as problem identification, proposal, decision, programme, implementation and evaluation. Anderson (1994) uses problem identification, agenda setting, impact, evaluation and revision in a five stage model, which suggests that policies emerge in response to policy demands or claims for action by a range of actors in the policy process, leading to decisions by officials. He uses a simple version of political systems theory in which demands for change are the ‘inputs’ and laws are the ‘outputs’, which can incorporate group struggles and elite theory, in which policy is determined by a power elite, and which can include organisational, professional, personal and ideological values. His ‘rational-comprehensive theory’ is based on six stages: decision makers are confronted by a problem; the goals, values and objectives are known; various alternatives are examined; the costs and benefits of each alternative are investigated; each alternative is compared; and the best one is chosen. De Leon (1999) offers a

strong defence of the model.

However, Sabatier (1999) argues that this is not a causal theory, that most policy development does not go through such stages and that the theory is too legalistic and top-down, ignoring the complex nature of policy development which involves multiple intersecting cycles. Etzioni (1967) had concerns that the model assumes that decision makers have all the necessary knowledge, whereas in reality many decisions are based on limited knowledge.

### ***Punctuated-Equilibrium Theories***

These assume that there are long periods of little or only incremental changes which are punctuated by brief periods of major policy change. Most change is seen as disjointed and episodic, with long periods of stability or 'equilibrium' which is then 'punctuated' by bursts of activity (Baumgartner & Jones, 1991; 2009; Baumgartner, 2006). They have been mainly applied to policy making in the United States and in particular to budget decisions (Baumgartner & Jones, 2009; True et al, 1999), and areas such as air transportation (Baumgartner & Jones, 1994).

### ***Policy Diffusion Frameworks***

The only application of these models to date has been to State government decisions in the USA (Berry & Berry, 1999), so I have not used them in this study.

### *Learning theories*

Various attempts have been made to apply learning theory to policy change, in which the model is based on application and correction of policy through experience. Hall (1993) suggests that policy is determined by previous policies and the reactions to them, and offers three levels of change: first order change, which is incremental and routine; second order change, which is the development of new policy instruments and new strategic actions; and third order change, which is paradigm shifts and discontinuity. Bennett & Howlett (1992: 288) believe that so far this has been ‘overtheorized and underapplied’.

### *Policy Network Analysis*

Rhodes & Marsh (1992; Marsh 1998) have advocated the study of ‘policy networks’, of the regular contact between members of interest groups, bureaucratic agencies and government which lead to policy decisions. In this model policy making is based upon an ‘exchange relationship’ as participants manoeuvre for advantage. However, Hill (2005: 76) claims that it lacks explanatory power.

### *Kingdon’s model of change*

The model that I have found most useful and applicable to my thesis is that of Kingdon (1995). Kingdon argues that it is necessary to take into account the situation within the policy-making process in which agendas are set. He develops his framework from the ‘garbage can’ model of decision-making developed by Cohen et

al (1972: see also Cohen & March, 1974; March & Olsen, 1976; Mohr, 1978; Mucciariino, 1992). This is based on the belief that there are often no clear articulated sets of preferences for decision-making, but that decisions are still made, often through trial and error. Participation in decision-making varies as people drift from one decision to another. Because problems and preferences are not well developed, then selecting an alternative yielding the best net benefit is impossible. Accordingly, choice can be viewed as a 'garbage can' into which problems and solutions are dumped, from which some outcomes then get drawn out and applied.

Kingdon identifies four factors that influence the movement of choices and solutions in the agenda-setting process:

- The 'problem stream' identifies which issues are recognised as significant social problems, within which citizens, groups and journalists work actively to develop interest in the problem and the need for a solution
- The 'policy stream' influences which advice is regarded as 'good advice', which changes according to external events
- The 'political stream' can affect which problems and solutions are chosen as ones needing to be addressed
- The 'policy windows' occur which provide the opportunity to have alternatives considered.

These 'windows of opportunity' may or may not be taken up. These occur within the 'policy primeval soup' (Kingdon, 1995: chapter 6), when 'several things come together at the same time' (ibid: 179). Policy entrepreneurs can seize the opportunity to effect policy change. Often a focusing event, such as a scandal, can give impetus,



such that 'a pressing problem demands attention ... and a policy proposal is coupled to the problem as its solution' (ibid: 201). The reason why some ideas for policy change are adopted may be due to their technical feasibility or cost indicators (Zahariadis, 1999). Durant & Diehl (1989) expressed concern that the model only applies to rapid change and not to incremental changes.

Kingdon's model has been supported by Baumgartner & Jones (2009), Page (2006), Bardach (2006), and Sharp (1994) who applied it to anti-drug policy making in which the 'window of opportunity' stayed open. John (1998: 173) considered that it was 'as close to an adequate theory of public policy' as any of those currently available. Zahariadis (1995) found it useful in an analysis of public privatisation policy in the UK, adding the importance of the ideology of the party in government to the analysis. Terrill (1989: footnote 2: 430), looking at the Thatcher government's law and order agenda, found that Kingdon's 'basic approach to the problem appears equally valid in the British context. Exworthy et al (2002) and Stone (D., 1989) also support Kingdon's model, Stone noting how 'causal stories' can help to put things onto the agenda, but that these then 'need to be fought for, defended and sustained' from competing stories. Boin & Otten (1996), citing Kingdon, noted how 'windows for reform' are often associated with crises, and Alink et al (2001) used Kingdon's model to develop the notion of crisis, in which the 'institutional integrity of a policy sector is at stake' to consider asylum policy in Europe, noting that 'reform success requires delicate timing, which presupposes an ability to detect and exploit a window of opportunity' (ibid: 303). Klein & Maroner (2006: 898ff) see 'windows of opportunity' in the development of the appeal system for asylum seekers, ID cards and the modernising of child protection in the UK, and Cortell & Peterson (1999), use

Kingdon's model to explain domestic policy change. Annesley et al (2010), draw on Kingdon to suggest that the election of New Labour in 1997 provided a window of opportunity for the emergence of gender changes in politics.

Bannink & Resodihardjo believed that the window of opportunity and the role of policy entrepreneurs were important in explaining a variety of reforms in Europe. Keeler (1993) developed Kingdon's windows of opportunity to include 'micro-windows' and 'macro-windows' to explain wide-ranging policy change including Roosevelt's New Deal, Thatcherism, Allende's socialist revolution and others. Richards & Smith (1997) suggest windows of opportunity can explain how government department's change, using the example of how the culture in the Home Office did not change much from the mid-1960's until 1989, and how David Waddington was made Home Secretary with a brief to change this culture.

Kingdon's model has been applied to far more UK related settings than any of the others discussed, and also seems more relevant to the account of the development of juvenile justice policy which I will set out below, in which I will suggest that a lot of the developments arose from the seizing of windows of opportunity, often by key individuals fulfilling his notion of policy entrepreneurs, in a setting in which at times there was no clear policy direction from government.

### ***Other Approaches***

Rothman (2002) had shown how well intended reforms can become subverted into tools of 'convenience' for the bureaucrats and managers whose concerns are with

organisational survival, and how the 'failure' label is often attached to a reform programme far too quickly. Reformers and organisations willing to accept that their 'success' makes them redundant are rarely found, and when they **do** occur they should be applauded. Berry et al (2010) have pointed out that in the USA very few government agencies or programmes are ever eliminated, but continue to exist even if their initial purpose disappears. Brewer & de Leon (1983), for example, claim that there are very few examples of research into policy termination, though they fail to draw on the closure of the Massachusetts training schools (see below: pp. 281 - 289) even though they have 4 references to this research in their supplementary reading list (Brewer & De Leon, 1983: 467).

For Davies & Trevisas (1986), reform campaigners need to develop reform campaigns such that they are acceptable to those who have the power to implement them, which can be achieved by avoiding moral controversy, and do not offer direct challenges to the moral views of their opponents. They should use utilitarian arguments of causes and consequences, pointing out that the existing services cause more harm or suffering than if they are abolished. They suggested that these were the tactics used to amend laws on homosexuality, abortion, obscenity and the death penalty in the UK in the 1960s.

Pettigrew et al. (1992) developed the notion of receptive and non-receptive contexts for change, identifying the quality and coherence of the policy, in which broad and imprecise visions can stimulate change; the role of key leaders and a critical mass of enthusiasts; long-term pressures; a supportive organisational culture; effective management and management/practitioner relations; co-operative inter-organisational

networks; simplicity and clarity of goals and priorities, and incentives to change.

Bannink & Resodihardjo (2006) challenged what they saw as three myths about the impossibility of reform, that are based on arguments that institutional structures make reform impossible, that reform needs a crisis, and that reforms need a strong leader. They noted several barriers to reform: veto points in the decision-making structure; policy lock-ins (assets, buildings etc); existing policy paradigms and vested interests; but argued that reform **does** happen, offering a series of case studies to demonstrate this. They suggested that reform can be facilitated by crisis, by a window of opportunity, by leadership, or by being compatible with national and international trends. Heyse et al. (2006) also noted the importance of leadership, and added another barrier to reform as being an expectation of failure.

### *Explaining decarceration in particular*

Recent attempts to identify what determines a particular country's penal policies are obviously relevant to the conditions that would need to be in place for a sustainable policy of decarceration. Tonry (2007) identified the following risk factors that will create tendencies towards greater punitiveness:

Conflict political systems

Elected judges and prosecutors

Sensational journalism (see Green, 2007)

Anglo-Saxon political cultures {i.e. first past the post}

The view that criminal justice policy falls appropriately within the province of public opinion and partisan policies, which denies professional

knowledge and expertise

Income inequality

Weak social welfare systems (Downes & Hansen, 2006)

Low levels of perceived legitimacy of government institutions

Concentration of power.

On the other hand, protective factors that may contribute to the success of less punitive policies are:

Lower levels of income inequality

Generous social welfare systems

High levels of trust in fellow citizens and in government

Consensus political systems

Non-partisan judges and prosecutors

Francophonic political structures (see Snaecken, 2007; Webster & Doob, 2007; Roche, 2007; Levy, 2007)

The view that criminal justice policy falls within the province of expertise and professionalism (see Snaecken, 2007; Webster & Doob, 2007; Levy, 2007; Roche, 2007; Lappi-Seppala, 2007).

Pratt (2008), writing about low custody rates in Scandinavia, suggested that it was their insulation from the law and order politics of Anglo-American societies that had allowed their criminal justice policies to remain expert driven and research led. Their 'penal exceptionalism' is, he argued, based on a strong state bureaucracy with significant autonomy and independence from political interference, an objective mass media, and the influence of expertise.

## Summary

In this chapter I have set out my methodological approach, documented the large range of material that I have read, and shown how the people that I interviewed were selected. I have considered some of the strengths and weaknesses of using interviews with people in which they are asked to remember what they were doing over a time period of up to 40 years previously, and drawn on literature from research methods, qualitative interviewing and oral history to contextualise this methodology. I have then explored a range of models of policy change, and chosen one (Kingdon's model) to apply to the account of the development of juvenile justice policy since the mid-1960s which follows.

## Chapter 2

### Juvenile Justice in England and Wales: 1969 - 1976

While there are many accounts of the development of juvenile justice practice and policy in the 1960s and 1970s (e.g. Bottoms, 1974; Morris, & McIsaac, 1978; Elliott, 1981a; Harwin, 1982; Tutt, 1982a; Asquith, 1983; Bottoms, 2002), none have fully covered the complexities of the situation, or highlighted the key ingredients which set the scene for the decarceration movement of the 1980s. It is therefore necessary to cover this period in some detail before going on to the 1980s. The 1969 Children and Young Person's Act [hereafter CYPA] is the appropriate starting point, but first it is necessary to consider the antecedents of this Act.

In 1960 the Ingleby Committee (Home Office, 1960b), which had been set up by the government to review existing policies towards children and young people in need or in trouble, concluded that there was a conflict between 'just deserts' and 'welfare', and that the responsibility for crime needed to be shared between the child, parents, schools and community. It proposed a welfare model for dealing with under 14s, and a more punitive one for the over 14s (Bottoms, 1974; Packman, 1975; Hendrick, 1994), a gradual raising of the age of criminal responsibility (which was to attract sustained criticism: see Justice of the Peace, 1960c and 1960d), and a reduction in legal representation.

The Conservative government of the time did not respond to Ingleby's proposals, focused as they were on problems at Carlton approved school (see below: page 48) and Home Office, 1960a; Jones, H D., 1960) and a campaign for the restoration of corporal punishment for young offenders. Meanwhile, the Labour Party's response to

the Ingleby Report, published through the Fabian Society, was to tarnish it as much too timid (Donnison & Stewart, 1958; Donnison et al., 1962) and to offer the alternative of a ‘family service’, the avoidance of stigma associated with conviction, and the raising of the minimum age of criminal responsibility from 10 to 15 (Hastings & Jay, 1965; Packman, 1975). However, Ingleby would be very influential on the creation of a separate system of juvenile justice in Scotland (see Cowperthwaite, 1988).

Much of the evidence to Ingleby was for reforms that would be implemented over the next few decades, even if they were seen as too radical at the time, and much of it was very similar to evidence submitted to the Seebohm Committee a decade later (see below: page 43).

### ***The 1969 CYPA’s: antecedents***

Tables 1 - 11 in Appendix 1 set out how young offenders were dealt with by the courts between 1963 and 1970, and provide the context for the following discussion of the situation leading up to the 1969 CYPA.

This Act (HMSO, 1969a) was the culmination of several years of discussion about youth crime and the best means of responding to it within the Labour Party, which was in power between 1964 and 1970. It applied to England and Wales, but not to Scotland or Northern Ireland. While amended over time, the legal framework that it overturned had previously been set out in the 1933 CYPA (HMSO, 1933), the 1948 Criminal Justice Act [hereafter CJA] (HMSO, 1948a) and the 1948 Children Act (HMSO, 1948b), which had established different systems for dealing with young people who offended and young people in need. Unhappy with this system, the



Labour Party had already, while in opposition, set up a 'study group' under the chairmanship of Frank Longford (Labour Party, 1964), which contained nine future ministers.

Bottoms (1974: 322) argued that there was a 'conjunction of interests and ideology' between the Labour Party and key figures in a child care profession then at the height of its influence, prior to the first of many scandals that were to later undermine the reputation of child care and social work. The spouses of a number of Ministers of that period were themselves active in the children's work of the London County Council and/or the London Juvenile Courts, and in that capacity were known to staff in the Home Office Children's Department, which had a role in the appointment of juvenile court magistrates.

The Longford Report was heavily influenced by the work of Baroness (Barbara) Wootton, one of the leading social philosophers of the time (see Seal & Bean, 1992a; 1992b), and developed the Fabian critique of the Ingleby Report mentioned above (see Donnison and Stewart, 1958; Donnison et al., 1962; New Society, 1964; Clarke, J., 1980). It suggested that there should be no difference between 'depraved' and 'deprived' children and that the legal system should deal with them in the same way. To achieve this they proposed the abolition of the juvenile court and its replacement with a 'family court'. A government minister, Alice Bacon said that:

'It is sometimes sheer chance whether the behaviour of children leads to preventive work by the social service before the child reaches court or whether the child reaches court before its social behaviour is detected (Hansard, 1965b: col. 1210).

The tone of the debate was helped by the fact that 'crime and punishment' was a 'non-issue' politically and was not discussed in the 1964 General Election campaign

(Walker, 1964). Following Labour's election to power in 1964 the Longford report found expression in a White Paper, *The Child, The Family and The Young Offender* (Home Office, 1965a), which argued that much delinquency could be traced back to inadequacy or breakdown in the family, and should be responded to by a 'family service'. Children should be 'spared the stigma of criminality', especially as court proceedings were not the best means of identifying treatment needs, and should only be used for testing evidence. As most children and juveniles admit the offence, it was argued, there was no need for the court. Also, existing proceedings did not promote parental responsibility. Accordingly, each local authority would be required to set up family councils (made up of social workers), develop 'observation and assessment' centres, and take over the approved schools, while a 'family court' would deal with disputed cases. Where children needed long term treatment they would be 'committed to the care of the local authority' and the borstals and senior approved schools would be merged into 'youth training centres'. The proposals represented:

'a substantial shift in power, away from central government and towards local authorities; away from the courts and legal profession, and towards welfare professionals and experts. It is an assault on the dominance of a system of justice which the Labour Party had traditionally viewed as being in the pay, and working in the interests of, the privileged' (Pitts, 1988: 6).

The White Paper's proposals faced sustained opposition from lawyers, the probation service (Dawtry, 1965; National Association of Probation Officers, 1965; New Society, 1965a; Jarvis, 1966), approved schools (see Hyland, 1993: 66), child psychiatrists (Scott, 1966) and magistrates (see Aubrey, 1965; Justice of the Peace, 1965a; Cavenagh, 1966; Downey, 1966; Fitzgerald, 1966; Magistrates' Association, 1966; Bottoms, 1974).

Attacks were made against a 'privileged position' for children (Kay, 1965). The

Conservative Party tabled a Commons debate on a motion to ‘reject government proposals to abolish juvenile courts’ (Hansard, 1965b: cols. 1118 - 1140), and elsewhere Conservative MPs would attack the White Paper for being ‘muddled and inadequate’, citing the opposition from magistrates and probation officers (Hansard, 1966). The only professions that supported most of the proposals were the child care ones (Justice of the Peace, 1965b; Kahan, 1966).

Within weeks of issuing the White Paper the government was having second thoughts and considering other options (Lapping, 1965), such as the development of a comprehensive social work department, and setting up an inquiry to give consideration to this (the future Seebohm inquiry).

The opposition to the 1965 White Paper proved successful, and its proposals ceased to be put forward by the government. According to Bottoms (1974: 330) this was because of the strength of the opposition, a change of Home Secretary, a lack of support from Home Office civil servants, and its lack of intellectual rigour. As a result, a less radical but intellectually stronger set of proposals appeared in a new White Paper, *Children in Trouble*, in 1968 (Home Office, 1968a), which was to form the basis of the 1969 CYPA. This paper was heavily influenced by the increasing power in the Children’s Branch of the Home Office of Derek Morrell and Joan Cooper. There was also the growing power of social work bodies, whose success in getting the report of the Seebohm Committee on the reorganisation of local authority social services (HMSO, 1968b) accepted fitted in neatly with proposals in *Children in Trouble* for the increasing role of social workers, while reducing the power and influence of the probation service. *Children in Trouble* argued that ‘it is probably a

minority of children who grow up' without breaking the law, and that the commission of an offence by a child aged 10 - 14 'will cease to be, by itself, a sufficient ground for bringing him before a court'. Care, protection and control procedures would, however, be widened to allow an offender to be brought to court if the grounds for care as set out in the 1963 CYPA were also established. For those aged 14 - 16, the paper proposed that prosecution would only be possible via a summons from a magistrate after they had heard the views of the police and the local authority, and that inter-agency case discussions should take place between magistrates, police, local authorities and probation services before a decision was made to prosecute a young person. Police juvenile liaison schemes should be extended, and observation and assessment [hereafter O & A] facilities expanded. The approved school order should be replaced by a new 'care order', and 'new forms of treatment, intermediate between supervision in the home and committal to care' should be developed. Examples of this were 'organised work project{s}, or social service, or adventure training' involving contact with a new environment and participation in constructive activity, including residential commitment for up to three months (In an Appendix to *Children in Trouble* Intermediate Treatment {hereafter IT) was set out in more detail, involving the use of all existing local youth resources). All supervision orders of those under 14 should be held by local authorities, not the probation service. Jury trial for under 16 year olds, except for charges of homicide, should be abolished, and borstal should be phased out for under 16s, with attendance centres and detention centres [hereafter DC] being phased out as IT developed. Remand homes, reception centres, children's homes and approved schools would all become 'community homes' and Joint Planning Committees would be established to develop the community home system.

*Children in Trouble* was more welcomed and faced less opposition than its predecessor, with which it was often compared (e.g. Justice of the Peace, 1968a), with particularly full support from the social work profession (Child Care, 1968; Dawtry, 1968; Bilton, 1969), who monitored its parliamentary passage assiduously (Street, 1969). Critics initially centred their concerns on the possibility of local authorities taking over probation (Greenald, 1968), and possible limits on police powers, which Holley (1968) felt had already been seriously limited by the 1963 CYPA. There was surprisingly little reaction from the residential care sector, and initially the approved schools headmasters association welcomed the proposals (Coulter, 1968b; Gittins, 1968; Rees, 1968b) though Ratcliffe (1968a; 1968b) felt that their ‘unrivalled’ experience was going to be lost to something which was ‘theoretical, unproved and un-realistic’, and wanted more secure places within the approved schools.

However, after initial feelings of relief that it was not as radical as the 1965 Paper, other criticism began to develop (see Evans, 1968; Franks, 1968; Godfrey-Isaacs, 1968; Justice of the Peace, 1968b; Magistrates’ Association, 1968; The Magistrate, 1969). The Probation Service was also not very sympathetic (see Bochel, 1976; Haxby, 1978). NAPO saw dangers in pre-court diversion, and thought that allowing social workers to submit Social Enquiry Reports [hereafter SERs] to court, previously a preserve of probation officers, was a ‘grave threat to the independence of the courts’ (Justice of the Peace, 1969b).

The publication of the Bill which became the 1969 CYPA was welcomed by *New Society* (1969), as ‘the biggest step taken in the Twentieth Century from authoritarianism in British Society’, but criticised by the *Times* and the Magistrates’

Association for undermining ‘equality before the law’ (Leonard, 1969).

As the Bill went through parliament, there was strong lobbying against parts of it. The Magistrates’ Association and the Conservative Party accused the ‘care and control test’ of discriminating against children from ‘bad’ homes, arguing that it ‘would encourage children to believe that they were not answerable for their actions, nor had to pay any penalty for wrong-doing’, even to the extent of encouraging children to *cause* damage (Chapman, 1969; Justice of the Peace, 1969a; and see Hansard, 1969a: cols. 57 – 96; 1969b; 1969c; 1969d; 1969e; 1969f; 1969g; 1969h), with Conservative spokesperson Mr. Carlisle claiming that

‘as has been pointed out by the National Council for Civil Liberties, the most trivial offence could be used as a means of bringing a child before the court so as to get him into the care of the local authority’ (Hansard, 1969a).

Bottoms (1974) suggested that the passage of the Act itself was partly eased by the need for **some** legislation to be carried during the 5 year term of the Labour Party, who had seen many of their other plans go astray, and he also believed that the retention of the juvenile court reduced the sting of magistrates’ opposition.

It appears that enthusiasm for the Act did reduce throughout the period of the Government, and there is little discussion of it in many of the memoirs (Wilson, 1971; Jay, 1980; Benn, 1988; Jenkins, 1991); or in the political literature focusing on that period (see Alexander & Watkins, 1970; Lapping, 1970; Levin, 1970; Roth, 1972; Monk, 1976; Donoughue, 1987; Ponting, 1989; Coopey et al., 1993; Sked & Cook, 1993; Sked, 1997; Tiratsoo, 1997; Haines, 2003; Dorey, 2006; O’Hara & Parr, 2006). Despite being the leader of the opposition at that time, there is also nothing in Edward Heath’s biography or memoirs (Campbell, 1993; Heath, 1998).

### *The 1969 CYPA: Intentions*

The Act had many intentions, the key eleven being:

- 1) to abolish approved schools (run by independent bodies and accountable to the Home Office) and replace them with Community Homes (run by Local Authorities and accountable to a new Department of Health and Social Security).**

The approved schools were the successors to the Reformatory and Industrial Schools set up in Victorian times (HMSO, 1854; 1857a; 1857b), following the ending of transportation (for excellent histories of the approved school system see Simmons, 1945; Home Office, 1951b; Heywood, 1965; Rose, 1967; Pinchbeck and Hewitt, 1969; Carlebach, 1970; Mays, 1975; Millham et al., 1975a and 1978; Parker, 1990). They had become ‘approved’ by the Home Office under the 1933 CYPA, which allowed magistrates to make a direct committal to a named approved school, which that school had to accept. They saw themselves as based on a tough boarding school model (Stacpoole, unpublished manuscript), or ‘first of all a penal boarding school’ (Newby, 1968), a phrase repeated to me by P D James (*personal interview*). Their reputation began to suffer after the Second World War, with the murder of a teacher by a resident young offender at Standon Farm School (Home Office, 1947). There was also growing evidence of violence and abuse by staff in the approved school system (Willcock, 1949; Kynaston, 2007).

The house journal of the Approved Schools, *The Approved Schools Gazette*, gives a flavour of the sort of attitude held by staff and heads at this time. In 1955 concern was

raised about the ‘falling off in the character and calibre of the approved school boy’ (Hampson, 1955), ‘the modern tendency of mollycoddling juvenile delinquents’, the use of ineffective psychiatrists and psychologists (Sanderson, 1955), and the commitment of children to local authority care rather than to approved school (Hamer, 1955). Fostering came in for substantial criticism in the journal (Gaughan, 1956), presumably because it was seen as an alternative to the approved school. Between 1955 and 1959 there were many articles in the *Gazette* on homosexuality, religion, boxing, army cadets and general social morals.

Major disturbances at Carlton approved school in 1959 (Home Office, 1960a) were blamed on the ‘deterioration in the types of boys committed’, mass absconding, and the lack of personal relationships between staff and boys, and led to demands for earlier admission (Justice of the Peace, 1960b), less use of probation (Adams, 1960), and greater punishment (‘you deserve a thrashing that would leave you senseless for 48 hours’ said the chairman of a juvenile court to a boy [Justice of the Peace, 1960a]).

The President of the Association of Headmasters and Headmistresses of Approved Schools decided not to comment on the Carlton events (Coulter 1959), but then welcomed the inquiry report (Coulter, 1960). The schools felt that the Ingleby report was ‘a vote of confidence’ in them (Gaughan, 1960b) and that ‘the tide is turning in our favour’ (Gaughan, 1960a), and over the next five years articles in the *Gazette* were very complacent. However, the 1965 White Paper was to increase the sense of threat in the approved school system, and strong opposition was voiced to being taken over by the children’s departments (Lloyd, 1966).



New concerns about physical punishment in approved schools, such as Court Lees (Home Office, 1967a: see also Gibbens, 1969: Gibbens was the chair of the Court Lees inquiry) gained massive publicity following publication of photographs of injured boys in the national press, and the Home Office (1967c) asked managers of approved schools to review the use of punishment. According to Fowler (1967), the school governors wanted to dismiss the whistleblower, while the Home Office wished to dismiss the head and deputy head. The report on Court Lees encouraged the Home Secretary, Roy Jenkins, to indicate his intention to change the approved school system 'as quickly as I can', despite strong support for the approved schools voiced in two debates in the House of Lords (Hansard, 1967a), during which many Lords admitted that they were approved school committee members and/or juvenile court magistrates, and criticised the Home Office handling of Court Lees (Hansard, 1968b). Within the approved school system Court Lees was defended (Approved Schools Gazette, 1967a; 1967b; 1967c; 1967d; Coultard, 1967; Ebert, 1967; Fergus, 1967; Howard, 1967; The Times, 1967; Wilmot, 1967; Baddeley, 1968; Coultard, 1968a; Rees, 1968a and 1968c).

As Tutt (1970) suggests, part of the problem was that the approved school was a penal institution, parents and children expected it to be one, but the staff pretended that it was not. Millham et al. (1973), in the most comprehensive study of the approved schools, noted staff resistance and hostility to change. Sinclair & Clarke (1973) even found staff *encouraging* deviancy in order to 'get to' problems.

Growing evidence of declining 'success' rates (Taylor, 1954; Scott, 1964; Wilkinson, 1964; Miller, 1966; Cornish and Clarke, 1975; Dunlop, 1975; Sinclair and Clarke,

1982), with 62 – 68 per cent of boys being reconvicted within 3 years of discharge in the 1960s (HMSO, 1967; 1968a) and of increasing absconding rates (Gunasekera, 1963; Clarke, 1967; Tutt, 1971; Laverack, 1974; Porteous and McLaughlin, 1974; Millham et al., 1977a; 1977b; 1978) was produced during the 1960s and 1970s.

It was difficult to ‘treat’ young people in the schools unless they remained in residence. Clarke and Martin (1971), for example, noted 8,884 recorded abscondings in 1968, rising to 11,557 in 1971, with 40 per cent of boys absconding at least once and five per cent persistently (Clarke & Martin, 1975). They found that this then often led to borstal sentences for offences committed while absconding, though this was challenged by approved school psychologists (Brown et al., 1978). A whole ‘correlation industry’ (Millham et al., 1978: 71) developed trying to identify the characteristics of absconders, such as the work of Gittins (1959), Brierley (1963), Lloyd (1964), Clarke (1966; 1967; 1968), Martin & Clarke (1969), and Green & Martin (1973).

One of the champions of the 1969 CYP A, later to be in a strong position to try and change the approved schools, was Barbara Kahan (1967), who described approved schools as

‘isolated pockets of custodial and primitive management supported by ad hoc bodies of largely self-selected managers whose appreciation of their social and personal problems involved has been minimal’.

Millham (1975) described the approved school as a ‘dustbin to contain those boys for whom more benign approaches had failed’, that ‘stored problem boys for the borstal system’ (Millham et al., 1975b) and referred to the headmaster of a catholic school who said ‘his chief aim was to prepare the boys for death’ (Millham, 1975). Looking

back on his research into the schools (Millham 1991), he later said that the education in them was ‘appalling’, with no expertise in remedial education and no recognition of the need for this. The focus was on employment skills, but there was no correlation between the trades learnt in the schools and the actual employment taken up by the young people after they left.

James Callaghan, who as Home Secretary saw the CYPA through its parliamentary stages, says in his memoirs that there was a growing recognition that the approved schools were too rigid (Callaghan, 1987: 233).

In the face of all this criticism, and evidence, the complacency of the schools was, at times, staggering. Jones (H., 1964) for example, could acknowledge a success rate of only 43 per cent in 1962, but still attack the critics of the schools:

‘it is becoming fashionable nowadays to decry residential establishments such as homes for old people, mental hospitals and correctional institutions for young offenders’,

he said, and he defended the system of placing children initially in an establishment for observation, after which, he claimed, children are always sent to the ‘most suitable’ school. A Monograph of the Association of Headmasters, Headmistresses and Matrons of Approved Schools (1969) suggested that people did not understand how difficult approved school boys were: they claimed that only 60 per cent had tolerably healthy personalities, 30 per cent were seriously disturbed, and 10 per cent were untreatable due to being psychopathic, psychotic or subnormal.

The average daily population of the schools changed little in the 1950s and 1960s. Tables 1, 4, 8 and 10 show how many offenders were *sentenced* to approved schools

by the courts, according to the *Criminal Statistics*. Table 12 shows actual *admissions* to the schools as recorded by a different part of the Home Office. While they differ, they show how steady sentencing and admissions were throughout this period, which also seems closely linked to capacity. Table 13 shows actual numbers in residence on one particular day each year. Most boys and young men admitted were sentenced for offences, whereas the proportion of girls who were offenders was much more variable, from only a third in some years to over two thirds in others.

Average length of stay in the late 1960s was 19 months for boys (HMSO, 1969b: Table 10) though some children could stay in them for up to six years due to repeated offences while in them (Millham, 1991). The intake in the early 1970s was less delinquent than it had been in the past (Millham et al., 1975a: 12 and 43), but the schools complained that their intake was becoming more disturbed and ‘less responsive to therapy’ (Home Office, 1967b: 53), and were to continually ask for an intake that was younger, less delinquent, and stayed for a longer period (e.g. Ratcliffe, 1967).

The Court Lees Inquiry had found that five per cent of boys and 60 per cent of girls committed to approved schools were sent there for reasons other than the commission of an offence (Home Office, 1967a), there being 618 non-offenders committed in 1970 (Cawson, 1981; see Table 11). Around 15 per cent of approved school children were recommitted or transferred to borstal following further offences during their stay (Cawson, 1981).

## **2) To abolish Detention Centres (section 7 (3)).**

DCs had been created in the 1948 CJA (HMSO, 1948a), partly in response to the abolition of corporal punishment as a sentence, and growing evidence of the failure of approved schools (Fox, 1952: 340 -343). They were to be a 'short but sharp reminder' to a young offender, through a regime of 'brisk discipline and hard work', according to the Home Secretary (Ede, 1947; Hansard, 1947). Research into their effectiveness and operation had consistently raised concern (see Grunhut, 1955 and 1960; Pharaoh, 1963; Dunlop and McCabe, 1965; Field, 1969; Choppen, 1970). Land (1975) called them 'the experiment that could not fail' and Muncie (1990) argued that 'failure never matters'. The earliest studies, by Grunhut (1955; 1960) found that 45 per cent of junior trainees reoffended within one year, even 33 per cent of those who were sentenced for their first offence, a proportion which was increasing over time. More sophisticated offenders (those with three or more previous convictions) had a 64 per cent reconviction rate over the same time period. Around one quarter of inmates had previously been in approved schools.

In 1956 the Home Office had advised magistrates and judges that DC was unsuitable for the long-term institutionalized, those with many juvenile court appearances, the maladjusted or mentally disturbed, the dull and backward, and the physically unfit (Home Office, 1956; Justice of the Peace, 1970b). Magistrates were told that it was 'military detention' without its brutality (Justice of the Peace, 1962). Throughout the 1960s, the Annual Report of the Prison Department talked about the worsening of the intake (Home Office, 1964a), their further deterioration (Home Office, 1965b) and raised doubts about their role and value (Home Office, 1967c). Staff in the centres blamed declining success rates on the fact they were receiving fewer first offenders (Tyndall, 1963).

Bank's (1965) study of 302 boys in senior DCs between 1960 and 1962 had found that one third had been in care, 70 per cent were unrepresented in court at the time of sentence, and deemed over a quarter to be 'unsuitable' (10 were believed to be innocent; 11 she thought were sentenced too severely; 19 had physical handicaps; and 38 psychological handicaps). She found a 47 per cent reconviction rate over two years.

By the mid-1960s overall reconviction rates were up to 61 per cent over two years (Paley and Thorpe, 1974), and a House of Commons Committee concluded that the sentence length of three months was too long, and offenders should be sent there earlier in their offending career. They found that only one in eight of those receiving DC sentences had been sentenced to DC on a first offence, and argued that the intake was too delinquent and sophisticated to be reformed (House of Commons, 1967). Around 13 per cent of sentences to DC in 1967 were by higher courts, the remaining 87 per cent from the magistrates' courts (Hansard, 1968a).

Tables 4 and 14 show that the number of young men sentenced to DC almost doubled between 1964 and 1970, though this was less of an increase as a proportion of all offenders convicted (see Table 5), and even less as a proportion of all those dealt with (see Table 6) due to rising crime rates and an increase in cautioning at the end of the decade. Most of this increase in DC sentencing was as a result of committals from magistrates' courts to the crown court for more severe sentences than the magistrates themselves could pass (see Table 7).

### **3) to abolish borstal for young offenders under 17 (Section 7 (1)).**

Borstals had been created by the 1908 Prevention of Crime Act (HMSO, 1908) as a 'penal reformatory' for young people aged 16 to 21, who would serve a period of 'training' for one to three years (see Ruggles-Brise, 1921; Home Office, 1951a; Little, 1963; Warder and Wilson, 1973). They developed as a punitive model of the public school system (Leslie, 1938) and had their heyday in the 1930s (Fox, 1952, Lowson, 1970). Until the mid 1960s, the number of children under 16 sent to them was small but numbers then began to rise sharply, from 266 in 1964 to 1,026 in 1970 (see Table 4), while still remaining a small proportion of all those dealt with (Tables 5 and 6). Magistrates' courts could not pass borstal sentences, but had to commit the offender to a higher court for sentence (Table 7).

Borstal success rates began to decline steadily after the Second World War (Little, 1962a; Gibbens and Prince, 1965; Hood, 1965; Cockett, 1967; Bottoms & McClintock, 1973; Lowson, 1975), which was often put down to the deteriorating quality of receptions (Little, 1962a and 1965; Home Office, 1966a and 1969a) and 'the failure of the inmate' to identify with the system and its aims (Little, 1962b). They were viewed as anachronistic by the new child care reformers, despite attempts to introduce 'modern' methods of group counselling (Prison Service Journal, 1960; Bird, 1961; Darling, 1964), casework (Robertson, 1961), 'reality therapy' (Booth, 1966) and psychiatric help (Wardrop, 1961). Reconviction rates had risen to 68 per cent by the time of the 1969 CYPA (Paley and Thorpe, 1974). The minimum age for committal to borstal was lowered to 15 in 1961 (HMSO, 1961: see Thomas, 1963) and research soon established a progression from children's homes and approved

schools to DC and on to borstal (Hall-Williams and Thomas, 1965a; 1965b; 1965c; Banks, 1966; Lowson, 1970) with 35 per cent of admissions in 1964 having previously been in approved school (Hansard, 1965a; see also Banks, 1964). There were high rates of absconding from the open borstals (Cowan, 1955; Carter, 1963; Laycock, 1977), and in the last three months of 1969 Laycock (1977) found that there were 277 abscondings, with 25 per cent later being charged with an average of over five offences each.

Court of Appeal decisions had consistently indicated that the imposition of a borstal sentence should be a rehabilitative one, and not for purposes of deterrence and retribution (Hall-Williams and Thomas, 1965a; 1965b; 1965c). At the time of the implementation of the 1969 CYPA the average sentence length served was 10 months (Hansard, 1971), having fallen from 15 months in 1965 (Home Office, 1966a: 20).

Andrew Rutherford (*personal interview*) had been an Assistant Governor for parts of the 1960s and 1970s, at Everthorpe, Hewell Grange and Hollington borstals, as part of which he had to write summary reports on the inmates as they were being released:

*'I found myself writing "doubtfully appropriate custodial sentence" on quite a large number of them, and was told to stop saying this'.*

#### **4) to abolish attendance centres (section 7 (3)).**

Attendance Centres had first been proposed in 1938 (Hansard 1938), as a means of reducing the numbers of young people received into prison and to contribute to 'the ultimate abolition of imprisonment' for summary offences, according to the then Home Secretary, Sir Samuel Hoare. They were intended to deprive young people of



their leisure, and were finally introduced in the 1948 CJA, the first centre being opened in June 1950. Those on an Attendance Centre Order would attend at a centre run by the police on a Saturday afternoon to be occupied ‘in a manner conducive to health of mind and body’ (McClintock et al., 1961; see also Braithwaite, 1952 and Spencer, 1953), while being deprived, according to Lord Templewood, ‘of a half holiday, to prevent their going to a football match or a cinema and...to make them ridiculous’ (Hansard, 1948). McClintock et al.’s research had suggested that junior (for under 17s) attendance centres were effective with young first time offenders, but not with recidivists, and Attendance Centre Rules had been passed to prevent those who had previously served a custodial sentence being sent to them. By 1969 over 60 centres existed and 10,000 orders to attend were made. Tables 1 and 4 show the steady rise in the number of boys and young men sentenced to attendance centres between 1964 and 1970.

The Labour government’s criticisms of the centres were voiced during the Committee stages of the 1969 Bill, in which they likened them to DCs (Hansard, 1969a: col. 119), though they seemed uncertain as to where they would fit after the 1969 Act.

**5) to transfer the supervision of young offenders from the probation service to social services (sections 11 and 13).**

Under the 1933 CYPA, the court could make a ‘Fit Person Order’ which sent the child or young person to approved school and placed them under the supervision of the probation service. Probation officers would then visit the young person in approved school and be responsible for links with the family and the offenders’ after care

following discharge home. The 1969 CYPA proposed that social workers would now take over this role from the probation service for all children under 14, and gradually take on the role for 15 and 16 year olds.

As Cedric Fullwood (one of the leading figures in the probation service in the 1980s and 1990s) told me (*personal interview*), the ‘majority of leaders of the probation service’ were against this, and against the proposed merger of probation with social work.

**6) to encourage the development of new forms of provision for young offenders in the community, to be known as Intermediate Treatment.**

IT was a totally new concept, with very little guidance as to what it would involve (see below: pages 79ff). The uncertainty provoked all sorts of speculation, but the government’s intention appears to have been that IT would be a new form of sentence replacing those sentences that the Act was abolishing (attendance centre, DC and borstal), but it is difficult to identify any firm statement of intent. As will be discussed later, the development and changing nature of IT was to become crucial to juvenile justice policy and practice in the next two decades.

**7) to raise the minimum age of criminal responsibility from 10 to 14 (section 4).**

During the passage of the Bill, Home Secretary Callaghan restated this aim (Hansard, 1969h, col. 1187), and there was even an amendment proposed to raise it to 16

(Hansard, 1969a: col. 208ff). The government finally announced its intention of raising it to 12 as part of a gradual raising to 14 (Hansard, 1969a: col. 218), though this never occurred. This links to:

**8) to enable offenders under 14 to be dealt with via welfare or ‘care’ proceedings, not criminal proceedings, in juvenile courts (section 1).**

This gave effect to the discussion in the Longford report (see above: page 41) as to whether young offenders should be dealt with under welfare or justice grounds, and the belief that young offenders should be treated, not punished.

**9) to give social workers a new role in the provision of reports on the family background of young offenders to juvenile courts (SERs) (section 9).**

Probation officers had previously written background reports (SERs) for the court prior to sentence. Just as social workers were to supervise these offenders in future, so they would now produce the reports.

**10) to establish joint forums for the discussion of juvenile offenders between social services departments and the police, with a view to increasing cautioning of young offenders and reducing court appearances (section 5).**

A caution was a means of giving an offender a warning for their behaviour without taking them to court, following arrest and charge. Cautioning of young offenders developed in London in the first three decades of the twentieth century, though it was

then brought to a halt (Lerman, 1984b). It was revived again in Merseyside in the 1950s (Martin, 1952; Odgers, 1955; Mack, 1963; Pratt, 1986a; Stevenson, 1989; Weinberger, 1995), building on proposals by Bagot (1941), and also developed in London (Taylor, 1971). It was widely publicised by the influential J. B. Mays (Mays, 1965; 1967; 1970a; see also British Journal of Delinquency, 1951; Somerville, 1969; Lee, 1998: 18ff), and Baddeley (1955; 1960; 1962) as a means for the police to develop early intervention with potential offenders. A Home Office Circular in 1954 (Home Office, 1954), drew attention to developments in Liverpool (House of Commons, 1975b: 418; Oliver, 1978) though the Ingleby Committee was opposed to the police actually carrying out cautioning (see Pratt, 1986a: 203). The number of cautions for males aged under 17 had risen from 19,000 in 1954 to 31,000 in 1963, with 21 specialist juvenile liaison schemes in England and Wales (Home Office, 1967b: 32), and to around 38,000 in 1969 (Table 15A), though most of the growth was for 10 - 13 year old boys (Tables 3 and 6) and for girls and young women (Table 15B).

**11) To remove magistrates' powers to commit young offenders directly into approved schools (now community homes): this to be replaced by the power to make a 'care order' to social services, who would then be responsible for the placement decision.**

This was to become one of the most controversial parts of the Act, and was opposed by the Magistrates' Association from the moment it passed into law, even before implementation.

### ***The 1969 CYPA: Theory and Practice***

In the 1969 CYPA, as Morris and McIsaac (1978: 30) so eloquently put it,

‘a particular political ideology, the growth of the social services professions and the dominance of a particular view of the aetiology of delinquency converged’.

The Act ‘shifted the locus of decision-making power’ from the juvenile court to social services departments [hereafter SSDs] (Haines & Drakeford, 1998: 36 - 37). Bottoms (1974: 320) suggested that the underlying philosophy behind the Act was clearly that of decriminalization. Apart from the probation services, who were the main losers in the Act, there was little initial opposition to the overall intent or philosophy.

### ***The 1969 CYPA: implementation and controversy***

While the 1969 Act was passed in the final year of the Labour government, receiving Royal Assent on their final day in power, it was not implemented by them, and the incoming Conservative government quickly decided only to implement those parts of the Act with which they were in favour (Justice of the Peace, 1970c), undermining the whole philosophical basis of the Act and strengthening the capacity of magistrates to resist it (Burchell, 1979). The borstals, DCs, and attendance centres were not abolished, the age of criminal responsibility was not raised and the inter-agency forums between the police and social services were not established (Home Office, 1970c). The Government had to restate its underlying philosophy by issuing a Guide (HMSO, 1970a) explaining how the Act would operate under part implementation. The government’s views were also set out in an early press release (Home Office, 1970a: cited by Bottoms, 1974: 321), and a Home Office Circular (Home Office, 1970b).

As Nellis (1991: 52 - 53) pointed out, if the age of criminal responsibility had been raised to 14, the juvenile court would have lost the power to make absolute discharges, conditional discharges, fines, compensation orders or attendance centre orders on offenders under 14, being left only with the sentencing options of binding over, care orders and supervision, within which it would have been able to use IT conditions. However, with the retention of these sentencing powers, the new option of IT, which as far as can be ascertained was expected to be working with those who had previously gone into custody or care, was left without a definitive client group for its services, and seen, according to government minister Mark Carlisle (Justice of the Peace, 1971b), as less important than the approved schools.

In addition, the age of criminal responsibility was not raised from 10 to 14 (Section 4), leaving the 10 to 13 year old group still open to criminal proceedings, even though the new 'care proceedings' in the Act, which had been intended to replace criminal prosecution, were also available. Technically, children under 14 could not be prosecuted if they were *doli incapax*: the prosecutor was required to prove that they knew 'right from wrong', but in practice this was rarely queried by courts and the requirement was unapplied. The requirement for police and social services consultation about pre-court decision making (section 5) was also not implemented, with the Home Office stating that they did not object to it happening but would not make it mandatory (Home Office, 1970c), though some police forces, such as Thames Valley, actually had their scheme set up by October 1970 (Justice of the Peace, 1971c). Initially, probation would continue to hold all supervision orders on those over 12, eventually rising to 14 (Home Office, 1970c), though in 1973 social services took over supervision of 10 and 11 year olds nationwide (Hansard, 1973e). The

original intention to implement the Act on the 1<sup>st</sup> October 1970 was postponed for three months (Home Office, 1970d), and the removal of juvenile courts power to make DC orders, attendance centre orders and borstal recommendations was delayed in 1972 (Hansard, 1972d), and never actually implemented.

Several influential people in the Home Office were less than sympathetic to the CYPA. Lady James (the novelist P D James) was a civil servant in the Home Office in 1971 (under her original name of Phyllis White) and was responsible for juveniles among her other responsibilities (*John Croft: personal interview*). Reflecting back on that time, she told me that the theory behind the Act was:

*'The premise was that children were not by nature wicked or particularly criminal and that there was always something wrong in their background and that could be put right, and then all would be well with the child. However, there was no research or evidence for that view at all' (personal interview).*

She felt that the problem was *'the general philosophy'* behind the Act, but that criticisms were always focused on the lack of resources to implement it, rather than its fundamental philosophy. It would have been better, she argued, if the government had concentrated on reforming and liberalising the approved schools, which she believed had all been closed down, whereas they had simply been changed into Community Homes with Education on the premises [hereafter CHE's]. She also felt that the reorganisation of social work led to the loss of *'lots of extraordinary experience and skill in children's officers'*, and another of her concerns was:

*'I got a bit worried about due process. I was always aware that it would be very easy to take children's liberty from them without due process' (personal interview).*

The implementation of the CYPA also took place just as the post war consensus on delinquency and its treatment started to disintegrate (Bailey, 1987). It certainly

seemed to increase the conflict between justice and welfare approaches (Morris, 1976). Within months the CYPA had been condemned as a failure (Tutt, 1981a), and approved schools were raising concern about a fall in referrals and suggesting that this was because local authorities and some Directors of Social Services were opposed to them (Wilkinson, 1971). An Institute for the Study and Treatment of Delinquency conference in November 1972 (Justice of the Peace, 1972d; Hodges, 1973), heard all of the criticisms that were to be repeated over the coming years, with a call for more secure accommodation, and allegations that social workers were physically unable to 'tackle a non-co-operative violent young person'. A 'fairy story' (Millham et al. 1975b: 4) developed that the approved school system had been effective prior to 1969.

The Magistrates' Association expressed dissatisfaction with the Act at a conference in July 1971, well before it was implemented (Justice of the Peace, 1971a). In 1971 their annual meeting decided to boycott the requirement to check whether there was a vacancy in a DC before making the order, and to send children to DC whether or not a place was available (The Magistrate, 1971). They submitted a dossier of complaints to the Home Office and the DHSS attacking local authorities for returning children home and condoning absconding, as a result of which young people were 'laughing at authority' (see The Magistrate, 1972c). It accused local authorities of failing to exercise proper control of children committed to their care, said that it was 'commonplace' for a child offender made subject of a care order 'to be allowed to return home', and that an absconder from a community home can be 'reasonably confident that he will not be returned' (Justice of the Peace, 1972a; 1972b; 1972c; The Magistrate, 1972a; 1972b; Sugden, 1972; Skyrne, 1983).



In November 1972 it was claimed in *The Times* that children under 17 could now commit almost any crime with impunity, as the law was irrelevant and an object of mockery which left magistrates powerless (Berlins & Wansell, 1972a). The only solution, it was argued, was to expand secure places (Berlins & Wansell, 1972b), and delay the implementation of Seebohm (Berlins & Wansell, 1972c). In 1974 a letter to the Daily Express by the Chairman of Accrington Juvenile Bench (Broadley, 1974) claiming magistrates were ‘taunted on the streets by children saying “ha ha, we’ve won, you have lost”’ gained widespread publicity (The Magistrate, 1974). The impression was given of young delinquents poring over legal text books identifying loopholes!

Several myths surrounded the Act, such as that the approved schools had all been closed or that ‘offenders can no longer be sent to approved schools as these no longer exist’ (Hilton, 1972), or that there was no secure accommodation now available (Skyrne, 1983). Yet the DHSS calculated that only 120 places in approved schools/CHEs) were lost during the transfer from approved schools to CHE’s (House of Commons, 1975b: 417 – 418).

Voices supporting the philosophy behind the Act were rare (Dartington, no date; James, 1972; McClean, 1972) and given little publicity, and there is little published challenge to the view that the police and the magistrates were now powerless. An exception was Goodman (1973), a magistrates’ clerk, who said that there was no evidence to support the view that children were being sent home on care orders, and argued that magistrates had more powers than ever. He pointed to the failure rates of the approved schools. Allison Morris told a meeting of the Howard League in 1975

that many of the problems that were being identified existed before the Act, and were also due to lack of implementation of parts of the Act. Nicholas Stacey, the then Director of Social Services in Kent, told me that he had asked his local Magistrates Association how, as the Act was not yet fully implemented, could it be judged to have failed (*personal interview*: see also Justice of the Peace, 1975a).

Despite their party being in power, Conservative MPs tabled regular attacks on the CYPA in Parliament (see Hansard, 1972a; 1972b; 1972c; 1972d; 1972e; 1973a; 1973b; 1973c). Loraine Gelsthorpe told me that, as she understood things at the time,

*'the judiciary and magistrates were important in fuelling Conservative views that the liberal route under the Act was not the way to go, and that ACPO were quite important at this time in supporting the Magistrates Association' (personal interview).*

The Labour party attacked the government for its slow implementation of the Act and its partial implementation (Hansard, 1973d and 1973e), something it was to continue to claim even after its own return to power (Justice of the Peace, 1975b).

The House of Commons Expenditure Committee established a sub-committee to review the operation of the Act, giving a public forum for a major debate about youth justice philosophy (House of Commons, 1975a). While it is not clear who was behind the establishment of this inquiry, Tutt (1981a) and Farrington (1984) point out that two of the MPs on the sub-committee were magistrates and one was a former approved school head, but there was no one on the Committee with a social services background. As Tutt (1982a: 3) states,

*'although chaired by a Labour MP and investigating a piece of legislation very much identified with and supported by Labour administrations, [it] appeared to base its investigation on the assumption that the Act was not working, an assumption for which there was no evidence except hearsay evidence, rumours*

and beliefs’.

With the return of a Labour Government in 1974, Conservative hostility to the CYPA increased, with regular questions and comments attacking the Act (Hansard, 1974a; 1974b; 1974c; 1974d; 1974e; 1974f; 1974g; 1974h; 1974i; 1975b; 1975c; 1975d; 1976f; 1976h).

Some commentators have implied an almost Machiavellian intent to the Conservatives in their attitude to the Act at this time (e.g. Rea Price, 1978a: 206). Harris (1972) referred to the Act being ‘delivered into the world with deliberately inflicted deformities’, while Morris et al. (1980) suggested a ‘purposeful construct’ of a moral panic over delinquency. Ironically, as Cawson (1981: 8) pointed out, there was actually little real change in magistrates powers: they had never had control over discharge from approved schools; offenders on fit person orders and approved school orders were more likely to be living at home than elsewhere, but this was not known, as fit person orders had never been monitored. She also argued (ibid: 43) that ‘social workers do not often deliberately choose to place children at home after the making of a care order’, but did so due to the lack of available placements. She (ibid: 11) cited internal Home Office research that found that juveniles on care orders made up 10 per cent of those found guilty, while 45 per cent of those on care orders were living at home and 27 per cent in CHEs. When followed up by the DHSS, the average time since making the care order was 30 months, and there were only two cases of reoffending within the past 12 months. Yet the evidence was that reoffending while on a care order led to a highly punitive disposal, not to no prosecution at all, as alleged by magistrates. According to this study most reoffending was by those in residential homes, especially those living in CHEs or absconding from them.

While the consequences of partial implementation certainly seemed to play into the hands of those who had been opposed to the Labour Party strategy in the 1960s, this was probably more by default than by design, with many unintended consequences of the legislation only gradually appearing.

### ***The 1969 CYPA: the social work response***

Despite the opportunity that the Act gave to social work, it was so preoccupied with other developments that it took its attention away from juvenile offenders, in order to concentrate on the creation of the new SSDs. A massive restructuring of children's services had been proposed by the Seebohm enquiry (HMSO, 1968b) and was implemented in the Local Authority and Social Services Act 1971 (HMSO, 1971a), alongside a major reorganisation of Local Government in 1972 (HMSO, 1970b and 1971b) consequent on the report by Lord Redcliffe-Maud (HMSO, 1969c and 1969d).

According to an anonymous New Society correspondent ('Macavity', 1969)

'Seebohm himself and his former committee colleagues are championing their own recommendations up and down the country with an energy unparalleled by any other government committee or royal commission'.

The replacement of probation officers in the juvenile court, coinciding as it did with Seebohm and local government reorganisations, which had led to the promotion of many of the most experienced social workers, meant that magistrates were faced with many young and inexperienced social workers, recently qualified on courses with a strong component of critical sociology, and less deferential to the court than a probation service that had been strongly identified as 'servants of the court'. As Cedric Fullwood (*personal interview*) told me, looking back at that period,

*'In the Manchester area magistrates felt that probation officers had more sense*

*of structure and control than 'young women in jeans coming into court and giving social work reports' and they were very happy to see "their" orders being supervised by "their" probation officers. When they could choose who supervised they would often choose probation. Local authorities in the area were not keen on offenders, so very little professional development in working with them was taking place'.*

Suggestions that social workers improved their knowledge of law (Harris, 1973a) and that local authorities considered appointing specially trained court officers (Harris, 1973b), were ignored. These social workers, 'largely inexperienced, rather shell-shocked and inadequately supported' (Adams et al., 1981: 44) had also taken over magistrates' previous power to place children and young people in residential care, and became the obvious target of magistrates' anger and insecurity. It has even been claimed that the magistrates sent young offenders to DC and borstal so that they would then go to the probation service for supervision on release, and not to SSDs (Worrall, 1997: 69). There also appears to have been some ambivalence among social workers about actually working with young offenders (Rea Price, 1978), and little attention was given to IT or supervision of juvenile offenders on the new Certificate in Qualification of Social Work courses (Andrews, 1977).

P D James (*personal interview*) told me that at the time she believed that *'the court really must have power to make a secure care order – to say "this child must not be left at home"'*. She believed that the new SSDs were opposed to removing the child at any cost: she said that *'I had little sympathy for social workers, and would rather they spent their time visiting and helping families than sitting around in case conferences'*. John Stacpoole (unpublished manuscript) felt that the social work profession could never decide whether their services to the disadvantaged or their professional standing were more important.

The hostility that it now faced took the social work profession by surprise, unaccustomed as it was to criticism and more used to being on the attack itself, full of the belief that it could right all the wrongs of society. One of the consequences of this hostility was that social workers started to try to out-guess the magistrates, and began to **recommend** care orders and custodial disposals to avoid being accused of leniency. As Haines & Drakeford (1998: 39) put it, social work tended to believe that formal intervention was a good thing, and recommended highly interventionist sentences for those with minor criminal offences, or minor family, developmental or adolescent problems. This led to SERs becoming a major push factor *into* care and custody (NAJC, 1978).

### *CHEs and other residential child care provision*

In anticipation of the implementation of the Act, approved school staff explored how they would transfer to working in community homes. Bengier (1969) wanted to ensure they were only sent 'treatable' cases, and wanted the borstals and senior approved schools retained for the 'untreatable'. Pruden (1969) echoed this, while Burns (1969) and Gaskell (1969) wanted the retention of the classifying schools to observe and assess children before they were sent to a CHE. This seemed to fit uncomfortably with the DHSS view that the Act would bring 'establishments for delinquents out of their isolation' (Cooper, 1969), and their blueprint for three new CHEs using a therapeutic environment (DHSS, 1970).

The heads of the approved schools, who were now transformed into heads of CHEs, but otherwise providing the same service, found themselves dealing with new

managers from the newly created SSDs, who were inexperienced in management and very dependent on the expertise of the heads (see West Midlands CRPC, 1980). They also now had the power to decide whether to *accept* referrals, whereas before they had had to take whoever the court ordered to them, and as early as 1972 were being accused of being selective in their intake (J. G., 1972), even from within their own ranks (Wilkinson, 1972). They were also accused of refusing admission even when the assessment centre had specifically recommended that particular school (Burns, 1975), refusing to take black young people (Harrison, 1975), or operating racial quotas (Burns, 1975), and refusing to accommodate children during school holidays (Burns, 1975). Rea Price (1978a) argues that they ‘demonstrated their new-found independence and worked off their resentment by setting rigid criteria as to the type of children they would accept’, and cites research by Tutt for the London Boroughs’ Children’s Regional Planning Committee [hereafter CRPC] that 20 per cent of urgent requests for CHE placements by social workers were rejected by schools. Of the 80 per cent accepted only 55 per cent completed the planned placement (see also Allen, 1974; Brown, 1974; Wootton, 1978).

Given that the schools had long challenged criticism of their failing success rates by claiming that they got the young people when they were too young, ‘too late, for too short a time, and with the wrong attitude’ (Burns, 1973), they were able to use these new powers to refuse the older, more difficult referrals (usually the more persistent offenders), and to alter their intake to a younger and less delinquent one. Thorpe (1983a: 76) argued that the 1969 CYPA allowed the ‘emerging professional group’ in residential social work ‘to enter the juvenile justice and child care systems and to exploit it for its own...ends’. However, Giller (1983) suggested that the CHEs were

unwilling to carry out a distinctive role in the juvenile justice system, instead adopting a policy of negativism: stating who they would **not** help, rather than what they could do.

This left social workers who held care orders with a dilemma. The courts were making care orders on young people, expecting them to go into the former approved schools, and social workers could not find a placement for them. Inevitably some were returned home. Whereas reoffending by young people in approved schools/CHEs was dealt with by courts in the CHEs area, often different to the one in which the young person lived and where the original care order had been made, reoffending while placed at home led to them coming back before the same magistrates who had made the original care order (as pointed out by Baroness Faithfull: Hansard, 1977g). Magistrates seized on what they saw as evidence of their sentencing being undermined by SSDs, and went public, criticising ‘the young social worker, who to some of us looks no different from the children themselves’ (Berlins and Wansell, 1974a: 82: see also Morgan, 1978a: 96 - 97).

The CHEs claims of receiving more difficult young people continued to be made despite research indicating that 10 per cent of those sent to approved schools received the order on their first appearance in court, and the average number of court appearances of those in approved schools was only two (Field et al., 1973). Cawson (1981: 26ff) found that boys committed in 1975 were ‘remarkably less delinquent than were approved school committals ... as committal to care for delinquency is being used as a first or early resort’, and Millham et al. (1975b: 6) that ‘what success these schools had were almost entirely with boys who should not have been there’.



Stacpoole (unpublished manuscript) noted the massive problems of winding up approved school finances, with their liabilities to repay grants to the Home Office, which probably distracted them from caring for children.

The creation of the CHEs out of the approved schools was seen as an ideal opportunity to try and change the way they worked, and a great deal of DHSS attention was given to try and develop a more therapeutic and caring regime in place of the previous punitive ethos, though the new Social Work Service of the DHSS had little of the authority over the schools of the old Inspectorate (Stacpoole, unpublished manuscript). A series of papers was issued from the centre, the most influential of which was *Care and Treatment in a Planned Environment* (DHSS, 1970). This document was ridiculed within the approved school system, being dubbed the 'yellow peril' (see Approved Schools Gazette throughout 1969 - 1970; Baple, 1969), on account of the colour of the cover, and the threat it was seen to pose.

Norman Tutt (*personal interview*) told me that this report had been written by a Home Office psychologist and was '*seen as the major plank of policy for the first three or four years*' as part of '*a desperate need to reform the approved schools*'. He said its agenda was driven by Barbara Kahan, the Deputy Chief Inspector, who, when she had been the Children's Officer in Oxfordshire, had refused to send children in care to the approved schools, so she had '*a personal agenda in the Social Work Service Development Group*'. Tutt thought that reform was necessary

*'because it was frankly chaotic. I was working in St Gilbert's in Worcestershire in 1971, when the county council took over the school when the Children and Young Person's Act came in, and I remember being phoned up by a social worker saying they wanted to place a child in the school. I said, well "Why? Do you know what this establishment is about?" And he answered "no, not really, you're a children's home" to which I said "yes, of a sort". Clearly nobody had*

*a clear idea of how these CHEs were going to fit in’.*

*‘I then went to Northamptonshire. They had these three approved schools which they were lumbered with and I was recruited to run them. They were quite separate from the rest of the child care service, with a very odd management structure. One was chaired by Sir Hereward Wake, another by Lady Hesketh. While the local authority had three members on the management committee they made little impact’.*

There was a lot of conflict between the DHSS and the CHE heads, partly because there seemed to be a custodial role demanded by magistrates and public opinion, and a treatment role coming from the DHSS (Giller, 1977). There was also, according to Norman Tutt, *‘local authority pressure on the DHSS for guidance as to what to do with the CHEs’*. The Social Work Service Development Group of the DHSS *‘put huge amounts of time and effort into the CHEs, developing models of service such as Druids Heath and arranging huge residential conferences’* around the country, said Chris Sealey: *(personal interview)*, trying to promote a new philosophy of care (DHSS, 1973a; 1973b; 1975a; 1975b; 1976a; 1976b) and *‘to re-orientate attitudes’* (Kahan in DHSS, 1973a: 62). Its Director regularly wrote articles for the *Approved Schools Gazette* trying to persuade the schools to change (Cooper, 1968a; 1968b; 1970; 1973; 1977), but Norman Tutt thought that *‘the DHSS Social Work Service and approved school staff were talking very different languages ... the Department was beating its head against a brick wall’*. Senior DHSS officers questioned the dominance of control (Hodder in DHSS, 1976a: 11 - 14), and tried to change the style of management within the schools (DHSS, 1977c; 1978a; 1979). Headmasters at these events continued to claim that the current intake was more difficult than in the past (Lally in DHSS, 1976a).

Henri Giller carried out his doctoral research into the CHEs in the 1970s (Giller,

1981). He told me (*personal interview*) that the vision for the CHEs was

*'very much a civil service vision about what a therapeutic community or environment ought to be, how it could be discharged, the physical setting in which it should be deployed ... with minor exceptions, that vision was being rolled out in an old estate, and most CHE staff did not share this vision'.*

The placement of Foreign Office staff in the DHSS following their expulsion from Uganda, including John Stacpoole, brought a fresh perspective and something of a challenge to the Department, and the incorporation of former children's officers such as Barbara Kahan and Joan Cooper and the appointment of women Inspectors *'was in contrast to the stuffy male Home Office where children's services had resided'*, according to Roger Bullock when reflecting on that period (*personal interview*).

The Under-Secretary in charge of this part of the DHSS from April 1973 was John Stacpoole, who told me that, on arrival in the department, he was given no clear policy guidance and that he found services in confusion following uncoordinated reorganisation (Stacpoole, unpublished manuscript). He was in the process of writing his biography, so had been reflecting on this period carefully. He said that on arrival he found that:

*'the Act had shot the approved schools dead, or if not dead into agony because they knew that they had lost their standing and all that anybody wished to do was to get rid of them somehow, as no one wanted to pay the costs of them. The DHSS wanted to sell them but nobody wanted to buy them .... The approved school machinery was breaking down ... because of the shortage of places they had begun to reduce the period of time people spent in them. The Inspectors and heads had agreed a period of 15 months, which was totally against the theory of the schools (personal interview).*

In 1975, according to Norman Tutt (*personal interview*) he *'was invited to a secondment to the DHSS to deal with the CYP Act'*, something that was to have serious consequences for youth justice policy after this. Chris Sealey, an Inspector in

the DHSS in the late 1970s, found the Social Work Development Group trying hard to develop IT but also struggling to keep residential care for young people, in CHEs, on the map: *'It became a bit of a standing joke – whatever the SWDG touched was the kiss of death' (personal interview).*

Even though the Community Homes Regulations of 1972 contained no requirement for the recording of absconding from the CHEs, making comparisons with the approved schools almost impossible, Clarke (R., 1980: 114) showed that the 'unshakeable belief' in the schools that 'absconders were of a distinct personality type' continued.

Faced with the refusal by CHEs to accept referrals, local authorities began to place these children in ordinary small children's homes, at much lower cost (Rea Price, 1978: 209 suggests £3,000 per annum as compared to £20,000), and to develop specialist foster care (see below: page 123), which meant that the number resident in the CHEs remained constant (Table 16).

### ***The Care Order dilemma***

The Act had intended that a juvenile court would only be able to make a care order on young offenders under 14 if there was combined proof of committal of an offence, and of the need for care and control. This was under section 1(2)(f) of the Act. However, section 7(7) of the Act allowed a care order to be made solely on the basis of an offence by young people **over** 14, on the assumption that the minimum age of criminal responsibility was being raised to 14. The decision by the Conservatives not

to raise the age of criminal responsibility to 14 meant that 10 to 13 year olds now became liable for a care order for offending under section 7(7).

### **The 1969 CYPA: other unintended consequences**

Prior to the 1969 Act, the lead responsibility for young offenders had been placed within the Home Office, albeit in their Children's Department. The transfer of responsibility to the DHSS did not take account of the loss of the support services available within the Home Office, particularly the research department, and the first few years of the new services developed with little accurate data back-up. At the same time, so Parker and Giller (1981) argued, there continued to be little interest in juvenile delinquency from the sociological academe, leaving it to the social/psychological and child care traditions. McConville (1981) also noted that, while there had been a 300 per cent increase in juvenile custody in the past 20 years, most criminological research had failed to offer any solutions to the problem. While the Home Office Research Unit now turned its attention to adult crime, the new DHSS took on juvenile offenders, voluntary child care, statutory child care, and local authority reorganisation, in an area where priorities were confused and lines of communication tangled and broken. What research **was** commissioned by the DHSS focused upon child development, treatment regimes and the CHEs. There was no research at all into IT, and the first initiative here was eventually taken up by the Department of Education, in setting up the National Youth Bureau and giving it the brief of disseminating information about IT (something it was to do extremely well: their 1985 bibliography (Skinner, 1985) listed over 1000 publications on IT: all available in the NYB library and available on loan from them) further linking IT to

youth work (e.g. Dieppe, 1973; Jones, R., 1975).

The social work figures that had joined the DHSS were ‘tarnished with too close an association with Labour’ for the new Conservative government (Millham et al., 1978: 30), while the sudden death of Derek Morrell in 1969, one of the architects of the CYPA, who had seen the Act, together with the Seebohm implementation, as ‘the most important statute that has been passed for generations’ (Justice of the Peace, 1970a), and had ‘discounted all that training schools held dear’ (Millham et al., 1975b), was a major blow (P D James confirmed that he was very influential in the Home Office (*personal interview*)). Morrell had a vision of IT developing from his understanding of community development (Nellis, 2010). It was only by the late 1970s that the DHSS and Local Authority SSDs began to appreciate and understand the new pattern of provision that existed, and the relationship between juvenile court sentencing and SSD practice and provision (Parker and Giller, 1981).

Even the new professional organisations that were created consequent to the restructuring of the social work profession gave little attention to young offenders, ironically given that this was many of their members’ main area of work. Neither the National Institute of Social Work, nor the Central Council for the Education and Training of Social Workers [hereafter CCETSW], published anything relevant to young offenders or IT at any time in their almost 30 year existence (Nellis, 1996), and never understood or appreciated that ‘juvenile justice was the one social work success story of the 1980’s’ (Nellis, 1992: 148). One of the new weekly journals that developed out of the professional restructuring, *Community Care*, waited until its 11<sup>th</sup> issue before publishing anything on young offenders (Robinson, 1974). The new

professional organisation, the British Association of Social Workers [hereafter BASW], also gave little attention to offenders or IT until the mid-1970s.

### *The early days of IT*

The Appendix to *Children in Trouble* was clearly abolitionist in intent: once adequate community support facilities were available attendance centres were to be abolished; once short-term residential IT was available, DC was to be abolished, via ‘abolition-through-transformation’ (Nellis, 1991a: 35). Slack (1972b), for example, clearly thought that once IT was available then the 60 junior attendance centres would be closed.

The failure to abolish attendance centres, DC’s and borstals, and their continued expansion as magistrates lost confidence in the social work profession, led to serious uncertainty about the role of the most innovative new sentence: Intermediate Treatment. The 1968 White Paper had blurred the role, at one stage suggesting that providers could opt out of working with those ordered to do IT (Thorpe, 1983a: 77), and the government itself had seemed fairly vague as to what it would entail during the Committee stages of the Act, citing a centre at Northope Hall, Leeds, as the main example, and including attendance centres, youth clubs, dramatic and musical activities, community service, weekend centres, adventure playgrounds, harvest and holiday camps and outward bound as elements of IT (Hansard, 1969a: col. 389). The Home Secretary said that the object of IT was to give ‘access to resources which are denied to many children from poorer backgrounds’, which would include normal constructive activities for young people of their own age, such as adventure training

or a harvest camp' (Hansard, 1969h). An American example, the Boston Citizenship Training Scheme, had been championed by the Magistrates' Association (see Nellis, 1991), but was then neglected as a model in the 1970s developments.

As a result, instead of developing as a service for serious young offenders, as the 1969 Act had intended, but who were being locked up and thus not available for IT to work with, IT developed as a service for children 'at risk', who were known to social workers for reasons other than offending. As Haines & Drakeford (1998) said, the client group was poorly defined and variable, and restricted to a younger age group living in the community. It also had 'no clear theoretical basis nor a precise method for application' (Ostapuk, 1982: 148), and a 'desperate shortage of ideas' (Sparks & Hood: 1968: 7 - 11). The term itself seemed to 'embrace a bewildering number of different and sometimes competing concepts' (Allard, 1976), while 'definitions of what IT could or should be abounded' (Pitts, 1979: 17 - 18). Most of the thinking and development of IT was being carried out by social work practitioners, and many of the authors cited below were such practitioners.

A Home Office Circular in 1971 linked IT to camps and adventure courses, and tried to provide a route for probation officers to do IT by allowing them to claim back the cost of such IT from social services if it was activity with young people on supervision orders allocated to the probation service (Home Office, 1971a). The early IT specialists in social services often came from a youth work background (see Haines & Drakeford, 1998: footnote 5 on p. 242), and were often based in residential establishments (Adams et al, 1981: 49) and the early IT Regional Plans, which the CRPC's were required to publish, were little more than 'unimaginative catalogues of



names of organisations and youth groups' (James, 1981): a list of local youth facilities, from youth clubs to cadet forces (see Paley, 1974; Paley and Thorpe, 1974: 14ff; Hunter, 1976). The Yorkshire IT programme, for example, contained 33 residential courses and 981 day and evening courses, most seeming to reflect 'healthy body, healthy mind' (Stein, 1973; Youth in Society, 1973). It was not surprising that the Community and Youth Service Association could condemn social workers involvement in IT (IT Mailing, 1979), believing that the youth service should be the main provider. BASW thought that the main focus of IT would be attendance at a youth club and called for more youth clubs to be opened (Bamford et al, 1972). The first article on IT in *New Society*, for example, (Chapman, 1970), said that it was 'an intriguing variety of adventure courses and leisure pursuits' with an emphasis on 'challenge and adventure', and an early article in *Social Work Today* saw it as a 'social education experience' open to anyone - and their friends (Dove, 1974). Hinton (1974) mentioned rock-climbing and flute lessons, while Elliott (1981b: 92) listed falconry, disco's, remedial education, community service, work training, photography, garage mechanics, drama, cookery, sewing, sport, discussion groups and expeditions as coming under the concept. She described it as 'the container into which many conflicts, much confusion and a myriad of misconceptions about the treatment of delinquents have been poured' (ibid: 95). Similar lists were presented by Carter (1973).

DHSS attempts to promote IT at this time also reflected uncertainty about what it was and was not (see DHSS, 1972a; Tutt, 1976c: Preston, 1982). John Stacpoole told me that he had been introduced to the concept by Barbara Kahan, and he had seen it as encouraging and helping young people by linking them with sympathetic adult

organisations such as the police, football teams and boxing clubs. The early DHSS guide to IT in 1972 never even mentioned delinquency (Adams et al, 1981) and a demonstration project suggested that it was for ‘those whose difficulties are not so great’ aged between 0 and 18, with holiday schemes being the major need (DHSS, 1973c). At a conference in 1974, the Head of the Social Work Service Development Group, Joan Cooper (1976), could define IT as ‘an experience to promote growth and development in all aspects of human personality’, and a panel of DHSS officers ‘were agreed that Intermediate Treatment should **not** be regarded as an alternative to residential care ‘ (DHSS, 1976d).

The Government’s decision to ask the CRPC’s to produce plans for Community Homes also took all their attention away from IT (Adams et al, 1981).

IT, then, was ‘initially seen as a youth service activity and a community resource’ (Blagg and Smith 1989: 47). Mays saw it as ‘an ideal boys club with a strong family atmosphere’ which would include ‘not only a variety of adults... [but]...also women (sic) helpers and colleagues’ (Mays, 1970: 13). IT workers, argued Mays, would take referrals from other social workers of children on ‘family case loads’, and involve the children in evening groups and short residential trips. Walker (1968), the Children’s Officer for Lancashire, saw it as adventure holidays in the Lake District, Stevenson (1971) suggested its’ essence was groupwork and ‘creative play’, while Baddeley (1969; 1970) felt that junior attendance centres and ‘army youth teams’ were proven models of IT. Raynor (1977) promoted psycho-drama. Writers in the social work weeklies (e.g. Morris, P., 1975a and 1975b; Knight, 1975; Manning, 1977) focused on residential adventure activity and summer camps in the grounds of CHE’s, or model

aeroplane building (Miller, D et al, 1986).

In 1973 David Thorpe saw IT as ‘a specialised social work enterprise aimed at those who are deemed too deviant to benefit from conventional youth club facilities’ (Thorpe, 1973a), suggested it could be done via residential experiences (Thorpe, 1973b), and had IT workers engaging in casework, groupwork and community work (Thorpe & Horn, 1973). Both Thorpe (1976c) and Tutt (1976e) were still promoting an activity and adventure model of IT as late as 1976, prior to their dramatic conversion to a very different notion of IT. [Thorpe (1983a: 78) said that he was unable, in 1974, to recognise that ‘needology’ in IT was partly the cause of the increase in custody]. Ford (1975: 119), a leading magistrate, thought IT would include ‘dramatic societies, folk clubs ... dog clubs, pigeon clubs, art, groups, music societies’. Tony Latham, the architect of ‘Pindown’ (Levy & Kahan, 1991: p. 18, Para 3.48), had an IT project promoted by the DHSS including art, gardening, woodwork, hairdressing, cooking, camping and fishing. Ray Jones wanted it to be part of a ‘comprehensive social work approach’ within a systems model (Jones, R., 1976). A special issue of the DHSS magazine, *Social Work Service* (1976) devoted to IT included lots of descriptions of residential programmes and daytime activities, including one in Coventry which ‘excludes children with serious behaviour disorders’ (Jaques, 1976), and the Personal Social Services Council, with a CHE headmaster on its study group, saw it as being only to avoid ‘inappropriate’ placement in residential care, and offered a model for ‘intensive IT based in the residential setting’. (On the early days of Intermediate Treatment, see Thorpe (1978a) and Blagg and Smith (1989: 87 ff).

Prins (1972), a child psychiatrist, suggested IT was ‘compulsory benevolence’, but deemed it unsuitable for the disturbed, disruptive, manipulative, immature and those with identity problems. Teaching staff defined IT as ‘groupwork counselling’ run by teachers (Aplin & Bamber, 1973); youth workers as ‘cooking and karate’ (Manning, 1976); probation officers as handicrafts, judo and community service (Rowntree, 1971) or river-craft, football and youth clubs (Carpenter and Gibbens, 1974).

Richard Kay had become the Director of the Rainer Foundation in 1978. Looking back at that period he told me that his predecessor as Director, Ron Howell

*‘said he had done a lot of work with Alice Bacon and claimed to be influential on the development of the 1969 Act. Rainer had closed down residential establishments and set up the Rainer Centre in Lewisham, mixing deprived and deprived youngsters. It had a small residential unit and evening activities, like trampolining. I couldn’t make sense of what it was trying to achieve – there seemed to be a theory that those ‘at risk’ got ‘into trouble’ because they were ‘deprived of experiences’. However, there was an off-site unit as an alternative to school which was very good. Rainer also had Hafod Meurig’ (a residential outward bound centre in Snowdonia), ‘which had changed from offering individual packages to young Freddie from Lewisham, who had been put on a train and ended up there for a month, staying there and having an experience – changed because authorities were no longer sending individuals away – and it turned into a centre for groups, to give them positive experiences to make up for deprivation in their lives. Groups of probation officers and social workers would take groups of children away for a week to do activities – it was a bit dire – social workers sitting down, saying ‘can I go home’ as they had no clear role, didn’t know why they were there as the staff from Hafod Meurig did the work with the children’ (personal interview).*

(For an account of the ‘adventure’ activities provided by the Rainer Foundation to boys on probation see Day, (1964))

Only 20 supervision orders with intermediate treatment requirements had been made by 1974 (Baddeley, 1974). It could justifiably be claimed that by 1976 the traditional concept of IT was ‘slowly sinking in some uncharted mass’ (Billis, 1976: 11), and the

official version of IT: the co-ordinated use of existing community facilities, especially those of the youth service, to work with delinquents as part of their youth work, had been superseded by a social work practitioner view involving the development of specialist facilities delivered by local authority social workers (Nellis, 1991), though often as ‘a social worker’s hobby, an unpaid, spare-time activity with only a marginal existence’ (Paley, 1979). Bill Utting (*personal interview*), looking back at that period, pointed out that ‘*IT did not have a great deal of opportunity to work with offenders at the heavy end*’, but that the media were starting to portray it as a let-off: ‘*lessons for flute playing being paid for by local authorities because of an offence*’.

As Haines and Drakeford (1998: 38) were to claim some 20 years later:

‘It is quite difficult to find a precise official definition of what IT was supposed to be ... .In reality it was the activities that actually comprised IT that came to be its defining characteristics ... .It simply meant working directly with children ... almost anything that social workers, probation officers, youth workers etc. did directly with young people could be, and was, called IT’.

### ***The Expenditure Committee Report***

The Report of the Sub-Committee of the House of Commons Expenditure Committee, on the 1969 CYPA, was published in 1975 (House of Commons, 1975a). It argued that while:

‘the proportion of all crimes committed by the 10 to 17 year old age-group has increased only marginally ... we accept ... that young people in this age group are increasingly involved in serious crime’ (ibid: vi)

and identified ‘a small minority’ of persistent young offenders ‘who need strict control and an element of punishment’ (ibid: xlix). The report acknowledged that no Act of Parliament could be expected to influence juvenile offending, and found that

some of the criticisms of the CYPA were based on misapprehensions, such as the belief that there was less secure accommodation available when there was actually more; that absconding was increasing when there was no evidence to support this; and that approved schools had been secure when they were not. It noted the increase in custodial sentencing, limited only by the availability of beds. It considered IT schemes to be 'often inadequate and the quality uneven' (ibid: vii), and recommended increasing the role of probation in the juvenile court, the creation of a 'secure care order', a short DC sentence for as little as two days, retention of attendance centres, secure wings in CHEs, specialisation in social work in juvenile delinquency and court procedure, and a large increase in secure accommodation. It suggested that the CHEs should retain their power to refuse admissions, and should be adapted to provide day care and after care. Its conclusion was that the major failing of the CYPA was its failure to differentiate between children needing care, welfare, education and support and 'the small minority who need strict control and an element of punishment' (ibid: xiix).

Submissions to the Committee took up two large volumes of evidence, and provide an excellent snapshot of the tension between magistrates, police, justices' clerks, local authorities, social workers, residential care staff and others (House of Commons, 1975b).

### ***Sentencing of juvenile offenders: 1969 to 1976***

Tables 17 to 32 document the actual outcome of the Act on police cautioning and sentencing patterns in the courts. It was only in the mid-1970s that the actual patterns

of sentencing following the Act were identified, with the rise in DC sentences and committals to Crown Court by magistrates' courts with a recommendation for borstal, being seen (Social Work Today, 1976).

Before looking at specific sentences in more detail, it is worth noting that Tables 17 to 27 are continuations of Tables 1 – 11, allowing comparison of sentencing before and after the 1969 CYPA was implemented. What stands out is the rising number of convictions of young men aged 14 to 16 during the whole period, from 86,818 in 1971 to 94,400 in 1976 (Table 20), and the increase in punitive disposals of these, both proportionately (Tables 21 and 22) and absolutely. For boys aged under 14 the conviction numbers were stable. The number of girls and young women who were dealt with remained small (Tables 24 and 26), with very few punitive sentences given to them.

### ***Cautioning***

Cautioning rates rose sharply between 1970 and 1971, and then stabilised at a higher level. Whereas 25 per cent of all arrests before the 1969 CYPA were cautioned, by 1975 it was 49 per cent (67 per cent for under 14s and 13 per cent for 14 - 16 year olds) (Hough, 1977). Tables 15, 16, 28 and 29 show this.

### ***Absolute and Conditional Discharges***

The increase in the use of conditional discharges for both age groups and both genders stands out in Tables 17 to 27. It may have been the case that magistrates' unhappiness with the expansion of cautioning of offenders could have resulted in reduced use of

the more lenient disposals available to them, but this does not seem to have happened. Even the use of absolute discharge, almost a message to the police that they should not have brought the case to court, was maintained.

### *Attendance centres*

Attendance centres were only available for males at this time, and Table 20 shows a dramatic increase in their use, from 3,788 in 1971 to 6,182 in 1976, which continued to be the case when allowances are made for rising numbers of convictions (Table 21) and increased cautioning (Table 22). This may have reflected the strong campaign against the government's intention to abolish them, which had attracted a lot of attention.

### *Fine*

Despite not fitting into any of the discussions about juvenile justice, the fine continued to be the most common disposal for young offenders, making up over 50 per cent of all court disposals for 14 - 16 year old males and over 40 per cent for females. It was less used with the younger age group.

### *Probation*

Following the implementation of the 1969 Act, the number of probation orders passed by courts fell from 51,000 in 1970 to 31,000 in 1971 (Hansard, 1976g). By 1974 the probation service was holding 21,500 supervision orders under the 1933 and 1969



CYP Acts (Home Office, 1976a). There was also a significant fall in the number of SERs submitted to juvenile courts by probation officers following the implementation of the Act (Davies, 1974).

### *Supervision orders*

As a new sentence, which did not really replace a previous option open to the courts, the supervision order got off to a good start, with over 18,000 made in the first year that they were available (Tables 17, 20, 24 and 26). However, magistrate disenchantment with social workers may be the reason why the *proportionate* use of them fell for all four groups.

### *Care orders*

The care order was the sentence on which most of the debate was focused, and its slow adoption is seen in the tables, mainly at the expense of a rise in custodial sentencing. In no case was it ever to rise much above 10 per cent of disposals, which was disappointing given the role that had been allotted to it in the government's thinking.

### *Custody*

Richard Kay (*personal interview*) had worked in the borstal system between 1969 and 1973. He said that he noted at the time the decline in the number of previous offences that new arrivals to borstal had: '*many were coming in with none or one previous. I*

*couldn't make sense of this inside the borstal system'.*

Tables 20 and 23 show the dramatic rise in sentences to DC and borstal of young men, with DC numbers rising from 2,475 in 1971 to 5,388 in 1976, and Borstal sentences from 1,116 to 1,907, which is also reflected in prison department figures of receptions into custody (Table 30), which rose from 3,037 to 6,599 during the same period. This increase put so much pressure on the prison system that in August 1975 the government increased the remission that young offenders could earn for good behaviour in junior DCs from one-third to a half, in order to reduce overcrowding (Hansard, 1975e).

### ***Care and Custody***

Combining the figures for those sentenced to care and those sentenced to custody provides an overall number of sentences in which the courts intended that the young person was removed from home as a punishment, and show the most important feature of sentencing: a doubling of the number of boys and young men sentenced to be removed from home between 1964 and 1976, from 6,281 to 12,781 (Table 31), and a fourfold increase in that for girls and young women, from 273 to 1,043 (Table 32). That this was happening during the debate about leniency of the system, childhood impunity and loss of magistrates' powers is hard to understand.

### **Departmental Responsibility**

Nellis (1991) suggested that the development of IT was part of a Home Office attempt

to take over responsibility for youth work from the Department of Education. However, one way of looking at the period from 1969 to 1991 is to consider whether the transfer of lead responsibility for juveniles to the DHSS from the Home Office by the 1969 CYPA had had any impact on the development of policy over the next two decades.

Until the 1969 Act, the Home Office had held lead responsibility for most areas of juvenile justice, including the approved schools, the probation service (who provided support to young offenders and reports to courts), the attendance centres, DCs and borstals. The local authority Children's Departments had some involvement with non-offenders placed in approved schools, but the Children's Department of the Home Office was clearly the lead agency. David Faulkner told me that the Children's Inspectorate of the Home Office was very powerful, but he believed that '*professional leadership was lost after 1969*' (personal interview).

According to Callaghan's biographer (Morgan, 1997: 299) Harold Wilson 'had laid down that the revamped and expanded SSDs, given to Crossman in 1968, should take over the Children's Department from the Home Office. But Callaghan resisted this', and Callaghan and Crossman 'had reached a kind of informal political agreement that the transfer would not occur' while Callaghan was at the Home Office. Hall (1976: xiii and 83) also notes that there was disagreement between the Home Office and the DHSS about the remit of the Seebohm Committee. Callaghan (1987: 235), writing more than a decade later, regretted the Home Office's loss of the Children's Department, and states that he resisted Crossman's attempt to transfer them to social services 'strongly and successfully'. During the debate on the 1969 Bill in the House

of Lords Earl Jellicoe had raised concerns about the transfer (Hansard, 1969b: col. 1143). When the Conservative Home Secretary, Reginald Maudling, completed the transfer at the start of 1971 (see Slack, 1972a) Callaghan was sharply critical, and says in his memoirs that he made representations to Maudling not to do so (Callaghan, 1987: 235), and in a lecture in 1983 he (Callaghan, 1983: 9 - 10) lamented that the Home Office 'lost its work for children in need of care ... [which] ... has to my everlasting regret been swallowed up by the [DHSS]'. Interestingly, during the passage of the 1969 Act, only Quintin Hogg had suggested that child care should not remain with the Home Office (Hansard, 1969h: 1198).

P D James told me that the

*'idea was that the Home Office was responsible for courts, public control, immigration and criminal legislation and was not the suitable government department to deal with children ... responsibility was transferred from a government department that had a lot of experience to one that had virtually none' (personal interview).*

While P D James had no recollection of any inter-departmental rivalry, Joan Cooper (1983: 110) describes the clash between the Home Office and DHSS over their remit for juveniles as 'a fierce one in Whitehall terms'. Interviewed by Nellis (1991: 120 – 121 and 426), she told him that when the Home Office Children's Department moved to the DHSS and became the Social Work Service, it had to play down children's issues in the wider agenda, something that John Croft also said to me (*personal interview*). Croft (2002) also felt that the Home Office 'lost a human face' when it lost the Children's Department. Haxby (1972: 174ff) thought that the Home Office had tried to undermine IT in its guidance to the 1969 Act.

John Stacpoole was the Under Secretary of the Social Services side of the DHSS from 1973 to 1979, responsible for the Children's Division that had moved over from the Home Office. He told me that those who had transferred from the Home Office to the DHSS with the Division '*saw it as a terrible misfortune*' and there was some resistance to the new management. He felt that '*many people in the Home Office regarded the 1969 Act as an undesirable relaxation of useful ways of dealing forcefully with dangerous children*'. He felt that Phyllis White (P D James), his main liaison with the Home Office, though broad minded, was one of them. He thought that her boss, John Chilcot, was naturally more liberal, but he saw little of him. One of Stacpoole's most significant acts was to press for someone like Norman Tutt to join his department '*in order to strengthen the children's division*' (personal interview: see also Stacpoole, unpublished).

John Croft was at the Home Office at the time of the move, but transferred to the Home Office Research Unit and avoided the actual transfer to the DHSS. He told me that the Inspectorate were sympathetic to the move to the DHSS, while sorry to leave the Home Office. He noted that there was no focal point in the DHSS for juvenile justice research, and the Home Office no longer commissioned research on the **treatment** of juveniles, as they saw this as the DHSS responsibility, even though they were not fulfilling it. However '*the Home Office never lost control over the criminal justice system in respect of anything, including juveniles ... responsibility never left the Home Office*' (see also Croft, 2005).

During the sitting of the House of Commons Expenditure Committee in 1974 Frank Hooley MP noted that:

‘what is happening is that you have a penal apparatus in the juvenile field which is administered, directed and controlled by the Home Office. A great many of the consequences of its decisions ... then have to be executed, carried out, or borne in one way or another by a totally different department of State and, indeed, by a different section of government, namely local government (House of Commons, 1975b: Q. 408 pp. 93 -94).

John Chilcot, of the Home Office, told the Committee that ‘I was very sorry when we gave up the responsibility for children’ (ibid: Q 409: p. 95), while John Stacpoole said that juvenile delinquents were not the main concern of DHSS civil servants, nor were several sections of the 1969 CYPA, and the main responsibility of the children’s department of the Home Office had been deprived children (cited by Thorpe et al., 1980: 9).

## **Summary**

By 1976, few of the aims of the 1969 CYPA had been achieved, and in many ways the unintended consequences of the legislation, aided by partial and selective implementation, had led to the worst of both worlds: a massive increase in punitive sentencing of juveniles into residential care and custody alongside a public perception that the Act had resulted in undue leniency. The civil servants in the new DHSS focused most of their energy on trying to reform the approved schools/CHEs, and the abolitionist intent behind the Act had been lost due to the political and public hostility to the Act and towards young offenders. It would have been foolhardy for anyone to try and promote an abolitionist perspective at this time.

The retention of borstal, DC and the attendance centres, together with an unclear sense of what IT was meant to be, resulted in the co-option of IT into a youth work

agenda rather than a juvenile justice agenda, with extensive lists of youth projects that could be included in IT programmes, and an absence of the intended use of IT as a condition of a supervision order (which would have situated it higher up the sentencing tariff). Meanwhile the CHEs continued to operate almost unchanged and resistant to efforts to reform them, and the new social work profession, despite spending a lot of its time working with juvenile offenders, actually gave little professional or theoretical attention to this group and focused on the wider implications and consequences of the Seebohm report and local government reorganisation.

The most positive outcome of the Act during this period was the development of cautioning practice by the police, in particular in some areas where they had begun to talk to other agencies.

In terms of Kingdon's model of change, the window of opportunity to promote an abolitionist perspective had not been seized, no entrepreneur had tried to seize the initiative, and no scandal occurred that focused attention on the need for change. In fact, the Act itself was being portrayed as a scandal and there were strong demands to return to the pre-1969 situation.

## Chapter 3

### Seeds of Change: 1976 to 1981

Between 1976 and 1981 IT and juvenile justice began to change, setting the structure for the radical transformation that was to follow the 1982 CJA. This chapter considers several elements that contributed to that change.

#### *The 1976 White Paper*

In its response to the Expenditure Committee report (Home Office et al., 1976) the Labour government argued that ‘the framework provided by the Act ... remains a fundamentally sound one’ (ibid: 1), and pointed out that approved schools were never secure, had poor success rates and high absconding rates. It suggested that magistrates should be allowed to make a **secret** recommendation to local authorities that a child should be placed in secure accommodation, and then be allowed to ask for regular update reports on the child’s progress. It was opposed to proposals by the Expenditure Committee to let courts choose which agency held supervision orders, against short DC sentences, and favoured retention of attendance centres. It supported the development of ‘professional fostering’ and IT. The Minister of State at the DHSS, Roland Moyle, gave wholehearted support to IT (Whitehouse, 1977), seeing it as an ‘alternative to custody’ (Social Work Today, 1977), though the Home Secretary, Merlyn Rees, said that ‘it is impossible’ that an increase in alternatives to custody ‘could produce such a dramatic reduction in the number of young people whom the courts feel must be given a custodial sentence’ as to divert funding from prisons to community projects (Cited in New Society, 1978).



The White Paper also seemed to give renewed vigour to the critics of the Act in Parliament. In a House of Lords debate on juvenile crime (Hansard, 1976b) Baroness Young claimed that the Act 'is regarded as a failure by almost everyone', and called for more alternative sentences, as magistrates 'only' had supervision orders and care orders at their disposal. Lord Wigoder and Baroness Macleod added criticisms of the Act. The House of Lords was to continue to criticise the Labour government on 'law and order', with eight debates between June 1977 and January 1979, all of which gave space to the critics of the CYPA. Ironically, many of these debates were tabled by Lord Longford, one of the main creators of the Act (see Hansard, 1977f; 1977g; 1977h; 1978e; 1978f; 1978g; 1978h; 1979a). Similar comments were also made in the Commons (Hansard, 1978a), and in the press by Morgan (1978b), a leading campaigner against the Act, and by Singer (1979), a magistrate.

For the first time, there was some public defending of the CYPA in the Lords by people like Baroness Faithfull (Hansard, 1977g: col. 679) and The Countess of Loudoun (Hansard, 1978h: col. 956).

The government continued to maintain that the 1969 Act was 'fundamentally sound' (Deakins, 1978) and to defend it, with the Secretary of State for Social Services, David Ennals, particularly positive (Social Work Today, 1978a). Brynmor John, a Minister of State at the Home Office, pointed out that recorded juvenile crime had started to fall (Hansard, 1977e), and that the situation before 1969 was poor (Hansard, 1978d). Alex Lyon, another Home Office minister, told the critics that there were now more young people in CHEs than there had been in approved schools (Hansard, 1978d).

In 1976 the government brokered an agreement between local authorities and the Magistrates' Association that any child placed on a care order would be sent away from home (Turner, 1976; Social Work Today, 1978c and 1978d). Further Meetings between the Magistrates' Association, local authority organisations and BASW were promoted by the government to try to sort things out (Community Care, 1978), which began to lead to agreement that the Act was working well for most offenders, though the organisations agreed to differ on specific areas (AMA et al., 1978; Hansard, 1978d; Municipal Review, 1978; The Magistrate, 1978; Tutt, 1979b). John Stacpoole told me about a conference of magistrates and Directors of SSDs, held at Moorfields Hospital, which David Ennals had chaired and Merlyn Rees also attended, and which may have been the one referred to above:

*'it ended in setting up a working party with representatives of the magistrates and local authorities, who asked the Minister to appoint a chairman. I was proposed and accepted. We met eight times. The local authorities produced a description of their current practice which proved to be satisfactory to the magistrates. The magistrates were unwilling to acknowledge this in the working party's report, and no conclusions seem to have been published. However, the objective had been achieved. There was an improvement in relations between the local authorities and the magistrates, whose lead the police always followed (personal interview).*

Sir William (Bill) Utting went to the DHSS in 1976, where he told me that he found that he was involved in *'earnest negotiations locally with magistrates over the indication we could give them that local authorities would do as the magistrates wanted with supervision orders and care orders'* (personal interview). With hindsight it was his view of the meetings mentioned above that the DHSS was trying to pacify magistrates and *'also trying to advise local authorities, in their dealings with magistrates, to be as accommodating as possible'*. He talked about John Stacpoole as a vigorous campaigner on behalf of children.

In 1977 the government scaled down plans for the provision of more residential accommodation for children, though remained committed to increasing secure provision (DHSS, 1976c; 1977e; Hansard, 1976a). Section 37 of the Criminal Law Act of 1977 (HMSO, 1977a) gave courts the power to impose **requirements** in a supervision order in criminal proceedings, and to impose sanctions for breach of these requirements.

Overall, though, it could be argued that the Labour government from 1974 to 1979 gave little attention to juvenile offending or child welfare. The issues are significantly absent from any of the diaries and memoirs of cabinet ministers and their civil servants of this period (Brown, G., 1971; Wilson, 1979; Castle, 1980; Stewart, 1980; Henderson, 1984; Wilson, 1986; Callaghan, 1987; Healey, 1989; Short, 1989; Benn, 1989; 1990; Gordon-Walker, 1991; Jenkins, 1991; Owen, 1991; Dell, 2000; Donoghue, 2004 and 2008). There is also nothing in the biographies (Morgan, 1992; Pimlott, 1992; Ziegler, 1993), or academic discussion of the period (Foot, 1968; Holmes, 1985; Donoghue, 1987; Derbyshire and Derbyshire, 1990). The Labour party seemed to show little interest in its own policy intentions of the 1960s or its own creation of the 1969 CYPA, and issued only one, very narrow, policy paper referring to this area (Home Office, 1978a).

David Faulkner, who was at the Home Office at this time, told me that he had no recollections of juvenile justice being a Home Office interest under the 1974 - 79 Labour government: *'some of us would have liked to see the rest of the '69 Act enacted, but there was no sense of any political interest in this (personal interview)*. Loraine Gelsthorpe reflected that *'it was as though they had given in to the*

*Conservative party on juvenile justice*' (personal interview). Norman Tutt (personal interview) told me that at the time 'there was a real feeling between 1976 and 1979 in Labour not wanting to be seen as soft on crime. David Owen opposed raising the age of criminal responsibility to 12, for example'. However, Labour did derail the campaign for abolition of the 1969 CYPA that had developed under the auspices of the House of Commons Expenditure Committee report, and it would be interesting to speculate on the development of youth justice policy at the time if the Conservatives had been the party in power.

In their own review of the 1969 CYPA and the state of juvenile justice in the 1970s the Conservatives developed their commitment to a 'short sharp shock' DC, modelled on military prisons, for 'a minority of hardened young thugs, who openly laugh and thumb their noses at the whole working of the juvenile courts' (Whitelaw at Hansard, 1977e: col. 340; Conservative Political Centre, 1977), and continued to call for the restoration of punitive powers to magistrates (Hansard, 1977e col. 428; 1978c; 1980b).

These criticisms were assisted by an influential attack on the CYPA from Patricia Morgan (1978a), bringing together many of the criticisms made by magistrates and others. Somewhat contradictorily, she saw the Act as heralding a move away from custody (ibid: 35ff), then documented the resulting *increase* in care and custody (ibid: 95ff) without any comment. She incorrectly claimed that social services had the power to decide on who appeared in court (ibid: 44) and made no mention of the role of the police.

## **Sentencing: 1976 to 1981**

Tables 33 to 42 continue the series shown in Tables 1 to 11 and 17 to 27 showing sentencing patterns between 1977 and 1981. The most significant feature is the fall in numbers of boys, girls and young men being sentenced in court (from 23,447 boys aged 10-14 in 1977 to 17,747 in 1981 and from 97,606 young men aged 14 – 16 to 88,874 in the same period), despite the idea that there had been an ‘explosion of police prosecutions of trivial offences’ (Rohrer, 1982). However, an increase in cautioning rates, shown in Tables 43 and 44, mean that, in order to identify actual trends in sentencing, the percentage tables 34, 35, 37, 38, 40 and 42 become more important, especially for the younger age group.

### ***Cautioning***

There was little change in cautioning practice in these years, as is shown by Tables 43 and 44. Some research indicated that the decision to caution had replaced previous ‘no further action’ by the police (Priestley et al., 1977; Parker et al., 1981), something that Ditchfield (1976) had identified during an earlier period, and anxieties had been raised that it was having a ‘net-widening’ effect: bringing more young people into formal systems of social control for behaviour that had previously been kept out of the formal system (see Cohen, 1985; Rutter and Giller, 1983: 72 - 79). If this was the case, then known juvenile crime could have been falling even more than the figures suggest.

Studies also began to show the trivial nature of many of the offences for which

juveniles received cautions, and how cautioning practice varied (Gawn et al., 1977; Mawby et al., 1979; Landau, 1981; Fisher and Mawby, 1982; Mott, 1982 and 1983a; Landau and Nathan, 1983). Evidence also began to accumulate that first offenders given cautions had lower reoffending rates than those prosecuted (Bennett, 1979; Taylor, 1980; Mott, 1983a).

Actual data on cautioning practice in a particular area are available from the Metropolitan Police, and it is worth considering these in more detail. Tables 45 and 46 show how consistent were the numbers of juveniles dealt with by the juvenile bureaux and how consistent was their decision making, with around 60 per cent prosecuted and 33 per cent cautioned each year.

Home Office Circular 49/1978 (Home Office, 1978b) recommended the citing of cautions at a subsequent court appearance, in order to ensure uniformity of practice across the country (as it had been discovered that some police forces did provide this information to the courts and other police forces did not), and Circular 211/1978 (Home Office 1978c) asked for views about the expansion of cautioning, clearly favouring inter-agency involvement. In a debate on this Circular in the House of Lords, the Home Office minister, Lord Belstead, gave a strong statement of government support for cautioning. This generated additional attention to the Juvenile Liaison schemes (Draper, 1979). Responses were presumably positive, as the 1980 White Paper (Home Office et al., 1980) encouraged inter-agency consultation, and a 1982 Circular (Home Office 1982a) encouraged health service involvement in the inter-agency discussions.

### *Absolute and Conditional Discharges*

Discharges continued to be used for both genders and age groups appearing in court at a consistent level throughout 1977 - 1981: being used for 34 per cent of boys under 14 (Table 34), 39 - 40 per cent of girls under 14 (Table 40), 18 - 19 per cent of young men aged 14 - 16 (Table 37) and 28 - 30 per cent of young women ages 14 - 16 (Table 42). Unfortunately, there is no available data on the proportion of offences which were given a conditional discharge that were 'breached' and dealt with again should the offender reappear in court, but their consistent use would suggest that magistrates maintained confidence in them.

### *Attendance centres*

Despite the intention, in the CYPA, to phase out attendance centres, by the end of the 1970s they had expanded from 71 to 99 (Tutt, 1982a: 12), and were being used for more offenders even though the overall numbers sentenced was falling, with an increase from 2,833 boys under 14 in 1977 to 3,081 in 1981 (Table 33) and from 6,863 young men aged 14 - 16 to 10,607 in the same period (Table 36). Dunlop (1980a), noting the campaign by magistrates for their retention, studied a sample of 589 boys aged 14 to 17 who were sent to the centres in 1977, and found that 60 per cent of them completed the order with less than two absences and without reoffending (Dunlop, 1980b), while only four per cent were returned to court for non-attendance or non co-operation. However 29 per cent re-offended during the period of the order, which was likely to have been no more than a three month period (Dunlop, 1980a). Of these, a quarter received a DC sentence for their subsequent offence, showing how

courts reacted to those who did not respond to a previous order. It is a pity that this group was not followed up further.

### *Fines*

The use of fines for young offenders began to fall absolutely and proportionately during this period, falling from 51 per cent of disposals of young men in 1977 to 45 per cent in 1981, but there is no evidence as to why this was happening.

### *Supervision orders*

Tables 33 to 42 indicate that supervision orders seemed to have regained credibility with magistrates, with their percentage use actually increasing for young men, from 11 per cent of disposals in 1977 to 13 per cent in 1981 (table 37). What little research there was on them in the 1970s showed that general social work with young offenders sentenced to these orders was not given much priority and was fairly haphazard. Webb & Harris (1984), in a study of 971 supervision orders made on 14 to 16 year old males in six counties of England and Wales, found that in almost a third of cases social workers took over 28 days to make a first contact, and that only 12 per cent identified a clear strategy for delivering the order in the SERs which had recommended the supervision order. There was also a lack of action for non-cooperation (Harris and Webb, 1983) with supervision.

A five-year follow up of all supervision orders made on young people in Devon between 1977 and 1978 (238 to SSD and 42 to probation) found that 58 per cent did



not reoffend during the order and 68 per cent were deemed to be successful (Tibbenham & Stephens, 1983), though it was not clear what the prior offence history was.

### *Developments in the Probation service*

Having chosen to remain outside the local authority system after the 1969 CYPA was implemented, the probation service had to re-think its role with young offenders. Several leading commentators on and practitioners in the probation service tried to discuss this (Mathiesen, 1976; Haxby 1978; Burbidge, 1979), but there seemed little wider interest in working with young offenders in the service. As young people who had been the responsibility of probation under fit person orders were discharged from the CHEs the service had a decreasing proportion of children and young people on its caseloads, as social workers picked up responsibility for the new care orders.

### *Care orders*

From the Tables, it can be seen that the proportion of offenders receiving care orders began to fall for both age groups and sexes between 1977 and 1981, from nine per cent to seven per cent of boys aged under 14 (Table 34), from three per cent to two per cent of young men aged 14 – 16 (Table 37), from nine to eight per cent of girls (Table 40) and from seven to five per cent of young women (Table 42).

Around 45 per cent of Giller and Morris's sample (1981b) received their care orders on a first court appearance, and 73 per cent of these had no previous caution or

conviction. Almost 50 per cent had been known to social services for less than 12 months. Bullock et al. (1985a) looked at a sample of 56 young people in care in five local authorities in 1980, finding that half of them had only committed minor offences, and that they moved placement every seven months on average. These findings were little different to those of Cawson (1981), who had looked at the placements of all 497 offenders given 7(7) care orders in July 1975, and found two thirds were placed in residential care on the day of the order. A third of the care orders were made on first offenders and 60 per cent on first or second offence, despite 68 per cent not having previously being cautioned and the offences often being trivial. A third of her (1981) sample were committed to care without any attempt to find a non-residential option.

### ***Residential child care in the late 1970s***

Chapter 2 (see above: pages 73ff) documented the attempts to change the approved schools into CHE's by the DHSS in the early 1970s. Around 1976 attitudes in the department began to change. Interpreting this with hindsight, Norman Tutt (*personal interview*) told me that

*'people began to think differently, thinking "there is an alternative here". Instead of trying to change these schools (and to be fair Barbara Kahan was one of the leading people who still believed that you could create a decent establishment if only you tried hard enough, and she and I parted company on this) we can just stop the kids going to these establishments. Then it really all moved up a gear with Nic Stacey in Kent in 1976. Spencer Millham had done some work on North Downs approved school in Kent, funded by the DHSS. Then the Social Work Service had held one of those 3 day conferences to try and change the views of staff and everything, and it ended up with clearly very little change in attitude and Nic Stacey was getting very frustrated, as there were all sorts of problems with absconding and some local residents (including various knights of the realm) complaining to him and he decided he was going to close*

*it down. Lo and behold I was sent with John Stacpoole to see Nic Stacey allegedly to try and persuade him **not** to close it, whereas in fact we tried to do everything to protect him while closing it’.*

Nic Stacey himself told me (*personal interview*) that he believed, looking back, that the closure was directly due to the development of the Kent special fostering service for delinquents (see below: page 123):

*‘North Downs was the worst place there was – it was a springboard to borstal or prison. When the head heard that I intended to close the school he said that I wouldn’t dare, and if I tried I wouldn’t succeed. It had an independent committee of well-meaning middle-class people who saw it as a boarding school like the ones they sent their own children to. What they completely failed to understand was that kids who go to boarding school are loved and supported, with parents making enormous sacrifices for them, and it was in the culture of the middle-class. If you put a whole lot of unloved, insecure, poor children with low self esteem all together they exacerbate each others’ problems. The Committee found this difficult to see’.*

*‘So I then extended the special fostering service throughout the whole county, and closed practically every community home and many children’s homes, even though we had 2,500 children in care. We did the special fostering terribly well, with support groups of experienced foster carers, 24 hour social worker support, and training and short-term residential family support centres for breakdowns. The social workers who were writing court reports on young people were instructed by me to always recommend alternative to custody sentences and advocate for children to be placed in the special fostering scheme and not sent to custody. Soon the court themselves were asking if we had more places as they wanted children to go to the special fostering scheme rather than into custody’.*

Stacey claimed that there was no interference in his decision to close the CHEs from the Home Office or the DHSS. According to Norman Tutt (*personal interview*) the closure of North Downs

*‘was a real watershed, because once somebody closed an approved school that changed the views in the department very quickly. I sat in hours of meetings with legal advisers wrangling as to how we could stop local authorities closing CHEs, which was the official line, but then there was also a fairly subversive group in there saying that we should not push that line too hard, and if authorities were prepared to close them then let them do it’.*

Tutt went on to say that David Thorpe convinced Barbara Kahan that there were

alternatives to CHEs, and she agreed to fund some alternative to custody events, which the voluntary sector were claiming that they could provide, if the department put some funding into it.

Giller and Morris (1981b) considered the placement of 79 young offenders on 7(7) care orders in inner London in 1978 and 1979, and found that 68 per cent spent some time in an Observation and Assessment [hereafter O&A] centre. Within six months 20 were in CHEs, 18 in other residential settings, 15 in O&As, four in custody, and 15 at home, four of whom were there awaiting placement. Only 11 had been placed at home *as a placement*. They suggested that care orders seemed to be being used as first resorts, over half of which were requested by the parents, and as a means of *identifying* problems, not resolving them. They found little relationship between all the factors and characteristics of the young people, other than that a serious criminal record led to a CHE placement. Re-offending occurred in the sample placed in residential care, but not by those left at home. Around six per cent had over five placements in the first six months. In their analysis they used the concept of 'what kind of case is this?' as a means of describing social work practice, which they found to be ill at ease with theory and uninformed by practice evidence, each social worker seeing their own practice as atypical when in fact it was routine, and not seeing that their own role was meant to be to work with the offender and the family to try and prevent the child being removed from home.. If it was seen as a 'care' case, then a psychological interpretation was used; if as a 'delinquent' case then a sociological explanation. Any client that did not accept the social work interpretation was then seen as undeserving. Working with delinquents was seen by most social workers as mundane, routine and unrewarding.

Zander (1975) considered 224 young offenders committed to care, and found that 102 went straight to an institution, 62 went home due to a lack of an available placement and 39 went home as a positive placement. Clearly the evidence did not support the popular belief that most children sentenced to care were returned home, and that social workers were undermining the courts' decisions.

These studies and others also highlighted the continuous movement of children and young people in care. Almost 10 per cent of Cawson's (1981) group had had over five placements within the first nine months; only 11 per cent of a group of children in long term care studied by Yule and Raines (1972) had had only one placement, and a 10 per cent sample of children in care of Birmingham SSD in March 1979 found that 28 per cent had had over seven placements, 16 per cent over 10 placements, and seven per cent over 12 placements (Sutton 1981). According to the Children's Legal Centre [hereafter CLC] (1983) 17 young people in care had been transferred to borstal in 1979 - 80, despite never having been convicted of an offence.

Lorraine Gelsthorpe, reflecting back, felt that those working in residential care:

*'did not understand that they removed children from a context that they had to go back to, and that residential care could create as many problems' (personal interview).*

### ***Observation and Assessment Centres***

Before the 1969 Act, each region of the country had a 'classifying school' which allocated those on approved school orders to the 'appropriate' school. These had been set up in the early 1940s, and were 'permitted' by the 1948 Children Act (Reinach et al., 1976). The 1969 CYPA saw them as essential, and required each local authority to

set up its *own* observation and assessment facility. Many adapted existing remand homes or reception centres for this purpose. Ironically, this in itself reduced the influence of the regional classifying schools, which had become specialist O&A centres.

The old classifying schools had exerted a significant influence on the approved school system, and had developed a large range of sophisticated assessment instruments to try and identify the child or young person's needs. Unfortunately, this was 'complemented by a rather cavalier approach to the actual process of allocation', and placements of children were usually determined by age and the availability of vacancies in the approved school system (Millham et al., 1975a: 52).

Young offenders sentenced to a 7(7) care order (for an offence), for which magistrates assumed that they would then be removed from home and placed in a CHE, therefore usually found themselves initially placed in the new local authority O&A centre. However, as Rushforth (1978: xi) commented, assessment of a child's "response to training" is a problematic concept since there is no generally accepted definition either of training or of response to it'.

Concerns were raised about the practice of these new local authority O&A centres. Fells (1971) saw them as using 'quasi-medical' terms to try and appear more professional than they really were, and questioned the value of assessment outside the normal home situation. Sutton (1981) claimed that the O&As 'reified' behaviour: that they made assumptions that the problems of behaviour that brought a child to the notice of social services were 'things' that the child carried around with themselves,

which were 'context-free' and 'permanent' rather than part of the process of the interaction between the child, the environment and the intervening agency. The young person's behaviour in the unnatural setting of a local authority O&A centre was somehow being seen as a useful guide as to how they would behave in the community, or in another different residential setting.

There was no standard guidance on assessment, procedure, methods, theoretical base or practice. The actual experience of being assessed depended upon the type of centre, the theoretical framework they used, and often the ideological beliefs of the centre manager (Hoghghi, 1978a). At one centre children were actually **encouraged** to run away, so indicating 'the exercise of choice and responsibility ... this in itself being a relevant observation ... [which] also allows the acting out of rejecting or aggressive behaviour' (Porteous and McLoughlin, 1974).

A study in Surrey (Surrey SSD, 1979) found that only 13 per cent of admissions to the O&A centre were actually *for* assessment, and that most were unplanned emergency admissions. In Cheshire, 29 per cent of 87 children in the O&A went to a placement of a different *type* to that recommended (McGrath, 1979), and within 12 months of discharge only half of the children were living in the placement to which they had been placed. Similar findings were found in Hampshire (Reinach et al., 1976). Millham (1991) claimed that it was possible to forecast the outcome of the O&A assessment at the moment of entry.

A study of the files of 76 boys in residence at Risley Hall CHE by Millham (1975), and research at North Downs CHE in Kent (Millham et al., 1975b), found that the

assessments of the O&A Centres were less systematic than those carried out by the classifying schools, and were often contradictory, that the offences that led to the care order were unexplored, and that the assessments were culturally biased. ‘Conclusions on suitable treatment seem to have virtually disappeared’, said Millham et al. (1975b: 16). They noted a ‘new puritanism’ about boys sexual behaviour in the reports, and

‘If pupils are not aggressive, they are withdrawn; if they seek out staff, they are attention-seeking; if they are friendly, they become ingratiating .... Whatever his behaviour, it tends to be interpreted in a pejorative way’.

Giller and Morris (1981b) found that social workers expected residential assessment to lead to a residential placement, and felt undermined by the O&A centre when they did not confirm the social worker’s original expectation. Evidence began to accumulate that the young person who responded positively to the residential living experience in the O&A was likely to be recommended for long-term residential placement, while the young person who disrupted the assessment process had a greater chance of returning home to live (Porteous and McLoughlin, 1974; Reinach et al., 1976). A suspicion began to develop that some young people understood this and acted accordingly.

In the mid-1970s, there were almost 200 O&A centres, with around 5000 places available (Hansard, 1977a: see also Table 47 in the appendix). Some educational psychologists working in the O&A Centres also raised concerns, such as Brown & Sawyer (1978) and Moss & Sutton (1981), questioning the relevance and validity of psychological test scores in the residential setting.

### ***Community Homes with Education in the late 1970s***



The declining success rate of the approved schools has already been discussed in chapter 2 (see above: pages 49 ff) though it must be acknowledged that some of this may have been due to improved recording and follow-up systems. By the time of their conversion to CHEs in 1972, reconviction rates of the approved schools had reached 66 per cent over a two year follow-up period (Paley and Thorpe, 1974; Cavadino, 1980; NAJC, 1981). The evidence suggests that the CHEs were actually receiving a less problematic intake in the later 1970s, as the more difficult 15 year old boys were being sentenced to borstal, while increasing selectivity by CHEs meant more rejections of referrals of problematic young offenders (Millham et al., 1978: 45). Yet despite working with a younger and less delinquent clientele in the 1970s, with more power to choose their inmates, and greater power to place the difficult child and absconder into the expanding secure accommodation provision, these success rates did not seem to improve. However, given the greater mix of reasons for being in CHEs than in approved schools it was not possible to obtain comparative data specifically on those placed in CHEs on care orders for offending.

Thorpe et al.'s (1979b) study of the Rochdale juvenile justice system showed a reconviction rate of 66 per cent for *first* offenders placed in CHEs, and found that offending increased in number and seriousness *after* the making of a care order. Those who did offend after a CHE placement were also more likely to receive a custodial sentence than similar youngsters living at home, almost as if they were being punished for not accepting the CHE placement. Young people who completed their CHE placement without difficulty then seemed to go through a 'readjustment phase' after discharge, which their peers living at home had already gone through, so that their offending 'peaked' at a later age than their peers. Their older age when re-

offending could then lead to less sympathy and elicit more punitive consequences from the court (Thorpe et al., 1980).

This increase in offending by boys placed in CHEs was partly due to absconding. In order to get back to the parents, from whom the child had been removed against his wishes, offences of theft, taking of motor vehicles, or railway offences would be undertaken to cover the distance between the CHE, usually in a rural area, and home, usually in a town or city. The survival of an absconding episode also depended upon not being caught, which in itself prevented the child from living at home, and led to 'survival' offences while living on the street, often with others in a similar situation. Absconding rates were reported as up to 50 per cent at St Vincent's CHE on Merseyside (Lally in DHSS, 1976a).

For the first time, research began to demonstrate that the proportion of young offenders who actually completed the planned length of placement in a CHE was very low, with huge variations between different CHEs in their ability to deliver the programme they had planned on admission (Tutt, 1976b and 1976d; North West CRPC, 1980; Giller, 1981). Tutt (1976a) pointed out that, in one CRPC area, only 58 per cent of committals actually completed their placement, showing that for the 1974 intake eight per cent went to DC, four per cent to borstal, 18 per cent absconded permanently (though there is no information about what happened to them subsequently), three per cent were excluded and four per cent transferred. In London, 45 per cent of senior boys in CHE failed to complete their planned stay (Rea Price, 1976), and 57 per cent of the boys in CHE of all ages (LBCRPC, 1977).

One of the main claims of the CHEs was that they provided a high quality of

education, but this was seriously questioned in a report by school inspectors (Department of Education and Science, 1980), who found an inadequate curriculum, poorly resourced, ‘haphazard ... fragmented, irrelevant, non-progressive and undemanding’ educational programmes, making little use of their local environment, with a lack of science teaching and maths equipment, few social education programmes and lack of attention to careers advice. Surprisingly, there was little integration between school and residential life and little evidence of a proper diagnosis of learning disabilities.

Concerns about physical brutality in CHEs, just as in the former approved schools, also began to surface again, with the DHSS having to issue a paper about the misuse of corporal punishment (DHSS, 1978a).

By 1976, there were 5,595 CHE places available (Hansard, 1977c), and this rose to 7,066 in 1980 (DHSS, 1981a). The DHSS estimated that there were 6,700 young people in CHEs who were on criminal care orders on the 31<sup>st</sup> March, 1979 (Hansard, 1981a). DHSS figures for numbers in residence on the 31<sup>st</sup> March of each year are given in Table 47, but this includes those sentenced for non-criminal reasons and those in voluntary care.

### ***Secure accommodation***

A continuing campaign within the CHEs for more *secure* places for an allegedly more difficult clientele found a ready audience with magistrates and the Government (see Hoghughi, 1978b), as has been referred to earlier (see above: pages 45, 64, 65, 86 and 99), despite there being almost no evidence to back up the claim (Millham et al., 1978). The Howard League (1977) challenged this campaign, pointing out that there

seemed to be too many functions being assigned to the secure units, and calling for a maximum of 300 to 400 places across the country. One of the first publications of the new DHSS had been on secure accommodation (DHSS, 1971a), and a significant proportion of new money for juvenile justice went into these expensive facilities. For example, in response to a call for more secure places by Robert McCrindle MP, Home Office minister Alex Lyon announced that there were plans for 1,738 more secure places in local authority expenditure plans, and also announced a further £2 million in government grants for another 480 places (Hansard, 1975a), but MPs still continued to demand increases (see Hansard, 1976c; 1976d; 1976e). By 1977 there were 200 secure beds in the CHE system (Hansard, 1977b), so that ‘each year more children endure a period under lock and key than at any time since ... 1908’ (Millham et al., 1978: 1). CHEs were also allowed to develop ‘closed rooms’ or ‘small units’ that were locked, and by the end of the decade there were over 500 approved secure places, justified by a rhetoric of treatment (Barlow, 1978; Millham et al., 1978; Cawson and Martell, 1979; McCreadie, 1981; CLC, 1982).

Yet there seemed to be little difference between those in secure units and those in CHEs (Bullock, 1979), with many of those referred to secure units settling in open placements while waiting for the decision from the secure unit. Bullock (1979) described the secure units as ‘a riot shield for ineffective open institutions’. There were a ‘small group of children “going in circles” around the child care system’ (Cawson & Martell, 1979: 178), and those *refused* admission were also found to do better than those accepted! (Cawson & Martell, 1979: 212).

Youth Treatment Centres [hereafter YTC] for the serious young offender and those

the CHEs rejected, were first proposed in a report of the *Working Party on Severely Disturbed Children and Young People in Approved Schools* in 1968 (CLC, 1982), and the first two were opened at St Charles, Essex, in 1971 and at Glenthorne, Birmingham in 1976, but were soon to have their own problems. In 1977 concern was raised in parliament about St Charles YTC, where a member of staff had had sex with a child, and staff were placing bets for the residents and taking them out to pubs (Hansard, 1977d). A DHSS Report on St. Charles acknowledged a good quality of care but said that it had a lack of coherent treatment principles (Payne et al., 1979; Manning, 1979).

Research into the secure units suggested that the expansion of capacity created its own demand. Cawson and Martell (1979) found that the young people in them were becoming younger and less delinquent. Millham et al. (1975a) suggested certain approved schools and CHEs ‘created’ problem children, generating violence and absconding and provoking referrals to the more secure establishments. Their later research (Millham et al, 1978) confirmed this, and suggested that there was little difference between the population of the secure units in the mid-1970s and that of the approved schools in the 1960s. Only 15 per cent of those in secure units had been convicted of grave crimes, but 70 per cent had had a series of residential placements from which they repeatedly absconded. There seemed little to challenge Millham et al.’s (1978: 186) conclusion that ‘demand for security reflects the requirement of inadequate open institutions rather than the needs of difficult children’.

### ***Custody***

The period saw a continued increase in the number of young people being sentenced

to DC, from 5,757 in 1977 to 6,221 in 1981, despite a fall in the total number sentenced (see Tables 36 and 37), though borstal sentences began to fall. Table 48 shows prison department figures for admissions (which are substantially lower than sentencing figures (Table 36 and 49) which could be due to successful appeals by some of those sentenced), though both show the same trends.

In the early 1970s reconviction rates for junior DCs reached 73 per cent (Crow, 1979; Graham, 1979). On Merseyside, 66 per cent of all juveniles sent to DC in the two police divisions covered in Parker et al.'s study (1981) re-offended within 14 months. Despite beliefs that a DC sentence was only awarded to repeat offenders who had failed on other sentences, the evidence suggests that this was not the case (Fludger, 1976 and 1977; Ellis, 1978; Millham et al., 1978; Lewington, 1979; Thomas, 1980; Lupton and Roberts, 1982).

Research into borstals also continued to show growing reconviction rates, reaching 81 per cent of inmates under 17 by 1977 (Crow, 1979; Graham, 1979), despite the population in borstals becoming less dangerous, less delinquent and less difficult (Spiers, 1977). These reconviction rates, argued Tutt (1980a: 15), hardly supported the view that magistrates could identify those who would benefit from custody.

### *Care and Custody*

Tables 49 and 50 bring together figures for those sentenced to care or custody, and show that this peaked in 1978, with over 13,000 boys and young men and 999 girls and young women receiving such sentences.

### *The development of juvenile justice system monitoring*

There had already been some research that started to see a child's progress through the juvenile court in 'system' terms. As early as 1975, Cawson (1981) had argued that 'putting children into an official system for dealing with delinquents in itself creates a greater likelihood that they will remain in that system', and had expressed surprise at the high level of reoffending by those sent to CHEs 'given the low level of initial delinquency'. Giller and Morris's (1981a) study of care orders in Inner London mentioned earlier (see above page 108) had found that 45 per cent were made on the first, usually minor, offence, and 80 per cent went straight to a residential setting. Subsequent offending while absconding led to borstal and DC sentences. May (J., 1980) studied all 1,070 care orders and supervision orders made in Warwickshire between 1971 and 1976, finding that they were made on an average of between three and five offences, including offences taken into consideration, and often on the first appearance in court, with 21 per cent of the offences having a value of under £10. He found no link between the characteristics of young people and their placement, and was to recommend the closure of all CHEs, their conversion to IT centres, and the development of professional fostering. This research was highly influential, Warwickshire becoming the first local authority to stop using CHEs (Cliffe & Berridge, 1991).

The late 1970s began to see the application of computer monitoring of juvenile justice systems at the local level. For example, Parker et al. (1980; 1981; Parker, 1981) provided a devastating analysis of the juvenile justice systems operating in two

neighbouring areas in Merseyside, documenting ‘the idiosyncrasies and contingencies’ of the selection process (i.e. which juveniles to proceed against, and in what way), such that ‘juveniles from the same backgrounds ... charged with similar offences, are subjected to quite different court regimes, and receive widely different sentences’ (ibid: 2) as a result of different process decisions. By observation of court sessions, follow up studies of a sample of 100 offenders, group work with some of them, and interviews with the offenders and their families, Parker et al. claimed that the juvenile justice system was not understood by its key participants, had no legitimacy, and was class biased in its outcomes. A large amount of what they saw as ‘trivia’ was pushed into the court arena, and often then thrown out by the magistrates (ibid: 44). In one court, the Liverpool City juvenile court, families and children were treated with respect, legal representation was encouraged, and a wide range of sentencing options were attempted before resorting to custodial options. In the neighbouring court on the outskirts of the city, which they called ‘Countywide’ (but was Skelmersdale), there was little respect for offenders or their parents, legal representation was denied, and sentencing was highly punitive, operating ‘against both the “best interests of the child” and the principles of natural and criminal justice simultaneously’ (ibid: 243). Different social work agencies (probation and social services) had very different approaches to young offenders, and different attitudes to sentencing (as reflected in their SERs), though their input was judged as marginal by the researchers (ibid: 244). Their final sentence was to become a major rallying point of the youth justice movement: ‘to receive juvenile justice is to receive a personalised political message’ (ibid: 251).

Parker et al.’s documentation of the amount of ‘trivia’ dealt with by the juvenile



justice system was supported by other research, such as that of Priestley et al. (1977), Thorpe et al. (1979a), Arnold (1980), and Mawby and Fisher (1982), and found to be similar to the offences committed by those in approved schools (Millham et al., 1975a), and CHEs (Hoghughi, 1973). Parker et al developed a notion of a sentencing ‘tariff’ or ladder which offenders climbed up as their offending was repeated, or became more serious. Figure 2 shows how this was operationalised.

Bill Utting, from his employment at the DHSS some 20 years earlier than my interview, referred to the operation of the juvenile tariff, telling me that *‘our whole approach was to keep young people out of the sausage machine, on the basis that once they got in they would never get out’* (personal interview).

Research had begun to show how social workers, writing their SERs, were actually recommending the orders that magistrates were making (e.g. Parker et al., 1981), suggesting that the conflict between the magistracy and the social work profession may have been more political than practical. Mott (1977) found that there was a 90 per cent take up of all SER recommendations and Priestley et al. (1977) a 90 per cent take-up of recommendations for supervision orders. Reynolds (1982), in a study of 50 juveniles placed on supervision in one SSD in 1977, found a 75 per cent take-up of all recommendations, and a 95 per cent take up of those for supervision orders or care orders.

Parker et al.’s study also looked at welfare cases that were dealt with in the same court rooms, showing that two-thirds of those proceeded against as ‘care’ cases also received care orders, and went to the same institutions as those receiving the care

**Figure 2: The Juvenile Criminal Tariff**

TO RECEIVE JUVENILE JUSTICE IS TO RECEIVE A PERSONALISED POLITICAL MESSAGE.  
(HOWARD PARKER ET AL 1981)

DETENTION (SECTION 53)
YOUNG OFFENDER INSTITUTION
RESIDENTIAL CARE ORDER
CARE ORDER
COMMUNITY SERVICE ORDER
ATTENDANCE CENTRE
DEFERRED SENTENCE (OFTEN USED AT THIS POINT)
SUPERVISION ORDER + SPECIFIED ACTIVITIES
SUPERVISION ORDER + INTERMEDIATE TREATMENT
SUPERVISION ORDER (S)
FINES
COMPENSATION ORDER
MONEY PAYMENT SUPERVISION ORDER
BINDOVER
CONDITIONAL DISCHARGE
ABSOLUTE DISCHARGE
CAUTION
INSTANT CAUTION
NO FURTHER ACTION

THE MAJORITY OF THOSE WHO PASS THROUGH THE PENAL SYSTEM ARE SYSTEMATICALLY BROKEN. THEY ARE RENDERED INADEQUATE BY THE SYSTEM RATHER THAN REHABILITATED BY IT.  
(J. LEA AND J. YOUNG 1984)

GO ON MATE IT'S AN EASY CLIMB

WELCOME TO THE JUVENILE CRIMINAL TARIFF  
.....

ANY ATTEMPT TO DEVELOP A SUCCESSFUL STRATEGY FOR DEALING WITH JUVENILE OFFENDING MUST CONTINUE MAKING CHANGES IN THE INDIVIDUALS DELINQUENT BEHAVIOUR AND THE WAY IN WHICH THE 'SYSTEM' REACTS TO THAT BEHAVIOUR.  
(NORTHAMPTONSHIRE COUNTY COUNCIL 1985).

orders for offending. This city (Liverpool) had 2000 children in care in 1979, of which 800 were in residential care.

### ***The development of specialist fostering for offenders***

In the mid-1970s, national attention began to focus on a special initiative in Kent to place young offenders with specialist foster carers trained to deal with delinquents and paid a higher fostering allowance than the norm (Knight, 1976; Hazel & Cox, 1976). Nic Stacey was the Director of Kent Social Services between 1974 and 1985 and told me (*personal interview*)

*‘Nancy Hazel came to me and put forward the idea of professional fostering for teenagers. Up to then it had been pre-puberty children who were fostered, on a pittance. It was her idea but as the Director I was able to ensure that the funds were there to launch it. I got the Sainsbury Trust to provide £50,000 or so and got Kent Social Services Committee to back it. We paid a professional fee to people to foster teenagers – two teenagers in placement equalled a reasonable wage such as a teacher would earn, but was still around half the price of a single CHE placement. Many people said that it wouldn’t work – that the carers were just in it for the money, and had no idea how difficult these children would be to look after, to which I said that was what most of us did our jobs for. We started a pilot scheme with Nancy and two social workers and a dozen foster carers. After a couple of years I got Lord Snowden to do a TV documentary, and we never had any difficulty recruiting foster carers after that. He showed that three-quarters of the delinquents who went to approved schools or CHEs re-offended within two years, whereas only one quarter of ours did so, and this gave us great, positive national publicity’.*

Brand (2008) provides a detailed account of Stacey’s role in the above. In the definitive account of the special placement scheme (Hazel, 1981), the influence of a small group of key people and a crusading spirit are seen as essential to the success of the project, which was heavily influenced by developments in Massachusetts (see below: pp. 281 - 289) and learning theory, together with the critique of secure accommodation by Cawson. Hazel (1978) was to be very clear that this was a ‘deep end’ project working with the most serious offenders only.

### *Lessons from Massachusetts*

While the Massachusetts initiative will be discussed in more detail later (see below: pp. 281 - 289) it is important to note that the closing of the training schools in that State, and the development of a wide range of community based initiatives in their place, was highly influential on some IT practitioners, and was strongly promoted in England and Wales by people like Andrew Rutherford (1974b; 1984b), and Norman Tutt (Ohlin & Tutt, 1979) and given attention by Klare (1973), Cooper (1976), Briggs (1975), Madge (1976), Burns, (1976) and Kenney (1978). Andrew Rutherford (*personal interview*) told me that, during and after his time as an Assistant Governor in the borstal system, he had spent time in America as a researcher, and gave evidence to NACRO's (1977) inquiry chaired by Peter Jay, which had been very impressed by developments in Massachusetts and the work of Jerry Miller, the main person involved. Lloyd Ohlin, the leading researcher of the Massachusetts experience, addressed the 1979 National IT conference (Thorpe, 1979b), and Rutherford was to promote the Massachusetts experience further at the 1982 National Intermediate Treatment Federation [hereafter NITFED] conference (Sharron, 1982a). On several occasions Rutherford brought Miller over to the UK to address conferences.

### *A Children's Rights perspective*

.

Towards the end of the decade, a 'children's rights' approach to the juvenile justice system developed, around a 'back to justice' philosophy (see Freeman, 1983), which was initially based on concern about the low number of juveniles with legal

representation when being sentenced in the juvenile courts. In 1969 (Morris, 1983), before the implementation of the CYPA, only three per cent of children in juvenile court had been represented.

A new organisation, *Justice for Children* was to lead this debate, calling for a limitation of compulsory state intervention in the lives of children, equating ‘involuntary treatment’ with ‘punishment’, and asking for attention to what children *do* not what they *are* (Morris et al., 1980: see also Geach, 1978; Geach & Szwed, 1978; Giller and Morris, 1978; Szwed & Geach, 1979; Tutt, 1979a; Morris & Giller, 1979, 1980 and 1983a; Taylor et al., 1980). The organisation also attacked SERs as ‘smears’, claiming that they were ‘character assassinations’ of the child and the parent, full of value judgements, unsubstantiated assertions and stereotypical assumptions unsupported by the evidence, that were not shown to the child, parent or the child’s solicitor (Freeman, 1981: 220 – 222). Loraine Gelsthorpe told me that she initiated the organisation’s focus on girls and young women (*personal interview*).

Justice for Children were also critical of O&As (Sutton, 1978), and called for determinate (fixed length) supervision and care orders (Lacey, 1980). They advocated a much stronger role for legal professionals, and called for the need to ‘penetrate the rhetoric of benevolence’ (Morris & Giller, 1983b). Paul Cavadino, reflecting on the late 1970s, told me that (*personal interview*):

*‘there was disenchantment among practitioners with the value, and indeterminacy, of the care order .... It was particularly pernicious that there was no proportionality between the restrictions on liberty and the indefinite care order – when the offence could be a very minor one – this was disproportionate punishment. There was a strong feeling that the care order didn’t have a place in criminal proceedings. This led to the ‘justice’ lobby’.*

Bill Utting (*personal interview*), also looking back, felt that *'the care order operated, at times, in a completely disproportionate manner to the gravity of the offence'*.

This interest in 'justice' for children would lead to IT being associated, (wrongly, in my view) with the punitive 'justice' model of corrections in some of the criticisms of IT (see below pp. 326 and 368).

### ***Developments in IT, and the Lancaster model***

The official attitude to IT in the mid-1970s continued with the same themes as previously. A detailed DHSS guide to IT planning (DHSS, 1977b) said nothing about offenders, though two papers in a DHSS publication at the same time suggested the need to evaluate the ratio of offenders in residential care to those in custody (Thorpe, 1977b) and that 'intermediate treatment is to do with reducing delinquency' (Tutt, 1977). A Circular in 1977, that took three years to prepare according to Stacpoole (unpublished manuscript), was designed to clarify 'misunderstandings' (DHSS, 1977d). He writes

*'I made the development of IT the main priority of the branch concerned with juvenile delinquency. It was not easy. Few colleagues in other divisions and branches understood the idea. Our main circular was held up for three years by a departmental policy of eliminating 'unnecessary circulars'. However, David Ennals' first priority when he arrived as Secretary of State was a circular promoting IT, and we had it drafted and issued it. He backed IT with a series of conferences, and the creation of the IT Fund' (John Stacpoole, personal correspondence).*

A Welsh Office publication in 1977 promoted groups and camps as IT (Welsh Office, 1977); another in 1979 mentioned playschemes, playbus, swimming and cookery (Welsh Office, 1979); and a conference report from the previous year (Welsh Office,

1978) suggested a two week residential placement at the start of any IT order. Smith (J., 1977), a future Director of Social Services, pronounced IT as 'dead' in 1977.

A DHSS guide to 28 IT projects in 1977 (DHSS, 1977f) was strongly criticised for an 'enormous confusion of objectives, methods and selection', with a lack of connection with the 1969 CYPA and its assumptions that there was a link between the 'attitudes' of children and their behaviour (Thorpe, 1982).

A national IT forum was told that the aims of IT were compensation, education, destigmatization and animation (Rhodes and Waddicor, 1978). More (1978: 8) said that IT 'talks like social work but looks like youth work'. One strong theme was the notion that IT involved groupwork (Waterhouse, 1978), whatever was to be actually done in the groups. The Journal of Social Welfare Law (1978) felt that

'intermediate treatment is developing in practice as a general facility for carrying out group work with problem children, rather than for implementing a court order made as a result of delinquent behaviour'.

Harbert (1976) thought that 'all children' needed it. Adams (1978) suggested that there was an inherent confusion between the notion of individualised approaches to treatment, and the notion of non-stigmatising treatment, both of which seemed to underlie the thinking in the Act. The former seemed to imply a social work role and the latter a youth work role. A similar conclusion was reached by Kellmer-Pringle (1977) in an overview of different forms of IT. Reinach & Roberts (1980) found high levels of non-attendance at IT groups, no clear ownership, ad hoc selection of children and poor liaison with the court or social workers. Davies (B., 1979) was concerned that IT did not address poverty, unemployment or racism, and felt that it needed to be much clearer about its aims (Davies, 1978).

Others, many of them practitioners, were trying to get IT to work in a more focused way with actual offenders, and not just those seen as 'at risk' (Andrews, 1976; Thorpe, 1976b; Simpson, 1979). A Report by the Personal Social Services Council (1977) advocated the concept of 'intensive intermediate treatment' as a way to reduce custodial sentencing. As early as 1974, the NYB had published the first of David Thorpe's contributions to the re-development of IT, offering a 'continuum of care' with different levels of involvement over 10 stages of increasing levels of delinquency (Paley and Thorpe, 1974), a vision way ahead of that of the DHSS (Nellis, 1991). At this time Thorpe was a social work practitioner in Nottingham, before he became an academic. However this had still involved, according to Thorpe (1983a: 78), the professionals 'drawing up plans for a whole new range of methods of social control, without first ensuring that existing methods would be withdrawn', such that IT was 'being swamped' by the 'jargon of child-saving': 'at risk', 'prevention', 'disturbance', 'disadvantage', 'deprivation', 'care', and 'treatment'. In 1977 Thorpe was advocating analysis of IT using Kelly's Repertory Grids (Thorpe, 1978b).

Towards the late 1970s some new ideas began to develop in IT. In 1976, Islington had decided not to commission a secure unit but to invest in IT instead, only to be attacked for 'abandoning' young offenders (Morris, P, 1976). One of the first local authorities to publicise its plans for a new approach was Norfolk, who were planning to develop IT as an alternative to care and custody and close their CHE, with the full support of Conservative councillors and the chair of the juvenile bench (Turner, 1980). Home Office Minister Lord Belstead gave a strong statement of government support for IT, citing the government's investment in the national IT conference in



Sheffield (see below: page 141), and announced provision of a grant to NACRO to promote IT as an alternative to custody (Hansard, 1979a).

Thorpe (1977a) had already introduced the concepts of ‘decarceration’ and ‘decriminalisation’, while Tutt (1978b) advocated that IT began to develop clear alternatives to DC and borstal, in reaction to the law and order lobby, police, magistrates and the judiciary (Pearson, 1978). Thorpe and Tutt were both recruited to the faculty of the Centre for Youth, Crime and Community [hereafter CYCC] at Lancaster University (Harbridge, 1980) and were to use this base to initiate the most significant change in IT practice. Many IT practitioners in local authorities themselves began to develop practice and promote their work through the weekly professional journals such as *Social Work Today* and *Community Care*.

According to Andrew Rutherford (*personal interview*) Tutt’s move to Lancaster was ‘*crucial: people began to think systematically*’. Initially they began to highlight national patterns, such as the steep rise in juvenile custody between 1971 and 1977 (Paley and Green, 1979). Then, by applying computer models to local juvenile justice systems (Thorpe, 1981b; Tutt, 1981d), they began to document actual juvenile justice practice at the local level. In Rochdale, for example, they found that only 16 per cent of 132 care orders made by the juvenile court had not been recommended in the SER (Thorpe et al., 1979b).

To study the phenomena in more depth, they devised a ‘care and control’ test, based on the assumption that residential care was only required if:

- A) the offence implied a public danger

- B) the child was a danger to themselves
- C) there was no home that could be worked with
- D) the child or young person had special educational, psychiatric or medical needs that could only be met in residence.

This test was 'failed' by 89 per cent of those given care orders in Rochdale (Thorpe et al., 1979a; 1979b), 90 per cent of those in Wakefield (Thorpe, 1979a; Thorpe et al., 1979a), and 78 per cent of those in Sefton (Arnold, 1980), when applied by local juvenile justice workers to the data. Similar results were found in Northampton (Redmond-Pyle and Stevens, 1981), Basildon (Thorpe et al., 1979a; Community Care, 1980); Newcastle (Community Care, 1981a; Newcastle, 1987), Stockport (McLaughlin, 1988) and Buckinghamshire (Sheratt, 1979).

The BASW published an influential report in 1978, accusing the social work profession of not exercising its powers responsibly. This report encouraged more social work involvement in cautioning, a policy of never recommending care or custody, and of helping young people to appeal against care and custodial sentences (BASW, 1978). The report had the fingerprints of David Thorpe and colleagues all over it, and contained two appendices using their research.

Lorraine Gelsthorpe was employed by the CYCC at Lancaster and placed in Hounslow SSD to research the local juvenile justice system from 1985 (see Gelsthorpe, 1985b).

She told me that:

*'Hounslow had been persuaded by the Centre for Youth Crime and Community that residential care was not a good thing. They were very aware of the cost. Part of my role was to look at alternatives to help them see what was happening and decision making on the ground and to put forward some suggestions with*

*regard to alternatives to custody or care, but also alternatives to prosecution, which was why the Metropolitan Police were involved in the study. At that time there wasn't much awareness of the importance of police decision making' (personal interview).*

She was also looking at how Hounslow's IT service worked

*'It attracted people at risk of being placed in residential care, but also children at risk of being sentenced to custody. One of the problems was that those two groups got jumbled up (which was also one of the benefits!). Part of my research was to help Hounslow look at the difficulties of children who had perhaps been put on an IT project because they were at risk of being placed in care, subsequently committing an offence and being seen thereafter by magistrates as high risk offenders not because of their criminal record but because they were involved in an IT group with other children who were offenders .... No one had predicted the disadvantages of having one strategy for the two groups.*

*'Hounslow mixed them – the troubled and the troublesome – and tried to do some very imaginative work with which I was very impressed. It was very creative (personal interview).*

The Lancaster group brought their ideas together in the highly influential book *Out of Care* (Thorpe et al., 1980). In the foreword Tutt argued that 'the way to keep children out of institutions is to have a policy of keeping children out of institutions' and that 'a firm commitment to a policy of decarceration can and does work'. They claimed that the current situation was the worst of all possible worlds: 'people have been persistently led to believe that the juvenile criminal justice system has become softer and softer, while the reality has been that it had become harder and harder' (ibid: 8). They brought together the results from their several local studies, documenting the level of recommendations for care and custody by social workers, the failure of the 'care and control test', the low value and seriousness of many of the offences, the low number of previous convictions of those sentenced to care and custody, and the rapid escalation of offenders from care to custody. They concluded that residential services actually **promote** delinquent careers (ibid: 94).

The CYCC then developed more detailed guides for monitoring local juvenile justice systems (Redmond-Pyle, 1982), and offered consultancies to local authorities to help them develop services. This was linked to growing awareness of the financial consequences for local authorities of the long-term cost of a CHE placement. The consultancies proposed a range of ingredients:

1. An Assistant Director of Social Services responsible for juvenile justice.
2. Area IT Officers based in every social work office, who 'managed' the response to delinquency in that area, wrote SERs, developed cautioning, acted as court officer, held supervision orders and care orders on offenders, and monitored the local juvenile justice system.
3. Area IT groups.
4. An IT day centre as an alternative to a residential placement where school attendance was the issue.
5. 'Gatekeeping' (see Giller & Tutt, 1985) of SER recommendations for care orders or custody made by social workers, at Assistant Director level. This required all social workers to submit their reports to a 'gatekeeping panel', at which they had to justify their recommendations against known research into the effectiveness of care orders, custody and individual institutions.

An early example of the application of this model was in Basildon (Thorpe, 1981c), where the number of care orders for offending was reduced from 15 in 1978 to two in 1979.

Building on these results, the CYCC went on to argue (Thorpe et al., 1979c) that ‘systems management’ was necessary, which separated practice issues and process issues, and in which inputs to the system were subject to ‘gatekeeping’. Initially working with local authorities that did not themselves have CHEs, but bought their CHE placements from other providers (so did not have to worry about the staffing and redundancy implications of a reduction in CHE placements), the Lancaster team were able to help these authorities reduce CHE placements and develop local alternatives (Thorpe, 1983b). Sefton, for example, moved from being the local authority with the most offenders in CHEs to being one of the lowest just 12 months later (Thorpe, 1983b).

In Basildon the IT team became the first police referral point and provided the court officer for social services, in order to ‘gatekeep’ entry into the system (prior to this, the local authority ‘court officer’ was usually an administrative post rather than a professional one). Over a half of those appearing in court in Basildon and Rochdale for the first time had not received a caution. In Basildon they also found that 32 per cent of care orders were made on the first court appearance, 29 per cent on the second and 26 per cent on the third, with 48 per cent of these being recommended by the SER author. Those sentenced without SERs had a high custody rate. In Rochdale there were 19 recommendations for borstal or DC. Two-thirds of those sent to CHE re-offended, 20 of them then being sent to custody. A half of those in CHE absconded.

Rogowski, (1980) began to promote IT as ‘delinquency management’ to be reserved as an alternative to incarceration (Rogowski, 1982), while the DHSS began to help to promote the Lancaster model, inviting the academics (Tutt, 1981c) and the

practitioners from the model programmes (Ritchie, et al, 1981) to give presentations at a series of regional conferences (e.g. DHSS, 1981c), even though senior civil servants would make comments about ‘the unfortunate polarisation of residential and community provision’ (Hodder, at page 2 of DHSS 1981c).

Others began to describe projects in a way that they could be replicated (Vincent, 1979) and promoted IT as an alternative to residential care (Vincent, 1980), in which agencies collaborate (Vincent, 1980 section 2).

However, there was substantial opposition to the Lancaster model and to the changing nature of IT. Beresford (1979) argued for a ‘community development’ approach for IT instead, and Beresford & Beresford (1980), responding to Harbridge’s account of the CYCC, accused the Lancaster team of ignoring problems of ‘powerlessness, unemployment, inadequate housing, police harassment and unsatisfactory schooling’ in their approach, which would make it ‘more possible’ for local authorities to avoid change by giving them a ‘smokescreen’. In response David Smith (1980), one of the Lancaster team, acknowledged that setting limited objectives and developing focused policies would leave large areas of need untouched, but thought that this was better than a decision to ‘settle down and wait for the revolution’. Undeterred by Smith’s response, Beresford & Beresford were to go on to issue a savage attack on IT for not dealing with poverty and deprivation, and on IT day centres (which the Inner London Education Authority had provided widely for pupils deemed to be too disruptive in ordinary schools) for not providing a full educational curriculum and not influencing schools to change. They argued that these centres actually **discouraged** schools from reforming by offering them the opportunity to ‘wash their hands of unwanted

obligations' (Beresford & Croft, 1982). They suggested that the rising trend in care and custody was 'likely to continue', so IT should be a source of special education, also focusing on being 'a response to urban problems', combining practice with 'critical discussion, action and campaigning' (Beresford & Croft, 1981), and should be addressing 'the fierce cuts in housing, social security, recreation and other services' (Beresford and Croft, 1983). Probably their most extreme statement on this was

'we have heard how Wakefield's SSDs switch to IT has led to a dramatic reduction of juveniles in custodial care, but what that actually means in terms of the lives and behaviour of young people and others, remains unclear' (ibid: 20).

This provoked a response from Behan (1983) that workers in Wakefield were more concerned with preventing the experience of imprisonment than 'to compensate for the deprivation caused by unemployment, powerlessness and inequality', a similar comment by Rock & Gildersleeve (1983) and a statement from Denne (1983b) that 'the kids are very glad that we didn't wait for the revolution'.

There was also substantial debate about what IT was to become, with the Lancaster group at one extreme and the youth work or community development model (e.g. Ward, 1977; Leissner et al, 1977), at the other. Thorpe's early outline of the model had been attacked from within the residential child care field, who saw IT as a **complement** to residential care, not an alternative (Hudson, J, 1976), and challenged him to prove that children were in CHE's unnecessarily (Patrick, 1976), which had led to his development of the 'care and control' test. Those applying the 'care and control' test in CHE's argued that most of the boys would fail in the community if placed back there, and would then return to CHE (Derbyshire et al; 1980), while girls CHE's were needed 'to prevent pregnancy and VD' (Derbyshire et al, 1981). Others

promoted a wide range of activities under the IT label (e.g. Leggatt, 1979), suggesting it should be a universal, preventive service targeted at high risk areas, and that a focus on delinquency would neglect 'those adolescents who are deprived or distressed but who are not delinquent' (Jones, R., & Kerslake, 1979: 99; Jones, R., 1980). Richards (1976) wanted it to focus on children in residential care, developing alternatives for them. There were still accounts of IT projects such as one that 'had its origins in social workers observing broken and rusty bicycles strewn across gardens and children becoming bored during school holidays' (Raynor, R., 1979), and a strong lobby for outdoor pursuits as a form of IT (e.g. Hills, 1980). Downie and Ames (1981) identified 6 models of IT: treatment; containment; occupational; compensatory; youth club; and community work, all with their own advocates and philosophies.

NITFED was formed in April, 1978 (Social Work Today, 1978b) as a forum for IT practitioners, 'becoming a more important reference group for IT practitioners than their employing departments' by filling a vacuum left by social services management (Nellis, 1991: 322). Even within the NITFED, though, there was a developing conflict over what IT was, which would eventually lead to a split and the founding of the Association for Juvenile Justice [hereafter AJJ]. A flavour of the debate can be gained by following correspondence and articles in *Community Care* in the summer of 1979 (Addison, 1979; Beresford, 1979; Gildersleeve, 1979; Jones, R., 1979; Murphy, 1979; Patrick, 1979; Whitlam, 1979). Some argued that if, as the Lancaster group wanted, IT was basically a penal measure, then it should not be the responsibility of social workers (Jones, R., & Kerslake, 1979: 99). Yet attempts to encourage youth service involvement in IT also met with hostility (LBCRPC, 1981 cited in *Community Care*,



1981b). Steve Bell, the cartoonist, dubbed IT as ‘indeterminate treatment’ (Bell, S., 1980).

In the late 1970s government financial support for all forms of IT began to show a dramatic increase, with grants to voluntary organisations increasing from just £17,000 in 1976 - 77 to £50,000 in 1978 -79, £230,000 in 1979 – 80 and £404,000 in 1980 - 81 (Hansard, 1981b). A substantial part of this was awarded to intensive IT schemes such as the Junction Project in Lambeth, which were to become pioneers of this new way of working with young offenders in the 1980s, and with which future minister Virginia Bottomley, then working in a local child guidance clinic, told me that she was involved, in her role as a juvenile court chairman (*personal interview*). Helen Edwards, now Director-General of the Criminal Justice Group in the Ministry of Justice, was a worker at this project from 1980. She told me that it was

*‘meant to be a prototype of the alternative to custody model’ by the DHSS, with ‘a clear drive by enlightened civil servants, Archie Pagan and Neville Teller. They wanted to know whether you could provide a credible alternative to custody and whether it would have an impact on custody’ (personal interview).*

In addition, since 1978-79 government grants of over £200,000 a year to the IT Fund, a charity created by the DHSS, were also distributed to the voluntary sector. According to Norman Tutt (*personal interview*) the Fund had been set up ‘*to fund high risk activities and equipment at arms length from the Department, so the Department would not get in trouble if it went wrong*’. This grant-giving body had been set up following a conference at the Civil Service College in Sunningdale. John Stacpoole told me that the dinner at the conference was a ‘*social disaster ... Prince Charles was there, looking for funding for his Prince’s Trust but anxious not to allow it to be confused with criminal organisations or concerned with criminals*’. In

addition, local authority expenditure on IT had gone up from just under £1 million to over £4 million in the same period.

Paul Cavadino (*personal interview*) also said that there was an awareness, in the late 1970s, about the cost to local authorities of residential care and court-ordered care orders, and that NACRO floated the idea of local authorities being charged for the cost of DC and borstal sentences, so '*creating a financial disincentive to recommendations for custody*'.

### ***The 1980 White Paper***

The return of a Conservative Government in 1979 generated new expectations of a change in legislation and the overturning of the CYPA. Within months of taking office the government issued a White Paper, *Young Offenders* (Home Office et al., 1980) which reflected their new theme of punishment (see Tutt, 1981a: 248ff; Rutherford, 1981). This proposed to introduce residential care orders (so that courts could insist on a residential placement, in the same way that they had been able to make approved school orders before the 1969 Act), 'specified activities' as conditions of supervision, shorter DC sentences under a more punitive regime, a new sentence of Youth Custody [hereafter YC] in place of borstal, fines for parents, community service for 16 year olds and the giving of IT powers to probation. However, it also noted the four-fold increase in juvenile custody as 'disturbing', and said that 'the government attaches the greatest importance to the use in appropriate circumstances of alternatives to custody'. The paper also had some sympathy for 'diversion', and supported the concept of 'caution plus' voluntary IT:

‘All the available evidence suggests that juvenile offenders who can be diverted from the criminal justice system at an early stage in their offending are less likely to offend than those who become involved in judicial proceeding’ (Home Office et al., 1980).

### *Tougher regimes in DCs: the ‘short sharp shock’*

The tougher regimes at DCs were introduced without waiting for primary legislation, being implemented via a Circular (Home Office, 1980a) containing guidance to magistrates not to change their sentencing practices. Announcing the Circular in the Commons (Hansard, 1980c) Home Secretary William Whitelaw said:

‘Pilot projects will commence on 21 April at New Hall and Send Detention Centres. The regime ... will be based on physically demanding work, primarily farming, market gardening and the servicing and maintenance of the centres, education and physical education, drill sessions, parades and inspections. Staff will be expected to be firm but fair, to require high standards of work and behaviour from inmates but also to continue to take a close personal interest in their well-being’.

### *The state of juvenile justice at the start of the 1980s*

The failure of most of the recommendations of the Expenditure Committee to be accepted by the government seemed to contribute to an acceptance in some circles, if somewhat grudging, that the 1969 CYPA was there to stay and attempts began to try to improve its operation.

The early problems of the CYPA had led to much greater academic attention to juvenile justice than ever before in England and Wales, and a series of studies were published which began to show how the system actually operated, such of those of Parker et al. (see above pages 119ff). The first of these raised serious concerns about the reality of the ‘justice’ experienced by children and young people (see Priestley et

al., 1977; Fears, 1977). Others began to document a large increase in imprisonment of young offenders at a much higher rate than the increase in recorded juvenile crime. Morris & Giller (1981a: 87) suggested that 'secure accommodation is increasingly used to bolster a fundamentally flawed programme of social work intervention', with DC sentences up 231 per cent between 1970 and 1978 and borstal recommendations up by 112 per cent, while supervision orders fell by nine per cent.

This was confirmed by official research by the DHSS (1981a) showing a fivefold increase in DC sentences since 1965 (only a fifth of which could be put down to increased offending), a tenfold rise in borstal sentences, and falls in care orders, though at any one time there were almost 19,000 children subject to 7(7) care orders for offending (Parker et al., 1981). This research also pointed out that half of all care orders, 16 per cent of DC sentences and three per cent of borstal sentences were made on first offenders.

The Jay report for NACRO (see above: page 124) noted that there were over 12,000 young offenders in institutions on any single day, and 43 in special hospitals (NACRO, 1977: 6). The report cited the borstal reconviction rates of 79 per cent, and DC reconviction rates of 70 per cent, and also referred to Lancaster's research showing that sentencing was becoming more severe, and social work activity with young offenders being reduced (ibid: 15). DC receptions of juveniles had risen from 1,923 in 1969 to 4,378 in 1975, and borstal from 747 to 1,583 over the same period (ibid: 16). This report also noted, for the first time, the rising proportion of black young people in custody, and claimed that some institutions were operating informal racial quota systems.

The NACRO report went on to consider three options, one of which was decarceration (NACRO, 1977: 49). It also recommended restricting courts' sentencing powers (ibid: 43) via proposals which were finally to be inserted into the 1982 CJA.

NACRO also began to develop a new strategy, as Paul Cavadino told me (*personal interview*):

*'It became clear in the late 1970s that in a lot of cases when young people were going into residential care or custody that this was in line with the recommendations in their SERs and that social workers and probation officers were instrumental in the process that led to custody, so changing the nature of practitioner practice was clearly crucial and as important as changing government policy and the media discussion. We therefore formed New Approaches to Juvenile Crime, with NACRO, BASW, ADSS, ACOP and NAPO as members. It was chaired by Lady Faithfull. We saw it as a counter to the emerging short sharp shock and secure/residential care order debate – a more positive and constructive approach'.*

The new government continued its strong commitment to IT by sending a large number of Ministers and civil servants to the first national IT conference, attended by 800 people (Community Care, 1979b; Pryce, 1979; Social Work Today, 1979; DHSS, 1980a). Chris Sealey described this to me as '*an extraordinary event ... involving massive local authority hospitality*' (*personal interview*). Harding (1979) saw the conference as a 'serious, last ditch attempt by the DHSS' to urge local authorities to focus on young offenders. Patrick Jenkins (Home Office minister) suggested at the conference that child care services were an integral part of the law and order agenda, and Leon Brittan (also a Home Office minister) outlined government thinking that there were two types of offenders, the great majority, for whom community based disposals were appropriate, and a 'relatively small minority' who needed punishment (Social Work Today, 1979; DHSS, 1980a: 35 - 38). Successive Ministers spoke in

favour of alternative to custody programmes (Thorpe, 1979b), and the government stated in parliament that expenditure on IT should not be reduced (Hansard, 1979b).

The DHSS Minister, Sir George Young, continued to offer support for

‘the development of intermediate treatment, special fostering and other community-based schemes .... It is not satisfactory that so many juveniles should be sent to residential units of one kind or another’ (Hansard, 1980a).

A change of regime at the Magistrate’s Association also seemed to indicate more sympathy for IT, with acceptance of IT as an alternative to residential care (Acres, 1978).

By the end of the 1970s

‘more young people experience(d) a spell of security than at any time since 1908 yet the child care population was getting easier to manage, were less difficult, with less previous residential experience, fewer offences and younger. It was actually proving difficult to find the ‘hard nuts’ (Millham, 1981).

Tutt summarised the period between 1969 and 1982 neatly:

‘The formal policy context had thus changed substantially in the past decade. The decade started with a formally expressed faith in the ‘treatment model’ with arrangements made for professionals to decide on the treatment of delinquent children, for treatment programmes to be indeterminate and flexible in order to respond to the changing and developing needs of the child, and for the child to be protected from the stigma of contact with adult offenders. It ended with almost a complete reversal in formal policy with a return of decision-making power to the magistracy, determinacy of sentencing, diversion away from social work agencies and less differentiation between children and adult offenders’ (Tutt, 1982a: 7).

### **Departmental responsibility**

Norman Tutt is one of the few people who has written about departmental rivalry at the time (Tutt, 1980a), indicating that there was a battle between the DHSS and the Home Office over the contents of the 1980 White Paper (Tutt, 1980b). He noted that

the first policy statement on young offenders by the new Conservative government was by a Home Office minister, not one from the DHSS (Tutt, 1979c). In interview he told me:

*'The Home Office never let go of children's services – never released delinquency – still had an interest in it all the time. There was an Interdepartmental Committee on juvenile offenders that was chaired by the Home Office ... and the Home Office had a stifling grip on juvenile offending throughout the 1970s. The Home Office is being lent on all the time by the police and the Magistrates' Association, and the Home Office were constantly leaning on the DHSS in the Interdepartmental Committee. I remember one occasion when the DHSS went along with the Home Office to meet the juvenile offender committee of the Magistrates' Association. John Stacpoole said "This is just like going to see my old headmaster for the cane. The DHSS turned up and got a really good thrashing" and the Home Office fed that a lot'.*

*'The DHSS were in a very difficult position: they were said to be the lead department but the Department of Education, the Lord Chancellor's Department and the Home Office had bigger stakes in dealing with delinquency. Ministers in the DHSS were also happy to allow the other departments to take the lead, as delinquency often led to a whipping. David Owen (DHSS Minister) was a medic, with little interest in young offenders'.*

*'A lot of the Home Office research was produced to embarrass the DHSS – there is no doubt about that. I can remember meetings where the DHSS were trying to divert Home Office research, telling the Home Office that it wasn't going to do us any good'.*

Henri Giller received funding from the DHSS for a study of young offenders in the late 1970s (Giller & Morris, 1981b) and told me (*personal interview*) that there were '*frictions*' between the DHSS and the Home Office around residential care and custody at this time.

Thorpe et al. (1980: 10) said that 'the DHSS civil servants devoted their time and energy to providing places in institutions; the Home Office civil servants concluded by declaring them ineffective'. Chappell (1981) noted that the DHSS funding and support to the Junction Project and the IT Fund (see above page 137) 'seems at odds with' the Home Office agenda.

Chris Sealey joined the DHSS as an Inspector in the late 1970s, where he found *'it was always said that the Home Office fought tooth and nail to keep children's services rather than let them pass to the DHSS'* (personal interview).

Yet there was full input from both departments into the 1979 National IT conference, though with different emphases (see above: page 141). The 1980 White Paper was a Home Office paper and would lead to more interest in juvenile justice in the Home Office as this was turned into legislation.

## **Summary**

By 1981 the hostility to the 1969 CYPA had died down and people seemed to be learning to live with it. A fall in the numbers of young offenders being sentenced and an increase in cautioning rates had taken some of the pressure off the courts, and while custodial sentencing was still very high it was past its peak. There had been little change in CHEs, despite the best efforts of the DHSS to reform them, and instead new ideas were starting to be aired to reduce their use. Various demonstration projects were showing alternative ways of working with young offenders in the community, and there was greater awareness of what was actually happening to young offenders at local and national levels. IT still had a strong component based on youth work models and youth work practitioners, but a sometimes acrimonious debate had begun about its role, with the CYCC becoming more influential as the results of its local studies and with their recommended models of practice being publicised. IT practitioners were starting to form their own professional associations and moving



away from social work and youth work camps, and were producing a massive literature on IT in its various forms.

In terms of Kingdon's model, the political stream had led to government proposals to introduce a range of new punitive sentences, but there was little other policy change and no windows of opportunity had opened up. The CYCC could be seen as entrepreneurs who were promoting their ideas, but they had not been adopted widely. There was anxiety about the way that policy and practice would go under the new government, and a new Criminal Justice Act was being developed. The Home Office and the DHSS both seemed to want a role in the development of policy.

## Chapter 4

### **The Start of the Decarceration Years: 1982 - 1987**

Almost all commentators considered that the election of the Conservative government in 1979 would lead to a major increase in custodial sentencing of young offenders. Ironically, the result was actually the opposite, and this chapter will attempt to **document** how this came about. Debate about cause and effect will be covered in a later chapter.

The Conservative Government had come to power on a manifesto of getting tougher on juvenile offenders. Their election manifesto had promised to revise the 1969 CYPA to give magistrates the power to order residential and secure care orders on juveniles. Windlesham (1993: 152) cites six commitments circulated by the Conservative Research Department to candidates a week before the election, which included a commitment to toughen the regime in DCs ‘as a short sharp shock to violent young thugs’, and to encourage more use of shorter prison sentences for less serious crimes. Their first Queens Speech promised legislation to ‘strengthen the powers of the courts in England and Wales in relation to young offenders and juveniles’. However, an early paper from the DHSS (1981d: 38) asked local authorities to protect their expenditure on IT, and DHSS guidance in 1982 (DHSS, 1982a) on the new CJA also promoted supervision orders and IT. Home Secretary Whitelaw told a House of Commons Committee inquiry into the prison service that ‘we have concluded that the public interest would not suffer from a diminished use of imprisonment’, and that there was scope for a ‘significant reshaping of sentencing policy’ using non-custodial penalties (House of Commons, 1981).

Whitelaw announced the new, tougher regimes in DCs, in line with the manifesto commitment, at the first Conservative party conference after the election. He received a standing ovation, and the proposals were welcomed by the Prison Officer's Association [hereafter POA] and the Magistrates' Association (Community Care, 1979a) even though 'one of Whitelaw's endearing handicaps was that when his heart was not in something, it showed' (Windlesham, 1993: 159). By 1981 he was reported as being concerned that many offenders actually *enjoyed* the experience (Rutherford, 1981). According to David Faulkner, Whitelaw

*'admitted that the short sharp shock was all a very big mistake, and that he was driven into it by the politics of Margaret Thatcher. There was also a serious political drive behind the tougher regimes' (personal interview).*

### ***The 1982 CJA***

The 1980 White Paper (discussed above at pages 140ff) was enacted in legislation as the 1982 CJA (HMSO, 1982a), which abolished borstals and replaced them with Youth Custody Centres [hereafter YC] and gave magistrates the power to directly sentence young people to them, rather than, as before, having to refer the case to the Crown Court 'with a recommendation for borstal training'. The Act also included the power to make a **residential** care order on young people already on care orders for offending who re-offended (i.e. removing the discretion of SSDs on placement, which Robert Kilroy-Silk called 'a monumental irrelevance' (Hansard, 1982a: col. 327). The Act reduced the length of DC sentences to a minimum of two weeks; made it possible for magistrates to impose *restrictive* conditions to supervision orders (all previous conditions had been enabling ones); and included a new 'specified activity order' in which magistrates could state the activities that should be involved within a supervision order or IT programme.

The government also accepted an amendment to the Bill (at a late stage) preventing a custodial sentence on an offender aged under 21, which became section 1(4) of the Act:

‘unless it is of the opinion that no other method of dealing with him is appropriate because it appears to the court that he is unable or unwilling to respond to non-custodial penalties or because a custodial sentence is necessary for the protection of the public or because the offence was so serious that a non-custodial penalty cannot be justified’ (HMSO, 1982a s.1 (4)),

though it believed that its ‘principles are unexceptional’ and that court of appeal guidance was a better means of achieving the objective (Hansard, 1982b and 1982h), and:

‘The Government have throughout sympathised with the intention behind the amendments, but we take the view that they place no further effective restrictions ... because they reflect accurately the existing principles by which the court already exercise their sentencing jurisdiction custodially’ (Hansard, 1982d col. 512).

One of the reasons why it did not see this as a significant concession was a belief that all those receiving custody had long previous criminal records (Lord Elton, personal communication). The amendment had been developed and promoted by the Parliamentary All Party Penal Affairs Group [hereafter PAPPAG] (Cavadino, 1982) which was supported by NACRO (*Vivien Stern, personal interview*). It was hailed by Windlesham (1993: 9) as PAPPAG’s ‘greatest achievement’.

Paul Cavadino (*personal interview*) told me that he had drafted the amendment for PAPPAG:

*‘I lifted it straight out of the 1980 White Paper, which said something like “government thinks you should only pass a custodial sentence on young people if it was for public protection or the offence was so serious” – it was putting words to this – the argument was that this is only saying what the government believes .... It was intended to put the government in a position where if it was resisting it then it would appear to be resisting a statutory formulation of what it had said in the White Paper that it believed. But it **did** resist it – only after it*

*was defeated did it agree not to reverse it’.*

Windlesham (1993: 168ff), gives a detailed account of the parliamentary passage of the amendment showing how it was carried in the Lords despite government opposition, and how the government did not attempt to overturn it later.

The Labour party said that they were ‘opposed to the imposition of a custodial sentence on any offender under 17 years of age’ during the Third Reading of the Bill (Hansard, 1982b: col. 411). Yet they still had little interest in this area, and blueprints for ‘Labour’s Britain’ totally ignored juvenile justice (Kaufman, 1983). Lord Soley, as Clive Soley, was then a MP, and a former probation officer who became chair during the 1980s of the Labour Campaign for Criminal Justice, but he was unable to offer me any sense of Labour party policy in this area in the 1980s when I interviewed him in 2007 (*personal interview*).

Most commentators believed that the 1982 Act **would** increase custodial sentencing (Kettle, 1981; NITFED, 1982; Hansard, 1982a; 1982e; 1982f: cols 14 and 26; Farrington, 1984: 86; Muncie, 1984; Hill, 1985). Rutherford (1983) raised fears about the likely impact, though was to tell me in interview that the Act had shown that people **outside** government could make a difference. Reflecting back on that time, he thought that Thatcher’s own position was pretty loose: ‘*she believed in the short sharp shock but did not have a carefully thought out view on youth crime*’ (*personal interview*).

### ***Section 1(4) of the 1982 Act: restrictions on custody***

The 1982 CJAs restrictions on custody ‘gave the emerging juvenile justice specialists’ the opportunity and grounds for challenging custodial sentences (Haines & Drakeford, 1998), but initially, Section 1 (4) of the Act seemed to have little impact. The Government’s own views of its likely ineffectiveness were echoed by the Justice of the Peace magazine (1983b), who cited Lord Elton in support of their argument that: ‘it may be doubted whether the new statutory restrictions upon the use of custodial sentences ... adds anything to the mental processes of the courts’, and that they were unlikely to ‘have much practical impact’. David Faulkner said that:

*‘the government did not attach much importance to that clause because we thought it was what should have been happening anyway’ (personal interview).*

Burney (1985), drawing on research in 12 court areas in the first 6 months of June 1984, where 293 custodial orders were made on 14 - 20 year olds, found that section 1(4) was widely flouted by courts when first implemented (Burney 1986). The magistrates and clerks that she interviewed almost all claimed that the criteria only reflected existing practice, and she found that the decision was made first, and then the reason for custody sought afterwards, though in 60 per cent of cases the full reason was not given. She concluded (Burney, 1986) that ‘opponents of the whole idea of statutory limitations on sentencing discretion may be feeling justified’. The other main piece of early research was by Reynolds (1985), which echoed that of Burney, and provoked an editorial in the Criminal Law Review (1985) urging the Court of Appeal to consider the legislation and issue guidance.

Despite their initial lack of impact, however, the criteria did seem to have an effect as

time went on, and as the Court of Appeal began to consider some test cases. In 1985, Gibson (1985) suggested that despite the findings of Burney and Reynolds, the higher courts were starting to give guidance on s.1(4). Campaigning organisations were calling for people to come forward with test cases (Chard, 1985a) and offering appeals strategy guidance (Johnson & Green, 1985). The AJJ, for example, had set up a working party on appeals, and NACRO offered regular briefings and journal articles showing that very few appeals resulted in higher sentences, such as that by Stanley (1988) who showed that between 50 and 60 per cent of appeals against juvenile custodial sentences between 1980 and 1986 resulted in variations of sentence, of which between 55 and 74 per cent were varied to a community sentence. Only between two and six per cent of appellants received a more severe sentence. In Rochdale, 70 per cent of appeals against custody were successful (AJJUST, 1984a: 4). In Kent (where Stanley was based in the early 1980s) 41 out of 234 custodial sentences between 1984 and 1987 were appealed, 36 of which resulted in a lower sentence (CSV Kent, 1987). Various other authors published articles highlighting case law and appeal court rulings in this area, such as Dodds (1986; 1987). David Faulkner was to acknowledge to me that the impact of section 194) over time '*was very significant, and it was extended to young adults in the 1988 Act*' (personal interview).

### ***Tougher regimes in DCs: the 'short sharp shock'***

In the first two and a half years following their implementation, about 7,800 young people experienced the 'new' short sharp shock regime (Hansard, 1984b). Even in the early days of implementation, the tougher regimes did not find favour with many prison officers, and the POA became a surprising critic of them (Tutt, 1981b; Justice

of the Peace, 1983a; Muncie, 1990), telling the Home Office in a confidential memo that they found it 'impossible to sustain the purely negative approach'; that the regime was negative, demoralising and detrimental (Social Work Today, 1982a), and urging a 'fundamental reappraisal' (Hansard, 1982g). The annual conference of the POA heard concerns that physically disabled boys and persistent offenders were being sent to DC, despite Home Office guidance that they were inappropriate for them (Slack, 1982).

Stephen Shaw was Director of the Prison Reform Trust [hereafter PRT] from 1981 to 1999, after being at NACRO and the Home Office Research Unit, and was the Prisons and Probation Ombudsman at the time of interview. While acknowledging that PRT were not specialists in juvenile justice (I personally drafted several of their juvenile justice papers) he told me that the short sharp shock was

*'a ludicrous experiment ... a farce ... silly ... boys marching up and down to Willie Whitelaw's paramilitary beat. Most kids actually enjoyed it. It stopped people sleeping through imprisonment - it was macho and consistent with their own values ... it just didn't stop them committing crime. The POA emerged from it quite well. They were realistic, and the Prison Service mitigated some of its worst excesses' (personal interview).*

He noted that Margaret Thatcher's autobiography almost ignored crime, with just one reference to the Strangeways riots, and that this gave a lot of freedom to Whitelaw and his successors. He referred to a 'symbolic moment' at the 1981 Conservative party conference, at which Edwina Currie had waved some handcuffs around and Whitelaw was very badly received:

*'I remember officials in the Home Office telling me that Whitelaw had come back very shaken because he had been barracked, and the wish to use prison parsimoniously became more difficult to trumpet' .*

Whitelaw's successor as Home Secretary, Leon Brittan, had already, when a junior



minister, committed himself to the tougher regimes in DCs, convinced that it was possible 'to identify the relatively small minority for whom a deterrent sentence makes most sense' (Brittan (1979) cited by Tutt, 1980a and Tutt, 1982a: 5).

John Croft, who was an Inspector in the Children's Department of the Home Office and later head of the Home Office Research and Planning Unit, told me that the Home Office research into the short sharp shock DCs was '*entirely a set-up*' and '*a waste of time: we knew it wasn't going to work and Whitelaw had no faith in it*' (personal interview). The research found that over 50 per cent of junior trainees were reconvicted within 12 months (Thornton et al., 1984). Yet 20 per cent of the inmates had no previous convictions, over 50 per cent fewer than three previous convictions, around 15 per cent had already had previous custodial experience, and over a half had previously been in residential care. The offenders were sentenced for mainly 'non-violent acquisitive offences'. Most of the staff considered that the regime was actually easier than before, and inmates said that they enjoyed the drill and found the regime less stressful. The report showed that many inmates had a history of self-injury, psychiatric treatment and emotional problems, and led NACRO to comment that the 'findings hardly match up to the stereotype of the hardened young thug' for whom the regimes were meant to be designed (NACRO, 1985a). Yet in 1985 the tougher regimes were extended to *all* DCs, with an instruction that more of the less attractive, less rewarding, more menial, unproductive and degrading work should be carried out (see Brittan, 1985).

In 1984 a Prison Inspectorate report on Send DC, the first short sharp shock, was very critical (Community Care, 1984a), and two years later, in a report on Usk YC & DC

(Her Majesty's Chief Inspectorate of Prisons, 1986) the Inspectorate raised concern about 'practices which might be construed as intimidating' and stating that:

'There is a thin dividing line between acceptable briskness and legitimate demands for high standards in performance on the one hand and intimidation or humiliation on the other'.

This followed a Prison Inspector witnessing violence by a prison officer, leading to the incident being raised in parliament (Hansard, 1985a).

In the end, the tougher DCs would become accepted as 'the high peak of illogical penal policy' (Adams, 1986) and would be allowed to disappear from the penal landscape before the end of the decade. According to Lord Hurd there were '*political difficulties*' in saying that it was a mess, but it was '*allowed to wither*' (*personal interview*).

### ***Local Authority Circular 83/3*** [hereafter LAC 83/3]

In early 1983 the DHSS issued a Local Authority Circular (DHSS, 1983a) LAC 83/3 that was to transform juvenile justice practice. It made funds available for *voluntary sector organisations* to apply for, in order to develop 'Intensive IT' as 'a direct alternative to a custodial sentence' (Hansard, 1983a). The DHSS already had a history of providing grants to voluntary organisations for programmes for juvenile offenders as an alternative to custody, having provided £35,000 in 1977 -78, £758,000 in 1981 - 82 and an estimated £900,000 in 1982 -83 (Hansard, 1982c). These had often been for pioneering projects such as The Hammersmith Teenage Project (Covington, 1980), and the Junction Project in south east London (see above: page 137 and Chappell, 1981). Stone (1984) provided a detailed account of the actual operation of the

Junction Project, claiming that it reduced DC sentences from 59 to 33 between 1978 and 1984, YC sentences from 31 to 16 over the same period, and care orders for offending from 90 to just four (Farrell, 1985).

Alongside the direct funding of projects via LAC 83/3, the Government also gave a substantial grant to NACRO to monitor the effect of the grants, and to provide a development service to the projects, which resulted in a much more systematic approach than may otherwise have been likely. The 'Juvenile Offender Team' set up with this funding provided a range of guides to steer practice in the government direction (e.g. NACRO, 1985b). Helen Edwards was one of three Juvenile Offender Team staff, and according to her the combined role of development and monitoring of projects was quite new at that time. She told me that NACRO was invited to comment on the design and content of project bids which were submitted to the DHSS for funding. One of the principles behind the funding was that each project should be supported by a local inter-agency body, and the voluntary organisation receiving the funding was often in a '*good position to bring agencies together*' (Helen Edwards: *personal interview*). Baroness (Vivien) Stern was Director of NACRO at this time. She told me in interview that her memory did not go back to that time, but did feel that the LAC 83/3 initiative was

*'a good thing: there's nothing like putting a bunch of activists out in the field and telling them to do something and giving them the license to do it and then telling them "well done ... if a small group of dedicated activists know how to do things they can be very effective'.*

Much debate has ensued about the reasons why the government offered this funding to voluntary organisations rather than to local authorities. Part of the reason was that the main thrust of the central government approach to local government was aimed at

reducing local government's power and role, so it would have been contradictory to then give local government the lead role in this area. There were also complications with the Rate Support Grant (the funding mechanism whereby central government funds were passed on to local authorities) which would have made direct grants to local authorities complicated (Blagg and Smith, 1989: 104 and see Haines & Drakeford, 1988: 243). As Chris Sealey told me, there was 'antipathy' towards local authorities at this time in Government (*personal interview*). Bill Utting (*personal interview*) developed this, saying that he doubted LAC 83/3 was **designed** to be innovative:

*'politically, local authorities were in disfavour with central government generally, and with some of the Ministers in the DHSS as well. Social Services Departments got through the 1980s relatively unscathed, because the DHSS was protecting them, but it couldn't restore their image in the eyes of ministers. Local authorities were regarded as a crowd of incompetents, who, if you gave them the money they would waste it. There was also the treasury's dislike of specific grants to SSDs as well'.*

For Richard Kay of the Rainer Foundation, who provided several LAC 83/3 projects, the reason for funding via the voluntary section was that voluntary organisations

*'would be agents for change, get change in quickly and develop new projects, whereas if they gave this money to local authorities it would disappear. It saw voluntary organisations as agents for change (personal interview).*

Andrew Rutherford (*personal interview*) thought that the department had also been influenced

*'by the Massachusetts notion of incentives to special projects ... the DHSS saw an opportunity, a chance to build a bridge between central and local government by incentivising them, via IT: to some of us IT meant taking people out of institutions, not complementing and adding to institutions .... IT as part of a strategy of decarceration, and this was now being considered at the DHSS'.*

There seems to be a general consensus that the role of Archie Pagan was crucial. He

had been a Colonel in the armed forces, serving in Malaya, prior to joining the DHSS. Coming in as ‘*a direct entry principal (without a civil service background) ... a great maverick*’ (Norman Tutt: *personal interview*). He was the lead civil servant behind the LAC 83/3 initiative, and Henri Giller (*personal interview*) stressed to me that Archie Pagan had bought into the new consensus about what IT should be. In terms of Kingdon’s model of policy change, he can be seen as a policy entrepreneur using a window of opportunity and a funding opportunity in the DHSS.

One of the conditions of funding was that the projects were required to set up inter-agency committees, either as direct management committees of newly created voluntary organisations, or as steering committees with an advisory role within an existing charity or voluntary organisation. This enabled all the agencies involved with young offenders to have a forum at which they met and shared information and research. Many projects were able to get justices clerks, for example, on to their committees, and in 1986 the Lord Chancellor gave magistrates permission to join them (NACRO, 1989b), leading to 75 per cent of projects having magistrates on their committees and 90 per cent on the executive committees, often chairing them (NACRO, 1989b). Senior police officers also sat on 70 per cent of Committees.

By April 1984, 62 schemes had been approved for funding, most offering either 30 or 36 places, with a total of 2000 places available between them (Hansard, 1984c). The small nature of the staff teams (usually only three or four people) encouraged innovation and a lot of the development in practice came from practitioners rather than from academics or policy makers. The early monitoring reports from NACRO (1986a) suggested that project areas were making lower than the national average

number of care orders and less use of custody (8.8 per cent as opposed to 10 per cent nationally), that those young people still receiving custody were not very serious or persistent offenders, and that they seemed little different to those sentenced to attend the projects. It concluded that 'projects are able to work with some of the more persistent young offenders in the community'. The DHSS told a House of Commons Committee that 'early indications suggest a significant reduction in custodial sentencing in the areas where projects have been set up' (House of Commons, 1987: 67 - 68). Home Office researchers (Graham & Moxon, 1986) also noted the impact of the LAC 83/3 schemes, alongside 'as many again funded from other sources', specifically noting the reduction in custody from 18 to zero in Basingstoke, a fall of a third in the first year of the Well Hall Project in Greenwich, and a 95 per cent fall in custody in Southend. Alongside the increase in cautioning, which despite filtering minor cases from court had not led to an increase in the custody rate, they concluded:

'this suggests that the provision and take-up of realistic and effective alternatives to custody, combined with diverting substantial numbers of juveniles from prosecution, may have a feedback on levels of juvenile offending'.

By 1987, the LAC 83/3 projects were reporting a custody rate of 7.7 per cent as opposed to a national one of 11.5 per cent. Between 1985 and 1986 custodial sentencing in the project areas had fallen from 578 males and eight females to 248 males and five females (NACRO, 1987a). In Kent, custody fell from 157 to 62 between 1983 and 1986 (Community Care, 1987).

In total, over the 6 year life of LAC 83/3, 110 projects received funding, the total cost to the government being £13 million (NACRO, 1989b). NACRO (1989e) concluded that it was 'a major contribution to the reduction of custodial sentencing of juveniles',

leading to a ‘marginalisation of the role of custody in the juvenile criminal justice system’. They claimed that their monitoring had ‘consistently shown that the projects ... have been successful in offering community-based programmes which have enjoyed the confidence of sentencers and provided credible alternatives to custody’ (NACRO, 1989b: 3).

The projects had also seemed to have a significant effect on recidivism. After two years, only 15 per cent of the participants in projects had reappeared in court for further offences (NAJC, 1993).

In the final report of the Initiative (NACRO, 1991a), and at a conference to promote this report (NACRO, 1990a), NACRO were able to get the Minister of State, Virginia Bottomley, to claim that ‘it has proved that serious and persistent offenders can be managed and supervised without recourse to institutions’. Custody figures in project areas had fallen from 6,135 in 1983 to 1,835 in 1989, and care orders for offending from 1,796 to 146.

### ***The Woodlands project***

Richard Kay said (*personal interview*) that when he arrived at the Rainer Foundation he found

*‘no clear sense of purpose’. Then Mrs Baring came to Rainer. She was disgusted by SSDs and probation sending young people away on ‘treats for hooligans’ while there was nothing stopping young people going into custody’.*

The Baring Foundation thus funded the Woodlands project. Richard Kay had met Chris Green (one of the Lancaster CYCC team), who subsequently accepted the post

of Director of the Woodlands project, and his evidence chimed with Kay's experience of being a borstal governor, Barings' concerns and the Personal Social Services Councils' advocacy for alternatives to custody:

*'we were looking round for a model and a programme that would be acceptable to magistrates by addressing offending that would also address the other issues that young people face'* (Richard Kay: *personal interview*).

Kay also thought that the Woodlands project in Basingstoke had offered Archie Pagan, a very useful model for what became the LAC 83/3 programme (*personal interview*), and Andrew Rutherford also felt that the fact that Woodlands was voluntary sector funded by the Baring Foundation, '*a very powerful family and business ... conservative ... offering respectability*', was very influential on the DHSS.

The clerk to the magistrates in Basingstoke, Bryan Gibson, had been very influential in setting up this project, and told me a lot of its history (*personal interview*), as did Pauline Owen, who started work at the project in 1981 and became its Director (*personal interview*). Rutherford (1986a: 136 – 147), publicised its work and the role of Chris Green, who set out to put the theory he developed at the CYCC into practice. Using system management approaches, offence focused individual and group work, and incorporating the local magistrates into the project, Woodlands aimed to establish a 'custody-free zone'. Whereas in 1980 eighteen young people under 17 had been sentenced to custody, within two years of the project's establishment in 1982, the number was down to two. The project then claimed that it had reduced custodial sentences for young people from 20 to nil between 1981 and 1983 (Laurence, 1984).



Gibson, Owen and Rutherford all reminded me that the project was independent of social services, submitted independent reports to courts on referred offenders, and *'had to challenge social worker's SER's all the time'*, according to Owen. She said that

*'this independence was really important – we couldn't have written separate reports, we couldn't have had the courts ask for separate reports, without the support of the Justices – Margaret Baring was a very senior magistrate at that time, had been chair of the juvenile bench - a lot of the magistrates were old-style Tories and were incredibly helpful: they took Woodlands under their wing and supported us. They wanted to do good and were fundamental to our success'*.

*'Our relationships with local social services teams started off appallingly badly – it was just as well that we were all qualified and had reasonably good degrees – it was just as well that we were all bright, and had some nous about us, as it would have been easy to get flattened. Chris Green was a brilliant manager: very visionary, very inspirational. Richard Kay was prepared to stick his neck out and push the boundaries. In the early days I can remember meeting the Area Director of Social Services ... he didn't want anything to do with us and we had to go and talk to his staff and say "we'll bring you back into court and we'll question you, your report, your evidence and your assessment" if they did not co-operate with us'*.

A new Area Director was more supportive, as were magistrates, court clerks, the Chief Probation Officer (John Harding) and the new Director of Social Services.

Pauline Owen continued:

*'you had to be really passionate – to fundamentally believe that kids weren't born delinquent. We ran training sessions for local social workers and local probation officers, who were ordered to attend by John Harding. We 'used' successful kids in these sessions'*.

*'we also had good local solicitors, and socialised with them outside work. Some of them became volunteers in the project, and some local police officers volunteered'*.

Woodlands offered a two-stage programme: alternative to borstal and alternative to DC, and an internal school for excluded young people. Pauline Owen said

*'if magistrates were thinking of either of these they asked us for a report. This quickly grew into us doing reports if there was even a thought of a risk of DC,*

*borstal or 7(7) care.*

Pauline Owen stressed the importance of Andrew Rutherford's book, *Growing Out of Crime*, and told me that 'we sent copies to local area offices'. She described her time at Woodlands as

*'the best five years of my working life. We were all over the place, involved with the DHSS, NACRO, the Howard League and the Magistrates' Association. We agreed that we would never, ever turn down an opportunity to sell what we are doing. The marketing opportunities while we were going so well were just too good to miss. We had passion, energy and commitment'.*

### ***IT in the early 1980s***

Haines and Drakeford (1981: 48) argued that the key elements of the Lancaster model were:

- the triviality of most juvenile crime
- the notion of growing out of crime
- labelling theory
- up-tariffing of offenders
- the view that institutions were schools of crime
- net-widening and
- radical non-intervention.

The model 'recognised that changes in sentencing trends are the cumulative product, over time, of many small changes in individual cases' and that the 'operation of the criminal justice system comprises a whole series of decisions, and that as individuals pass through the system each decision has implications for future courses of action and future decisions' (ibid: 49), so 'aggressive system management' is justified.

Another feature of IT practice in the 1980s in local authorities and the LAC 83/3 settings was the use of social skills exercises to help young people address their behaviour, initially using material developed from the raising of the school leaving age in the 1970s (Priestley et al., 1978; McGuire and Priestley, 1981), then expanded to look at social work skills (Priestley and McGuire, 1983), and then specifically at offending behaviour (Priestley et al., 1984; Priestley and McGuire, 1985). These were part of the wider development of cognitive-behavioural interventions with offenders, using social learning theory and social skills training (see Hollin, 1990; Jones, D., 1987). Manuals for IT groupwork were produced full of exercises (e.g. Ball & Sowa, 1985; 1989). Lancaster issued a highly theoretical justification and guide to this approach (Denman, 1982).

Also heavily influential was the notion that young people ‘grew out of crime’, and that some interventions could delay this maturation process, first put forward by the Cambridge delinquency development researchers (Osborn and West, 1980) and developed by Rutherford (1986a), though its origins lay in Edwin Schur’s notion of ‘radical non intervention’ (Schur, 1973). This began to undermine the ‘longstanding and apparently indestructible faith that young offenders are best cured’ by removal to institutions (Cawson, 1984) and led to notions of ‘minimum feasible intervention’ (Raynor, 1985), and a revisiting of labelling theory.

However, scepticism about IT generally and about the Lancaster model in particular continued into the 1980s. Muncie (1984: 174 -175), for example, equated IT with ‘widening the net’, which he saw as its ‘main function’. Despite this, though, the locus of the debate about IT began to change, away from the political arena and into a

battle for the 'soul' of IT, with the new focus on offending being challenged by those who wanted a much wider youth work perspective (e.g. NYB, 1985) or 'community social work' (Holman, 1983).

Jones (R., 1984a and 1984b), initiated a debate about what he called 'the new orthodoxy', criticising the 'evangelical zeal' of those who wanted IT to be focused on offenders, rather than a 'broadening of social work practice to assist deprived young people', from a 'base within social work and youth work'. He provoked a massive response (see Jones, D., (1984) and other letters responding to Ray Jones in the same issue of *Community Care*).

Eventually, the NITFED started to split as a result of these conflicts, with some regions disaffiliating (*Social Work Today*, 1983; Ross, 1983). At the 1983 conference Norman Tutt called for an 'advocacy' strategy (Edwards, 1983), but the Lancaster model was challenged: Kerslake (1983; 1984a), for example, said that social workers recommended custody because they lacked the space, time and resources to carry out IT, and highlighted the confusion of the role of IT workers in adverts for vacancies (Kerslake, 1984b). Kerslake (1987) was to return to his criticisms three years later, suggesting that focusing on offenders was 'exclusivity and evangelism', depriving other adolescents of services, and inflating the problem of juvenile crime – if such crime is minor, petty and transient, as was argued, then why focus resources on it? He also felt that the creation of specialist juvenile justice teams was removing expertise from social work teams. He provoked a response from Bateman (1987), that while offending is petty, the consequences for young people can be serious, and that intensive IT was a *strategy* in which 'content ... is secondary to form': once the

young person received the community sentence all sorts of issues could be tackled which would not be dealt with if the young person received a custodial sentence, whether or not they were included in the SER.

Others adopted a more 'political' critique of the Lancaster model. Beaumont, a senior NAPO official, advocated a strategy of resistance and counter-argument against the moral panic over youth crime, rather than the development of more intensive IT (Beaumont, 1985). Some argued that change was impossible. Ely (1985: 134 - 136) for example, suggested that 'overcrowding in Youth Custody is such that there would have to be an *unrealistically* large reduction in numbers there before any substantial saving ... was achieved', and that 'no government can change the content of juvenile justice policy' (my emphasis).

Some projects claimed that they had a strategic ability to change sentencing patterns. In Wakefield, applying the Lancaster model (Salzedo, 1981) CHE placements fell from 45 to one between 1979 and 1982 (Community Care, 1982). In Rochdale 7 (7) care orders reduced from 72 to 11, with DC and borstal sentences also falling. In Corby, care and custody disposals fell from 18 per cent of sentences on all young people appearing in court in 1980 to eight per cent in 1983 (Thorpe, 1994). In Newcastle, care and custodial sentences fell from almost 14 per cent of all sentences in 1985 to seven per cent (after appeals) in 1987 (Newcastle, 1987).

In Greenwich, the Rainer Foundation's Well Hall Project claimed that it had reduced custodial sentencing by a third, with 75 per cent of their offers of places to courts as alternatives to custody accepted (Jones, D., 1987). The CSV schemes in Kent believed

that they had helped to reduce care and custody from 157 in 1984 to 47 in 1987 (Stanley, 1987). A Children's Society diversion scheme in Merthyr Tydfil claimed it had reduced court appearances by 40 per cent (De'Ath, 1988); custody in Coventry reduced by 50 per cent over three years; custody in Knowsley (another Children's Society project) fell from 43 to seven between 1985 and 1987, and in Bedwellty from 25 to four. One of the first schemes to claim success, that in Halton, Cheshire (Longley, 1985), reduced custody from 46 in 1983 to 20 in 1984. These were particularly significant as these patterns were not happening in areas of the country without local authority or LAC 83/3 intensive IT projects, such as Middlesbrough and Greater Manchester, where custodial sentencing remained high.

Drawing from these experiments, Denne (1983a: see also Vincent, 1979) offered a clear statement of the philosophy underpinning the new IT practice:

prevention is ineffective

offending is transitory

whatever the sentence, the proportion reoffending is the same

offending continues in residential care, and may even escalate

residential care reduces long term life-chances

over-reaction to offending can lead to a criminal career

the juvenile justice system is interdependent

IT must be clearly planned

Most of the key juvenile justice decisions can be influenced by social workers

There are four key decision points:

juvenile liaison bureau

SER

departmental case conferences

senior management policy.

From another perspective, Rutherford, drawing heavily on the Woodlands project in Basingstoke (1986a: 14 – 15), suggested a new ‘developmental approach’ to youth crime, with four basic propositions:

1. ‘the principal sources of support and control for young people are in the home and the school.
2. When formal intervention is invoked this should ... be focused primarily on enhancing the strengths of home and school.
3. Only in the most exceptional cases should formal intervention separate a young person from developmental institutions, and any period of separation should be kept to the minimum ...
4. Formal interventions, especially when using incarceration, are disruptive .... First, the normal growth and development of the young person is threatened. Second, the capacity for developmental institutions to be effective is weakened’.

He argued that ‘the welfare approach inevitably leads back into incarcerative institutions’ (ibid: 17), and promoted his underlying message that children ‘grow out of crime’ if interventions support the developmental approach and do not undermine it. Rutherford also developed the concept of ‘spontaneous remission’ to account for young people’s desistance from crime. He set out ‘fundamental steps’ for the policy:

1. a reversal of financial incentives that favour incarceration
2. a cut back on the use of incarcerative institutions *before* setting up new community programmes
3. awareness of the interconnectedness of decisions in the criminal justice process

4. close attention to the linkage between criminal justice arrangements and developmental institutions
5. recognition of the vested interests that will resist decarceration (Rutherford, 1986a: 166 – 170).

Three years later (Rutherford, 1989) he was to stress how important developments at the **local** level were, with changes happening in the individual court or petty sessional division, promoted by basic grade workers, who focused on ‘process rather than programme’, using inter-agency collaboration to promote the anti-custody ethos, backed up by the campaigning of bodies like the AJJ, NACRO and the Howard League. He felt that it was important that these strategies had the support of the Magistrates’ Association, who had developed more confidence in intensive IT and been influenced by the failure of the short sharp shock DCs (see above pages 151ff).

The Lancaster researchers moved on from their initial critique of juvenile justice systems to argue that there was a *link* between the use of care and the use of custody, with entry to one system becoming a push factor into the other. As the CHEs took younger and less delinquent young people, the next stage of the tariff for these young people would be custody (Thorpe, 1984). Barry Brown, an educational psychologist in a CHE in London, even developed with colleagues a ‘systems input index’, which seemed to show that young offenders’ progress through the juvenile justice system could be measured solely by the negative impact of the inputs of services and placements received (*personal information from Barry Brown*).

Other research from the influential Personal Social Services Research Unit suggested



that IT could produce savings for the public sector as a whole (Robertson et al., 1986), by reducing the wider costs of custody and care at national and local levels. This could have influenced the rise in local authority expenditure on IT from £6 million in 1980 - 81 to £17.5 million in 1985 - 86, added to which was the £3.5 million DHSS expenditure under LAC 83/3 in 1985 - 86. The DHSS grant to the IT Fund had risen over the same period from £256,000 to £500,000, and their other grants to voluntary organisations had remained around £400,000 (Hansard, 1986b; 1987g).

Home Office Minister David Mellor pointed out that ‘a delinquent phase in adolescence is not always followed by a career of crime thereafter’, that courts were using custody earlier and more frequently, and gave the first ministerial praise to the development of intensive IT:

‘I am pleased to say that local authorities are increasingly developing intensive and structured programmes of intermediate treatment designed specifically as alternatives to youth custody or detention centre’,

which were ‘not a soft option’ (Hansard, 1983b).

Rob Allen (*personal interview*) was the Director of the Redlees IT centre in Hounslow in the mid-1980s, and said that

*‘there were a number of aims. I don’t think it was just about keeping kids out of custody – the care strand was also important. We did end up working with some kids who had no criminal offences at all but were at risk of going into care for other reasons’.*

### ***The Association for Juvenile Justice***

The launch of the AJJ in early 1984 was to generate a climate of support for its three opening words: ‘Divert! Decriminalise! Decarcerate!’ (AJJUST, 1984a) over the next

few years. It created an important focus for practitioners working in small and often isolated teams. In its first newsletter it set out its aims to ‘dramatically reduce the need to lock up young people whilst offering better protection for society’ (AJJUST, 1984a) and raised concerns about the quality of SERs and school reports, the role of solicitors and the government delay in publishing the research into the tougher DCs. The decision of the Home Secretary to ignore the research was raised in the second issue (AJJUST, 1984c). Its inaugural event had Andrew Rutherford, Paul Cavadino, David Smith and Geoff Pearson as speakers, with Rutherford suggesting a ‘ball and chain award to the county with the highest use of secure accommodation’ (AJJUST, 1984d). Its total opposition to custody was to be its most positive feature, issuing press releases against the short sharp shock and developing a petition to the Home Secretary (AJJUST, 1984d; 1984e).

Key members of the AJJ would be influential in the development of wider youth justice practice. Ross (1984) was one of the first to question the dominance of groupwork in IT practice, for example, while Denne was to be in a position to commission important studies on ‘transcarceration’ (see below: page 159). However, in its early years the AJJ provided a forum for strong opposition to the LAC 83/3 projects from those working in the local authorities that had already invested their own funds into such schemes, a feature of AJJ history which has subsequently been ignored.

### ***Youth Justice Strategies, 1982 - 1987***

As early as 1982, Tutt (1982b) was arguing that policy changes at the *local* level

could have an effect on national policy, and this period is characterised by the development of practice and policy in each local authority area, independent of central government thinking. For example, local authority representation in the juvenile court was often transferred from an administrative officer to a juvenile justice practitioner, with a change of role from being an administrative servant of the court to a role that positively tried to influence court sentencing practise and acted as an advocate for young people. Worrall & Souhami (2001: 120) acknowledge the ‘heroic enterprise’ in which juvenile justice workers recovered their credibility in courts while retaining commitment to the welfare of young people. In interview, Tutt told me that

*‘it was no use just saying to people that they need to keep kids out of custody – they also needed the skills to do so. We tried to develop models of practice that would allow practitioners to do something with the kids. While activities had their place, you also needed to do something about the offending behaviour, because that was why the kids were there’.*

The new Specified Activity Order programmes permitted by the 1982 CJA were developed and promoted as a focused alternative to custody programme, and these new “SAS” (Specified Activity Scheme) programmes were sometimes offered to courts as a condition of a deferred sentence. Newham Alternatives had used these, having 46 people on deferred sentences, 42 of whom subsequently received a community sentence, and two of the four who received custody were released after an appeal against the custodial sentence (Hall, 1977).

The LAC 83/3 projects also began to submit their own reports to court on behalf of young offenders referred to them, at times even challenging the contents of the SER prepared by the local authority. In Kirklees, the KEY project found resistance from ‘punitive’ social workers and probation officers to refer to the project, so bypassed

them by linking with defence solicitors and getting them to urge an alternative assessment by court, with a report from KEY (Feeny & Wiggin, 1990).

Andrew Rutherford told me (*personal interview*) that the advocacy role adopted by youth justice practitioners was crucial, arguing day to day in courts with packages that made sense and that people were receptive to.

Following the implementation of the Police and Criminal Evidence Act 1984 in 1985, which required all juveniles to have an 'Appropriate Adult' with them when being interviewed by the police, youth justice teams began to undergo training and develop expertise in this role, giving them early contact with an offender before they appeared in court. This could then be used to develop continuing relationships with the offender and also allow monitoring of the progress of the case from its earliest point. There were also developments at local level around cautioning, SERs, school reports etc discussed in more detail below.

### ***Cautioning***

The decade had begun with a strong endorsement of cautioning from the Royal Commission on Criminal Procedure (1981: 164), who said 'we believe that the time has come for the use of the formal caution to be sanctioned in legislation and put on a more consistent basis'. Their own research had found that police force cautioning varied from 0 to 58 per cent of those dealt with (Gemmill & Morgan-Giles, 1980). Tutt and Giller (1983) also noted wide variations between the 15 police forces they studied in organisation, practices and rates of cautioning. This variation was linked to

local policy, local crime patterns, and the proportion of first offenders arrested (Laycock & Tarling, 1985a; 1985b).

Mott (1983b) proposed 'instant cautions' for first offenders and reservation of inter-agency consultation for recidivists. Tweedie (1982) found that a more formal caution was more effective than the advice-type caution, and Osgood (1983) found no relationship between the effectiveness of a caution and the subject's offence history.

Some research began to show how cautioning rates could be changed through inter-agency involvement. In a scheme in Birmingham (Lynch & Barron, 1983) a probation/police scheme reduced charging of offenders referred to a juvenile liaison scheme from 68 per cent of those arrested in 1979 to 27 per cent in 1982. In Exeter (Stephens & Forrest, 1983; Lunn, 1987) an inter-agency cautioning initiative created a dramatic fall in prosecutions. Chris Stanley (*personal interview*) mentioned the importance of Exeter and Northampton as models for good practice. Most of this development was initiated by juvenile justice or IT practitioners, who gradually persuaded other practitioners and eventually agency managers to support the developments.

David Mellor told a BASW conference that '80 per cent of juveniles cautioned by the Met did not re-offend within two years' (Community Care, 1984b). In 1984 the Home Office issued a consultation document 'Cautioning by the Police' (Home Office, 1984b) with a clear steer, acknowledging

'chief officers of police ... acceptance of the importance of effectiveness and consistency in the use of the caution. The Government believes that the caution has an important role to play as an alternative to prosecution – particularly in the case of juveniles' (Hansard, 1984a).

It referred to a Conference of Chief Police Officers in 1977 who had agreed that cautions should be cited in juvenile courts, and that this meant that there needed to be more uniform criteria. Responses to the 1984 consultation must have been favourable, as they were followed by a Circular promoting cautioning (Home Office, 1985a), encouraging consultation by the police with other agencies around the decision as to whether to caution. Thorpe (1994) suggested this was the first explicit statement by a government inviting the police to share their powers with other agencies. The Circular led to the establishment of formal 'cautioning panels' in many areas, where the police shared with social services and other agencies the details of all arrested young people, and invited comments on the best course of action to deal with them (caution or prosecution). To try to encourage the police to increase cautioning, youth justice teams developed 'caution plus' programmes, in which a youth justice practitioner visited the young person and family and did some short term work on offending behaviour and its consequences. Practitioners in Northampton seized on it (Hinks and Smith, 1986a) as 'one of the most progressive circulars issued by the Home Office in living memory'.

In addition, cautioning was given a boost by the introduction of the Crown Prosecution Service [hereafter CPS]. During the passage of the Prosecution of Offences Bill, which set up the CPS, commitments were given in Parliament that the CPS would give special consideration to juveniles, and the development of their 'Code of Practice' supported the use of cautions and caution plus as an alternative to prosecuting juveniles (CPS, 1988).

Cautioning was not supported everywhere. Sarah McCabe, of NAJC, at the BASW

1984 young offenders' conference, urged that care was taken in its development (Social Work Today, 1984). The CLC was also critical (Singh, 1985) on the grounds that it reduced children's' rights to deny an offence and face trial. From the magistracy McKittrick & Eysenck (1984a and 1984b), raised concern about the lack of public accountability or legal advice (as did McCabe, 1984) for those accepting a caution, believing that it would lead to a reduction in deterrence, and a lack of concern with guilt or innocence. Kidner (1985) was concerned about young people being given multiple cautions, but otherwise was positive about the 1985 Circular. Bottomley (1985) considered the Circular 'inadequate', and Hullin (1985) was totally opposed. Gray (1986) thought it was reducing the role of the courts and draining resources from courts' sentencing options.

However, the main thrust in the 1980s was to encourage local involvement, while continuing to call for a clear national policy (Cavadino, 1985; Gelsthorpe, 1985a; Tutt, 1986b). The publication of 'league tables' of police force cautioning rates (Tutt & Giller, 1983; Giller & Tutt, 1987) was designed to encourage those with lower cautioning rates to feel less anxious about increasing the amount of cautioning in their area.

Henri Giller, one of the main researchers into cautioning at this time, told me (*personal interview*) that the development of cautioning plus reflected '*a convergence of view between police and juvenile justice practitioners*', which he thought was partly due to police officers doing degree and masters courses at University which brought them into contact with social workers and juvenile justice practitioners.

Tables 51 and 52 show the development of cautioning, with the actual numbers in

Table 51 becoming more significant when declining conviction rates are included. Cautioning rates for 10-13 year old boys rose from 70 per cent of all disposals in 1982 to 81 per cent in 1986, for females of the same age from 88 per cent to 94 per cent, while for young men aged 14 – 16 the rates increased from 36 per cent to 53 per cent over the same period, and for young women from 62 per cent to 79 per cent. By 1986 young people of all ages were more likely to be cautioned than prosecuted.

This pattern was repeated in London, with a steady increase in cautioning between 1982 and 1984, and the adoption of the ‘instant caution’ in 1984, as shown in Tables 53 and 54, with the result that less than half of all those processed were prosecuted.

Follow up research by the Home Office (1993e) into those cautioned in 1985 found that 80 per cent had **no** criminal history, and ‘only about 19 per cent of these were convicted’ in the next two years.

### *SER policy*

A study in Portsmouth (Social Work Today, 1982b) found that a high proportion of first offenders received DC sentences, often on the recommendation of their social worker. NACROs (1982) Community Alternatives to Young Offenders project carried out studies in seven different areas of the country, finding that 81 per cent of 122 care orders, 36 per cent of 187 DC sentences, and 50 per cent of 108 borstal sentences were recommended in the SERs. Other local studies around the country found similar results, such as those by the DHSS (1985a; 1985b) in Yorkshire, Green et al. (1983) in Lewisham, Bradden (1983) in Lambeth, Raynor & Milburn (1988) in a Welsh authority in 1984, Bilson (1986) in another Welsh local authority, Parker et al. (1989)



in 4 Midlands courts in 1985, Stafford and Hill (1987) in Birmingham, Whitehead & Macmillan (1985) in the North East, and Osborne (1984).

Research into the inmates of Whatton DC by probation officer practitioners who were based there (Thomas, H., 1980; 1982; Millichamp & Thomas, 1982; Millichamp et al., 1985; Thomas & Wilbourne, 1985) found that many of the inmates had actually been recommended for custody in the SER; that a large number had received a care order or supervision order on their first or second court appearance, and few had been recommended for IT as an alternative to custody. There were similar findings about inmates of the Youth Custody wing of Leicester prison (Tongue, 1984).

This range of research led to the notion of ‘up-tariffing’: that social workers were pushing offenders up the sentencing tariff into more punitive disposals by using IT in a welfare way, which the courts then interpreted as having failed as a criminal sanction, creating a ‘conveyor belt to custody’ (Thorpe, 1981a). This argument was supported by a study in Manchester that showed that, during a shortage of social workers, which led to a lack of SERs being prepared, sentences became less serious (Sharron, 1982b). This then led to a policy in Manchester and elsewhere of not preparing reports on first offenders. Tutt (1984b) argued that the absence of a report seemed to down-tariff, as it led the magistrates to assume that the offence was ‘normal’. Giller (1986) argued that SERs ‘only served to heighten magistrates’ anxiety about the offender’. Rob Allen (*personal interview*) acknowledged this:

*‘looking back on it, there were possibilities of some kind of contamination. We were working in heavy end IT, and were trying to manage the system and trying to reserve our option for the kids most at risk of custody or care, but those at risk of coming into care may have had IT involvement on a different basis, so management of the system was flawed by that twin-track approach and there was a risk of up-tariffing’.*

Nellis, (1987) however, argued that up-tariffing was a myth (see below: page 358).

Accordingly, a clear policy approach to SERs was deemed necessary, and various guides were produced. Following the 1982 Act, the Home Office issued two new sets of guidance on their contents, and supported the idea of report authors making recommendations on various sentencing options and their likely impact on the offender. The DHSS (1981c) had promoted SERs as ‘effective negotiating documents which secure the best possible deal for the offender’, and in 1987 produced a guide to report content and style (DHSS, 1987b). NAPO’s AGM in 1983 adopted a policy of never making a recommendation for custody (NAPO Newsletter, 1983).

SER ‘gatekeeping’ developed, in which report recommendations were questioned and challenged by colleagues (Griggs, 1988). Pauline Owen, of The Woodlands project in Hampshire, said that their reports were ‘gate kept’ by three people and could involve up to five days of discussion (*personal interview*). Geoff Monaghan (*questionnaire submission*) noted that

*‘The quality of court reports was maintained at the highest level. In the past, individual report authors considered themselves quite independent and were defensive regarding team gatekeeping etc. This altered and it was necessary for all to accept considerable scrutiny of reports’.*

Various attempts were made to expose the rhetoric used in SERs to guide the magistrates towards custody:

‘a supervision order is unlikely to bring a halt to K’s criminal behaviour, in which case the court might decide that a custodial sentence is more appropriate’ (Bradden, 1983: 69).

‘the court take a firm line ...’ (Bradden, 1983: 76)

‘Social work help in this case has been and would continue to be ineffective’ (Bradden, 1983: 81).

The column 'just welfare' in 'AJJUST', the magazine of the AJJ, was a regular feature from the first issue (see AJJUST, 1984b; 1984e: 2), highlighting other statements like these. In the second issue (AJJUST, 1984c) they announced 'a competition for the most punishing carer of 1984'.

However, some disagreed with the notion of turning SERs into strategic documents campaigning on behalf of the offender. Bottoms and Stelman (1988), writing more for a probation audience, opposed turning them into 'pleas of mitigation', and while opposed to recommendations for custody being made, felt that the use of the language of 'alternatives to custody' was inappropriate, as it linguistically gave primacy to imprisonment, emphasised the *negatives* of community sentences (what they are not), led to a search for credibility with the court and a loss of attention on the needs of the offender, produced unintended consequences, and could lead to 'up-tariffing'. There was also concern within the magistracy. Gray (1987) voiced strong opposition to **policies** against recommending custody, arguing that magistrates felt 'manipulated' by report authors, who also no longer were able to put the case for **shorter** custodial sentence lengths than the magistrates were initially thinking of imposing.

By the late 1980s, many SERs had changed from being punitive to being advocative, with a clearer specificity and focus and with tariff-based recommendations, as part of a much more structured approach to juvenile justice work as advocated by NACRO, the AJJ, the CYCC and others. When these were submitted alongside additional reports from LAC 83/3 projects, they could have a cumulative effect.

### *School Reports and SER's*

Attention also began to focus on the influence of school reports to court on offenders. Concern about the style and content of these reports had a long history - even before the 1969 CYPA they had been accused of being 'character assassinations' (Kirk, 1968). As social workers began to try and use their SERs as strategic documents, concern began to grow about the separate influence of school reports (Ball, 1981). Parker et al. (1987 and 1989) had found school reports to be very influential on magistrates in the Midlands, much more than SERs, though this may have been something particular to the courts that were studied as their findings were not common in other areas of the country. Research commissioned by NACRO (Ball, 1983a; 1983b; NACRO, 1988a) found wide variation in practice between different juvenile courts, but suggested that school reports were often not shown to family, defendants or their legal representatives, especially when they contained negative comments about the family and home circumstances. This led to NACRO, the AJJ (AJJUST, 1984a) and others promoting a change of practice (Dunn, 1985), to such effect that the government amended the juvenile court rules to encourage disclosure of the reports to children, parents and legal representatives (Hansard, 1986c).

### *Appeals against custody*

A formal 'appeals strategy' against custodial sentences also began to develop, and the AJJ announced that they were looking for test cases (AJJUST, 1984e: 3; 1985a: 3 - 4; Chard, 1985b) which they could support, in order to structure the powers of the juvenile court. This particularly focused on the interpretation of section 1 (4) of the

1982 Act (see above page 150ff).

Paul Cavadino (*personal interview*) saw this appeals strategy as one of the key features of the 1980s, referring to

*'the growing interest among practitioners, who were leading on drawing young people's attention to their right to appeal ... that was reinforced by the criteria for custody in the '82 Act. It took time to have an impact, but there was a good mechanism at NACRO, AJJ and NITFED for getting out information which practitioners were able to draw on'.*

### ***Sentencing patterns 1982 to 1986***

Tables 55 to 64 continue the structure of the tables in previous chapters for a later date. The most significant item in all the tables is the dramatic fall in the total number of juveniles being sentenced in court. Tutt (1986a) noted a 26 per cent fall in findings of guilt against children under 17 between 1977 and 1984. The number of boys aged 10 to 13 sentenced in court fell by a half between 1982 and 1986, from 15,765 to 7,105 (Table 55), while girls of this age were disappearing from the court (Table 61), falling from 1,802 to 594 over the same period. The percentage tables show a fairly stable pattern in sentencing, with an increase in conditional discharges balanced by the fall in fines. There is a declining association between cautioning and the use of discharges (absolute and conditional), which caused Bottomley & Pease (1986: 57) to suggest that it could be a result of net-widening, but could also mean that courts had forgotten how trivial most trivial offences are, and continued to make conditional discharges consistent with the court culture.

### *Attendance centres*

Surprisingly little attention was given to the attendance centres in the 1980s.

Gelsthorpe & Morris (1983), suggested that

‘the staff clearly want Attendance Centre Orders to be given to the younger and less criminally experienced offender and have been actively involved in persuading magistrates to act in this way’,

even though the government presented them as an alternative to custody. Gelsthorpe & Tutt (1986), in a study of 471 orders made in six areas, suggested that there was confusion about their purpose and who they were for, and found that they were used as an alternative to fines or supervision orders rather than as alternatives to custody. The number of young people being sent to them declined substantially during this period: from 2,942 boys under 14 in 1982 to 1,377 in 1986 (Table 55) and from 10,801 young men aged 14 – 16 in 1982 to 6,386 in 1986 (Table 58), though they retained their percentage of sentences (Tables 56, 59, 62 and 64).

### *Probation*

What little attention was specifically given to juvenile offenders in the probation world tended to be critical of the new strategies of juvenile justice practitioners. Stone (1984), for example, viewed the campaign by Tutt for a correctional curriculum with ‘considerable scepticism and hostility’, and felt it generated expectations which were ultimately unfulfilled. Lacey (M., 1984) criticised the ‘conceptual muddle’ that was IT. A report into the failure of a probation project in Inner London aiming to increase the use of probation orders by Crown Courts seemed almost proud of this failure, claiming that it confounded the ‘myth’ that changes can occur through alteration in

probation practice (ILPS, 1988). A resolution to the 1983 NAPO conference equated day centres with 'day prisons' (Vanstone, 1985). Drakeford (1983) argued that 'The real power to reduce the numbers in custody lies in political decisions to decriminalise certain categories of offences and to restrict the power of sentencers'.

However, some probation areas seemed willing to adopt a different approach modelled on what was happening in the LAC 83/3 areas, such as Warwickshire (Kemshall, 1986), and a Joint Report by the Association of Chief Officers of Probation [hereafter ACOP], NAPO and the Central Council of Probation Committees (ACOP et al., 1987) suggested increasing probation involvement with young offenders.

Meanwhile the attention of the probation service was to be diverted towards other issues. In 1984 the Home Office had set a series of national objectives and priorities for the probation service, which called for a focus on non-custodial measures, and a reduction in the production of SERs in care and civil work (Home Office, 1984a). This was to be the start of major government attempts to change the probation service from a welfare agency with a social work value base to a criminal justice agency.

### ***Supervision orders***

As the tables show, the *proportion* of offenders given supervision orders was to remain fairly stable during this period, with between 16 and 19 per cent of 10 – 14 year old boys and 13 to 15 per cent of young men (Tables 56 and 59) though these figures may mask a dramatic change in the type of supervision orders being made, as

now many of them would have been with the addition of IT or Specified Activities as a direct alternative to custody.

### *Care orders*

Use of the 7(7) care order for offending had fallen from 6,000 a year in the 1970s to under 1,000 in 1987 (Tables 37, 55 and 58), and only 21 residential care orders were made in 1986 (Jones, D., 1989b and 1990; Harris, 1991). This was partly due to strategic decisions by SSDs not to recommend them to courts, often replacing them with intensive supervision orders. Applications of the 'care and control test' during this period also continued to show concern. Gelsthorpe (1984) applied the test in five different authorities, and reported 'failure' rates from 70 per cent to 93 per cent. Some lamented this: Reynolds & Williamson (1985: 33) called it 'an extreme over-reactive swing against local authority institutional care'.

The decline in the number of care orders made was to have an inevitable impact on the number of children and young people in the CHE sector, and on O&As, as set out below.

### *Observation and Assessment*

In the early 1980s community based assessment began to develop, using a variation of the 'care and control test'. This was based on the view that *residential* assessment was only necessary if the young person was assessed as likely to fail to appear in court during the assessment period. In Wandsworth, 85 per cent of children in O&A centres



were deemed to fail the test, and a policy of assessment while placed at home developed (Dennington and Gildersleeve, 1982a; 1982b). This was supported by the report of a DHSS Working Party (DHSS, 1981e) chaired by Norman Tutt, that suggested that there was too much investment in buildings and not in staff; recommended that no child should be admitted to residential care solely to be assessed, and that it was better to have a community assessment in a normal living situation. It recommended a 30 per cent reduction in residential places in the O&As over the next four years. Chris Sealey told me that his first task on joining the DHSS was the responsibility for this working group, which he saw as:

*‘attempting to prop up a failing system’, with members on the working group, such as Masud Hoghugh, the headmaster of Aycliffe Regional Assessment Centre and secure unit ‘trying to propose a pseudo-scientific approach to assessment, which was flawed in that context .... Assessment centres were delivering these wonderful assessments which meant nothing because they were assessing children in a particular context and when you looked at where the kids went, it was to the same place they always had, governed by the availability of a vacancy’ (personal interview).*

Between 1980 and 1985 the number of O&A centres fell from 195 to 140, while the average number of places per centre fell from 50 to 30 (Hansard, 1986a). As Table 65 shows, the actual number of young people resident in the centres on the 31<sup>st</sup> March fell from 4,600 to below 3,000 between 1982 and 1987. As they were often a stepping stone to a CHE placement this would also have an effect on CHE numbers.

### ***Residential child care***

The fall in those resident in CHEs was even more dramatic: from 4,200 in March 1982 to under 2,000 in March 1987 (Table 65). Half of the CHEs had closed between 1974 and 1984: ‘one of the few successful attempts to close institutions in our social

history', said Tutt (1984c). Those working in CHEs had begun the 1980s making the same defences of their provision as in the previous decade, such as claiming that the intake was more delinquent, and that community based services could not possibly meet the need that the CHEs provided for, while attacking IT proponents as 'idealistic academics' who were 'brainwashing' the public (Kibbler, 1981), and not really part of the 'community' (Fogarty, 1981). Hyland (1993: 60), a former headmaster and defender of the CHEs, suggests that they were trying to inculcate values 'no longer held so firmly by society'. Seventeen Heads of CHEs and O&As in the North West blamed the inner city riots in Liverpool and elsewhere on the cuts in CHEs (Bailey et al., 1981), as would Hyland (1993: 138) a decade later.

A Social Services Inspectorate inspection of CHEs was very critical, finding children 'uncared for' and that the 'general level of comfort was disturbingly low' (DHSS, 1985c). Bill Utting (*personal interview*) thought that the CHEs were perceived as inappropriate for offenders: '*a child care approach seen as unjust on the one hand and too soft on the other ... the CHEs did not have the resources, skills or personnel to work with delinquents*'. Ironically, he thought that taking delinquents/difficult children and young people out of it may have been the saving of the child care system.

West (1982: 158) concluded his review of juvenile justice by saying that 'it is noteworthy how often juveniles considered unmanageable in one residential setting are found to be no particular problem' in another. Millham et al. (1986) noted how, when children in long term residential care were asked who was special to them, they would name individual members of staff, but care staff asked the same question never

mentioned a child or young person.

Conflict within the schools and between the schools and the regional planning networks also developed during the 1980s, with Barnardo's, one of the larger independent providers, withdrawing from the regional planning system in 1983 (Hudson, 1983).

Rob Allen (*personal interview*) thought that the decline in use of CHEs was '*half financial and half ideological*', based on the damaging research from Millham et al., absconding rates, a failure to provide what placing agencies wanted, a sense of children's rights, and budget pressures on local authorities. For Andrew Rutherford (*personal interview*), it was a result of their bad press, the evidence of brutality and physical abuse, that had meant that '*courts ran out of patience with them*', but he did not see their closure as part of any decarceration strategy. Norman Tutt referred to the dilemma facing local authorities, and his amazement about how little social work practitioners really knew about the CHE:

*'to make alternatives work you had to close CHEs, and re-direct their money, and not redeploy the staff from the CHE, as they would make sure it didn't work, as Massachusetts had shown'* (Norman Tutt: *personal interview*).

Henri Giller (*personal interview*) offered me a collection of reasons for the decline of the CHE:

*a consensus that IT was a viable alternative; the new group of practitioners trying to influence the flow of young people into the criminal justice system; the development of systems monitoring; diversion and cautioning plus were changing the flow of kids into the courts and criminal justice system and the available pool of kids that could be sent to CHE, and the costs of CHEs to a local authority, with unit costs rising as the flow of entrances fell*'.

For John Pratt (*personal correspondence*) the decline in the use of CHEs was because

they were

*'too expensive; the lack of trust/confidence in social workers to deal with delinquents; the feeling that there was a real difference between delinquents and orphans or abused kids' {despite the 1969 Act equating them}'the open-ended nature of care orders, so that they could be more punitive than a short DC sentence'.*

### ***Secure units***

Despite the growth in secure accommodation from the mid-1970s, there was no mention of secure accommodation, or the rights of children living in them, in the 1969 Act (Tutt, 1984a), creating something of a legal vacuum. During the 1980s evidence began to accumulate that showed that young people sentenced to the longest sentences (under s. 53 of the 1933 CYPA) for grave crimes often had a history of loss, abuse, grief and trauma, and were not the young thugs of popular imagination (Bullock et al., 1990; Boswell, 1996). The use of this sentence also began to increase (Giller & Richardson, 1987), from 85 in 1980 to 172 in each of 1986 and 1987 (NACRO, 1988b).

Redhill secure unit told a CLC inquiry that the main criterion for referral was that the young person had been an 'unmitigated nuisance' (CLC, 1982). Attempts to tighten admission criteria in the 1982 CJA seem to have had little initial impact on admissions (Laethen, 1984), nor did lobbying (e.g. CLC, 1983) to the House of Commons Social Services Committee inquiry into Children in Care, which paid little attention to offenders.

Blumenthal (1985), an architect, visited secure units and expressed shock at their

claustrophobic nature, and the lack of educational and recreational facilities. He also concluded that the treatment regimes fell far short of their claims, and that the heads restricted information, instead making assertions without any evidence. He suggested a culture of blame for failure: staff blame the children; the Department of Health blame the staff; whereas Blumenthal blamed the institutions themselves.

Children were also being held in secure accommodation in National Health Service [hereafter NHS] facilities on mental health commitments, and there were concerns about the reasons for this (NHS, 1986). Research in the adolescent units of the NHS found that most of the referrals to them were better helped in the community (Steinberg et al., 1981).

### *Custody*

Early studies of the working of the 1982 Act suggested that magistrates were not making much use of the short two week sentences to DC, but were flexing their powers to sentence to YC for the first time, so that average sentence lengths were going up (NAJC, 1984; NACRO, 1984a; 1984b; Home Office, 1985c; 1986a). This was despite a specific message from the Home Office **not** to do this (see above: page 139). To achieve this, magistrates had to sentence to over four months custody, and the result was an explosion of sentences of ‘four months and one day’ (Muncie, 1990), with custody being given earlier in young peoples’ offending careers (Home Office, 1985b). In the first six months after the Act was implemented youth custody sentences increased by 70 per cent, but average DC sentence length fell from 13 to 10 weeks (Home Office, 1984h). though the increase in YC numbers was matched by a

decrease in DC sentences. The Home Office (1983c) issued a Circular to remind magistrates **not** to use the shorter DC sentences now available instead of community sentences. In November 1983, plans were announced to change some DCs into YC centres because of the shortage of places in the latter (Hansard, 1983c; Home Office, 1984c).

However, the growth in sentencing of young people to custody that had been seen over the last two decades finally came to a halt, and then began to decline (Table 58). Prison department figures on receptions reflect this trend (Table 66).

The Home Office issued guidance to YOIs telling staff not to try and influence magistrates' or judges' sentencing practice, as there was no evidence that earlier sentencing in a criminal career would reduce reoffending. It also said that it was *wrong*, when courts phone up about a vacancy 'to be told ... that the court is welcome to send as many more offenders as it can find' (Probation Journal, 1983). According to Andrew Rutherford, '*DC Governors were ringing up courts begging for young people, as the DC's were being closed by default*' (personal interview).

By 1987, the Government could state that 'evidence suggests that custody should be used sparingly and as a last resort for younger offenders if they are to be diverted from recidivism', (HMSO, 1987a: Para. 8).

By January 1985 DC occupancy levels had fallen to 59 per cent of capacity, and between March 1986, when Send was closed, and August 1987 eight DCs were closed, with a further two closed the following year, leaving only 10 of the original 20

institutions open (Hansard, 1987c; 1988c; Muncie, 1990).

### *Care and Custody*

Table 67 combines sentences to care and to custody, showing a remarkable fall in the number of young men sentenced to orders that would have removed them from home, from 10,256 in 1982 to 5,476 in 1986.

The number of girls and young women removed from home also declined substantially, from over 500 in 1982 to below 200 in 1986 (Table 68), though here a rapid decline in the use of the care order is counterbalanced by an increase in sentences to custody.

### *Scandals*

The deaths of eight young people in a Scottish Young Offender Institution over a five year period (Scruton & Chadwick, 1985; Killeen, 1986) increased attention on the treatment of offenders south of the border as well. Between 1981 and 1986 nine prison officers in DCs were dismissed and a further 23 suspended (Muncie, 1990). Allegations of inmates being slapped in the face, punched in the stomach for refusing to address an officer as 'sir', and for poor performance in the gym, led to a police investigation (Bottomley & Pease, 1985). A youth alleged that he had been beaten-up five or six times by staff in DC (Childright, 1984b), which provoked other ex-inmates to write to the press (Childright, 1984c). The CLC began to collect a dossier of statements alleging assaults, verbal and racial abuse and infringement of other rights, such as letters to parents being torn up (Childright, 1985a; 1986a; 1986c). Gerry

Birmingham MP raised concern about ‘allegations of mistreatment’ at five DCs (Hansard, 1985b). A serving probation officer in DC alleged that she had witnessed physical assault, humiliation, racist abuse and censorship of her own reports (Childright, 1986b). In 1986, both young people and probation officers at Hollesley Bay reported physical assault, racial abuse and denial of inhalers to asthma sufferers (Hansard, 1987d; Childright, 1988).

Concern was also raised about the treatment of young people in Langton House, an independent adolescent mental health facility, by *Time Out* magazine, and by the CLC (Childright, 1984a), who alleged the use of deprivation of food and restricted family access as punishments for behaviour, and forcible use of drugs (see Fennell, 1992).

However, most of the people I interviewed or corresponded with did not see these scandals as influential on policy developments (Chris Sealey; David Faulkner; Richard Kay; Loraine Gelsthorpe; Stephen Shaw; Chris Stanley; Henri Giller; John Pratt; Lord Hurd). The exceptions to this were Paul Cavadino, who thought that they did contribute to the phasing out of DC, and praised the CLC for its skilful lobbying; Rob Allen, who said that ‘Childright *used to be required reading*’; and Rod Morgan, who thought that ‘*they contributed to the view in the Home Office that custody made people worse*’.

### **Departmental responsibility**

Bill Utting (*personal interview*) told me about working, from the DHSS, with the Home Office in the 1980s:



*'I can remember grappling with the Home Office ... about things like residential care orders and secure care orders, because they seemed startled with the fact that not every child was in care because of delinquency, so their original proposals were that any child in care who committed, in their eyes, a 'further' offence would be eligible for a residential care order .... I can recall being in meetings with senior Home Office officials who simply did not understand the traditions of the care system, even though it had only left their responsibility 10 years before'.*

Virginia Bottomley agreed with my suggestion that the Home Office had tried to retain control over juvenile offenders through the 1982 Act (*personal interview*), and Vivien Stern thought that the Home Office's stealing of the agenda from the DHSS '*was a very crucial factor*' in the development of legislation. Baroness Faithfull had argued that the Criminal Justice Bill showed the disagreement between the two departments during the Bill's passage in the Lords (Hansard, 1982f: col. 47). Bill Utting thought that the inability of the DHSS to counter this was partly because of the external pressures on the DHSS:

*'30 per cent staff cuts, re-emergence of child abuse, and the review of child care law. We were also not able to make the case for the Home Office not to see juvenile justice as part of its criminal justice responsibilities'.*

Chris Stanley was at NACRO in the 1980s, and did not sense any co-ordination between the Home Office and the DHSS. He felt that LAC 83/3 was solely influenced by Norman Tutt and Archie Pagan at the DHSS (*personal interview*). Richard Kay (*personal interview*) noted that the funding that Rainer received from the Home Office for its probation hostel was very narrow and circumscribed, and that they would never have been able to deliver something as creatively as the DHSS delivered LAC 83/3. Rob Allen, who went to NACRO in 1988 after managing a juvenile justice centre in Hounslow, and then to the Home Office, said (*personal interview*) that he did not think that LAC 83/3 and the 1982 Act were '*joined up in advance. I think they became joined up later. The DHSS was as interested in reducing residential*

*placements as it was in penal custody*'.

From the Home Office perspective, David Faulkner had been there since 1959, and saw no tension between the two departments. He said that

*'a lot of the drive (on juvenile justice) was in the DHSS during the period of IT, diversion and minimum intervention. In the Home Office we were entirely happy to have Health to make most of the running and to help where we could .... At the Home Office we would have been keen to see prison custody for juveniles abolished, and it was within the political horizon of the time' (personal interview).*

Norman Tutt told me that *(personal interview)*

*'Prison Governors were telling the Home Office at the time of the 1982 Act that they did not want to receive young offenders. There was a feeling (with some evidence that this was true) that many Directors of Social Services were happy to let kids go to prison as it saved on their budgets, and so there was lots of pressure on the DHSS from the Home Office to sort out these SSDs and take their fair share of expenditure'.*

Chris Sealey saw the LAC 83/3 initiative as a clear attempt by the DHSS to gain influence over juvenile offenders after the 1982 Act, as did Bill Utting: *'departments don't like losing business to other departments'*. Henri Giller told me that *'Archie Pagan was very much of the view that he had acquired LAC 83/3 money from the Treasury, and it was to stop any escalation of custody under the 82 Act'*. This was something that Rutherford (1989: 28) had suggested, describing LAC 83/3 as *'an effort by DHSS to regain some of the young offender ground that had over the years been lost to the Home Office'*.

In retrospect, it does seem that during the 1970s the Home Office had not supported the DHSS agenda, and possibly at times put obstacles in its way. The return of the Conservative government in 1979 provided an opportunity which was seized by the

Home Office, and initially the agenda was dominated by the 1982 Act, which was a Home Office piece of legislation. The LAC 83/3 initiative appears to have been a reaction to this by a maverick civil servant (Archie Pagan) at the DHSS as part of an attempt to have some influence on policy, and it was fortunate for young people that this proved so successful that the Home Office was willing to adopt it and develop it further as the DHSS and its successors ceased to be involved.

## **Summary**

By the middle of the decade, there was mounting evidence of a change in direction throughout the juvenile justice system. The number of juveniles cautioned was rising, alongside a substantial drop in the total number cautioned and convicted. Custodial sentencing was falling at a substantial rate, with DCs closing down, and the number being sentenced to 'care' was also dropping, with CHEs being sold off to become other forms of institutions. The Intensive IT projects set up through the DHSS initiative and by local authorities were starting to claim remarkable changes in local sentencing patterns, and IT practitioners were showing an ability to work with serious and persistent offenders in the community, adopting a much more proactive stance in court and acting as advocates for young offenders.

In terms of Kingdon's model of change, several policy entrepreneurs (Archie Pagan at the DHSS; Norman Tutt and his colleagues at the CYCC; various national charities such as the Rainer Foundation, CSV, Barnardo's, and local entrepreneurs who put together small voluntary organisations to attract LAC 83/3 funding) had used the window of opportunity provided by the DHSS wanting to share in the policy agenda

and not allow the Home Office to marginalise them completely, to start a major change to the way that children and young people were sentenced in court.

The Home Office was also starting to acknowledge and promote community sentencing. Stephen Shaw told me that

*'there was a clear Home Office view that the benefits of incarceration are much exaggerated, and prisons are difficult to run if you're not well resourced, with treasury resistance to more funding. Whitelaw and Hurd worked with that trend' (personal interview).*

According to David Faulkner, the

*'Government was sympathetic on the whole, though it was below the notice of Ministers ... we went along with it and were ready to support it ... it was convenient to have fewer children in custody. John Patten saw LAC 83/3 as a success story and influenced Douglas Hurd to the view that falling crime and falling custody go together' (personal interview).*

## **Chapter 5:**

### **Consolidating Decarceration: 1987 - 1992**

The Home Affairs Committee of the House of Commons (1987) had suggested that ‘except for the dangerous offender custody should as a general rule not be imposed on juveniles and young people under 18’. It had received evidence from the Home Office citing the success of Massachusetts, the Woodlands project, and Northampton (House of Commons, 1987: Q. 37). The Magistrates Association (1987: 3) debated a motion at its 1987 AGM that no child under 17 ‘should be received into prison as a prisoner’, which despite being defeated would not have even been debated a few years earlier. In a debate on ‘Prisons and Alternatives to Custody’ in the House of Lords (Hansard, 1988d) Lord Hutchinson said that the way forward for young adult offenders is clear: ‘it is the route pioneered by the intermediate treatment initiative for juveniles begun by the DHSS’ which had led to ‘an unequivocal and substantial reduction in juvenile crime and custody’. In the same debate Lord Henderson referred to ‘the great DHSS initiative’. The stage was set for another development of the juvenile justice practice of the past decade.

#### ***The 1988 CJA***

The 40 year experiment of DCs, in a range of guises, came to an end in 1988, when the CJA of that year (HMSO, 1988b) merged them with YCs to create a new sentence of ‘Detention in a Young Offender Institution’ [hereafter YOI]. The debates on the Criminal Justice Bill were significant for the praise that Home Office Minister John Patten (who had been at the DHSS during the launch of the LAC 83/3 initiative)

heaped on intensive IT and the DHSS funding for it (Hansard, 1988a: see cols 434; 453; 475; 710), and evidence from Chris Butler MP that Governors of the YCs were complaining that the centres were only half full and were more difficult to run than when full (ibid: cols. 440 - 443). The Act also further tightened the restrictions on custody that were in section 1(4) of the 1982 Act by amending it under section 123. Paul Cavadino thought that this was very significant (*personal interview*):

*'this reinforced the effectiveness of the criteria ... increasingly brought it home to magistrates that they had to take the criteria seriously – that if they made custodial sentences outwith the criteria they would be overturned on appeal'.*

By 1987 it was possible for people to start calling for the abolition of custody for juveniles (NACRO, 1987b; PRT, 1988), based on the 'unparalleled success' (PRT, 1993) of juvenile justice practice. Virginia Bottomley MP, shortly to become Minister and then Secretary of State for Social Services and responsible for children's welfare, called for the end of prison department custody for young offenders in the report of a Children's Society (1988a) committee that she chaired until becoming a Minister, and asked the government in Parliament 'should we not bring penal custody for those under 18 to an end?' (Hansard, 1987b). She told me (*personal interview*) that her name could not be on the report initially as she had just become a minister, but Douglas Hurd gave his permission. Chris Sealey said that '*we got so close to ending custody for juveniles when Patten was at the Home Office ... it was quite extraordinary*'.

Giller (1986) pointed out how few children under 14 were now entering the court, citing only 46 in Newcastle-upon-Tyne and 28 in Surrey over a six month period, 78 per cent of whom received absolute discharge, conditional discharge, fines or attendance centre orders. He used this information to call for the abolition of the

juvenile court.

As the decade developed, 'intermediate treatment' as a specific concept lost its meaning, becoming more commonly replaced by 'juvenile justice' in job titles and the more general practice literature.

### ***Punishment in the Community***

The genesis of a new approach to sentencing, according to Dunbar and Langdon's (1998: 86 - 98) excellent account of the 1991 Act and its consequences, was a ministerial meeting held at Leeds Castle in September 1987 (Home Office, 1987e). This considered a paper containing proposals to delay the imposition of a first custodial sentence on young offenders on the grounds that serving one custodial sentence led to further custodial sentences. It also proposed that the government should challenge the view among magistrates that a custodial sentence would be most effective the earlier it was imposed, and questioned the use of custody for minor offenders as a result of a number of previous convictions. David Faulkner (the senior civil servant who is seen as the main author of the Act: see Rutherford, 1996: chapter 4), set out 'a programme that builds on successes already achieved with juvenile offenders', comparing the sentencing of 16 year olds in the juvenile courts with the sentencing of 17 year olds in the magistrates' courts. He noted that diversion of juveniles from the criminal justice system had not led to increased offending, and 'while recorded crime generally has been going up, crime committed by juveniles ... is now actually falling'. He argued that a similar approach towards 17 - 20 year olds was now needed, involving more cautioning, development of non-custodial disposals

by the probation service, and targeting of SERs. He suggested that the government should 'encourage and if necessary fund the development of local strategies for dealing with young adult offenders akin to those successfully developed for juveniles'. In drafting the above Faulkner drew on a Note from Rita Maurice, the Director of Statistics (ibid: note of 11.9.87) that

'the falls in 1986 in cautions, court proceedings and prison receptions were greatest for the youngest offenders and only a small part of that difference was attributable to demographic factors'.

John Patten told the seminar that he was sceptical about non-custodial alternatives

'except insofar as young offenders are concerned ... experience in dealing with those up to and including the age of 16 showed that it was possible to divert a substantial number of juveniles from custody without there being any consequent rise in crime in this age group. An attempt should be made to extend the approach to the 17 and 18 year olds'.

David Faulkner suggested that this tied in well with the government's wish to encourage people to stand on their own two feet, as custody tended to increase dependence. The seminar foresaw a prison population crisis by 1989 unless something was done (ibid: note from David Faulkner dated 1.10.87), and likely probation hostility to its proposals (ibid: note by David Faulkner 5.10.87), and set up a working party under David Faulkner 'looking at how supervision in the community might be improved with the clear subsidiary objective of reducing the prison population' (ibid: note from Sir Brian Cubbon dated 19.10.87). By early November John Patten, in a memo to the Home Secretary (ibid, dated 2.11.87) said he was expecting Faulkner's proposals for 'a programme of prevention, training and diversion from custody for actual and potential young offenders' which came up with the concept of 'punishment in the community'. This was then explained to Conservative MPs by John Patten, and to the judiciary by senior civil servants, in early 1988, and made publicly available in



September 1988 (Patten, 1988a; Home Office, 1988a), as a Green Paper. These ideas were eventually to lead to the 1991 CJA (HMSO, 1991b).

The Green Paper, *Punishment, Custody and the Community* (Home Office, 1988a) claimed that ‘a spell in custody is not the most effective punishment’ as it reduces responsibility as offenders ‘are not required to face up to what they have done’. Instead ‘their liberty can be restricted’ in the community. It said that ‘making young people face up to their offending and its consequences has been one of the most successful features of the intermediate treatment schemes for young offenders’, and ‘most young offenders grow out of crime ... even a short period of custody is quite likely to confirm them as criminals’. It introduced the concept of ‘just deserts’ for offenders.

In interview Lord Hurd told me that he could not recollect a decline in custody of young offenders during his period as Home Secretary (1985 - 89), and that this was not a real intent of the policy, nor was there ‘*any specific imperative*’ from youth justice experience. However, after the 1987 election he felt he

*‘had more time to think philosophically, as to how to explain to the Conservative party conference that prison was not a magic cure for crime and had great disadvantages’, and that to ‘find ways of punishing people while safeguarding the community without locking them up or removing their responsibilities was much more complicated. That phrase in the White Paper, that prison is just a way of making people worse, did summarise the message’ (personal interview).*

The ideas in the Green Paper were then developed at a Home Office conference at Ditchley Park (Home Office, 1989f), where John Patten suggested ideas of sufficiency and proportionality in sentencing. It was noted that ‘prison is an expensive, wasteful means of dealing with offenders’, and that ‘punishment in the

community' should be the norm.

This led to a White Paper in February 1990, *Crime, Justice and Protecting the Public* (Home Office, 1990a) setting out the wider philosophy within which the government intended to legislate. This said that 'nobody now regards imprisonment, in itself, as an effective means of reform for most prisoners', and that prison is 'an expensive way of making bad people worse'. Accordingly,

'so far as possible, young offenders should not be sentenced to custody, since this is likely to confirm them in a criminal career ... since 1983, the number of young offenders under 17 sentenced to custody has been halved and there has been no discernible increase in the number of offences committed by juveniles'.

The White Paper also said that 'in all parts of the country there are good, demanding and constructive community programmes for juvenile offenders who need intensive supervision'.

Another Home Office conference at Shrigley Hall in July 1990 (Home Office, 1990h) heard David Faulkner refer to 'the reduction in known offending amongst juveniles' and a fall in the proportionate use of custody for them, but was also presented with highly sceptical comments from David Thomas about the impact of section 1(4) of the 1982 Act and about the overall philosophy of the White Paper.

Patten believed that intensive IT had shown some success, which he repeatedly put forward during the passage of the 1988 CJA, and was to continue to promote (Hansard, 1989b; 1990a; Patten, 1992). In 1987 he said (Hansard, 1987a):

'it is the government's policy to encourage more use of non-custodial measures for offenders under 21. There has been a positive response to this approach with juvenile offenders under 17, and the government are considering how the use of such measures might be developed for 17 to 20-year-olds'.

He announced grants to NACRO and National Children's Homes [hereafter NCH] to develop alternatives to custody for that age group (Hansard, 1988b). He told the Probation Journal that 'IT has been a rip-roaring success ... we are trying to build on that kind of approach' with older offenders (Stone & Patten, 1988), and made it clear that 'punishment in the community' was building on work done to reduce the number of juveniles sentenced to custody (Patten, 1988b). This was echoed by Douglas Hurd (1988) in an address to magistrates, in which he said that the use of custody for 17 to 20 year olds 'contrasts sharply with the success we have had in reducing the number of juveniles who receive custodial sentences, particularly since the development of intermediate treatment schemes'. Similar messages were promoted by David Faulkner (1986; 1987).

In interviews with me both Lord Hurd and Loraine Gelsthorpe acknowledged David Faulkner's role, Hurd saying that Faulkner had opened up the Home Office to influences from outside, did a lot of listening and acted as umpire (*personal interviews*). Rod Morgan, later to become Chair of the Youth Justice Board at the time that I interviewed him, told me (*personal interview*) that

*'In the 1980s, David Faulkner had a discussion group throughout most of the decade which, as far as I can fathom, was unique in civil service history, in the sense that he decided to have this group that met approximately every two months, half of whom were insiders, civil servants, engaged in policy, and half of whom were external, researchers who had an interest in this area of policy. We used to meet at NACRO and we took it in turns – insider and outsider - to introduce a discussion as to an aspect of policy. That group discussed most of what emerged as the Criminal Justice Act 1991, for about 5 years. Members included myself, Andrew Ashworth, Tony Bottoms, Vivien Stern, Andrew Rutherford, David Downes and others. A lot of the so-called 'justice' principles, which informed the Act, were thrashed out in that discussion group. This group had always been viewed with suspicion in Whitehall'.*

In interview, Faulkner said that he was

*‘trying to introduce some coherent principles into sentencing, rather than just to reduce the prison population, which is how it came to be perceived. The things I would like that period to be remembered for were the idea that you deal with crime as much as, if not more **outside** the criminal justice system, alongside attempts to reinforce ideas of due process, fairness and consistency’.*

Opposition to ‘Punishment in the Community’ from within the probation service was voiced even before the proposals were published (Allan, 1988), with Beaumont (1988a) calling them ‘a major transformation in ethos and working principles’, and Celnick (1988) claiming that they would not reduce the prison population, something reiterated in NAPO’s immediate press statement on the day of publication of the Green Paper (NAPO News, 1988c). Beaumont (1988b) argued that the reduction in custody for young offenders was due to demographic fall, a fall in youth crime and increased cautioning, and not because of intensive community sentences. Allan (1989) argued that there was no similar consensus about sentencing in the adult courts to that in the juvenile courts, and Cameron (1988) that the only way to reduce custody was via restrictions on sentencers. Stopard (1990) echoed this, saying that the proposals left little scope for probation. Mathiesen (1988) said that it was ‘ill-advised to try to imitate in the community the characteristics of custody’.

NAPO saw the proposals as an attack on probation officers and an ‘irrelevant evasion of the real issues ... wrong solutions to the wrong problems’, which would actually increase custody, not reduce it. They argued that the ‘key factor’ in the declining use of custody for juvenile offenders

*‘has been the reduction in the number of offenders passing through the courts, partly because of demographic changes and partly because of increased use of cautioning’ (NAPO, 1988: 17)*

and this would be more difficult to achieve with young adults. The government were 'inconsistent', 'afraid', and 'purposeless', said NAPO (1988), and the editor of their journal wrote an 'obituary' for probation (Stone, 1988). As 'intensive probation schemes have been unsuccessful in the past' the new proposals were unlikely to reduce the use of custody, according to their assistant general secretary (Fletcher, 1988; NAPO News, 1988a), and were more likely to increase custody (Social Work Today, 1990a; 1990b).

In 1988, the NAPO Annual Conference voted to oppose and campaign against '*Punishment, Custody and the Community*' (NAPO News, 1988b) following recommendations from their National Executive Committee for a 'campaign of straightforward opposition' (NAPO News, 1988d), and a lobby of parliament was deemed successful (NAPO News, 1989). In 1989 they launched a 'Hands Off The Probation Service' campaign (Fletcher, 1989). Over 1,000 probation officers lobbied MPs against the Criminal Justice Bill (Social Work Today, 1989a). John Roberts, NAPO chair, told their national conference that the government was trying 'to replicate the aims and philosophy of custodial sentencing in the community', and that punishment in the community 'will not reduce the prison population' but be 'a tripwire into custody' (Social Work Today, 1989b), a claim he was to repeat in 1990 (Social Work Today, 1990c), and which was echoed by Fletcher (1990). In 1990, the union again voted to campaign against punishment in the community and ballot for industrial action, a national day of action and another lobby of parliament (NAPO News, 1990; Social Work Today, 1990c). Cameron (1991) recommended that probation officers refuse to cooperate with the 1991 CJA, something that NAPO then threatened to carry out (Downey, 1992).

In contrast was the more sympathetic response of ACOP to the proposals (ACOP, 1988) who invited John Patten to come and speak to them. This led to conflict between ACOP and NAPO (Geary, 1988), with NAPO issuing a press release attacking the decision of ACOP (NAPO News, 1988e) to meet with Patten.

Lord Soley felt that NAPO

*'made several very deep strategic mistakes – oppose almost anything that was designed to reduce the prison population on the slightly purist ground that prison shouldn't be used anyway .... If you want to reduce your influence on either political party in power, then stick your fingers in their eyes whenever they try to introduce reforms designed to reduce the prison population .... NAPO was not seen as a pressure group with a good sense of reality' (personal interview).*

Lord Hurd told me that he was upset and surprised by the reaction of the probation service:

*'it was perverse – they were in favour of the main approach but didn't want their own "purity" affected – grown up people have to live past that point. As a result they took themselves out of the main argument' (personal interview).*

David Faulkner told me that he

*'never understood probation service hostility to the 1991 Act ... part of the problem was the way it was sold politically ... as being more punishment than less. Barbara Hudson, for example, was hostile to the Act, but in the light of what happened afterwards I think she would now think that proportionality can work and was intended to work as a limitation to custody. The aim had been to get probation centre stage and have it taken seriously' (personal interview).*

For Frances Crook, Director of the Howard League (*personal interview*) it was the conflict between NAPO and ACOP which was remembered from this time, and the totally ineffective Central Council of Probation Committees. Norman Tutt said that, apart from Hampshire and Manchester, probation were *'very marginal'* to juvenile

justice: *'the idea of intensive supervision was an anathema to many in the service'* (personal interview).

Barry Sheerman MP was the Labour Party's shadow Home Affairs spokesman at that time, but said that he inherited little policy from his predecessors, other than a small policy base within the Labour Campaign for Criminal Justice pressure group. He said that he had little knowledge of what had been happening in juvenile justice in the 1980s and the decline of the CHEs. He told me that the party was sympathetic to punishment in the community, and that there was a cross-party wish (*'a culture'*) to reduce custody and develop alternatives. He thought that the Conservatives had developed the concept of 'just deserts' in order to appeal to traditional Tory values, and invented the notion of punishment in the community *'because they were trying out things that their traditional supporters would be worried about'* (personal interview).

Ministers grew increasingly frustrated with probation opposition to the Bill, with John Patten criticising 'dialectical linguistic arguments' about what probation officers were actually doing (Jarvis & Patten, 1989), a focus on 'semantics, not reality' (Patten, 1990), and hang-ups about language (Stone & Patten, 1988). He was himself immediately accused of 'playing with words' by NAPOs assistant general secretary (Beaumont, 1990). The civil servant with lead responsibility for probation, after the passage of the Act, attacked the service for what she called its whingeing, doom-mongering, self-destructiveness, self-righteousness, arrogance and inwardness, with a belief that it was the only service with ethical standards (Drew, 1992).

Lorraine Gelsthorpe thought that

*‘probation was still holding on to the idea of the importance of working with offenders who were still seen to be in need – a residual social work philosophy within probation, whereas social work with young offenders had bought into system management. But probation also liked working with fewer young offenders, though many also resented the takeover of this work by SSDs’ (personal interview).*

### ***The 1991 Criminal Justice Act***

The ideas contained in *Punishment in the Community* were implemented in the 1991 CJA. The new Home Secretary, David Waddington, introduced the Bill:

*‘we are in many respects setting out to extend over the whole age range the requirements imposed on the courts so far as young offenders are concerned in the Criminal Justice Acts 1982 and 1988, requirements which have already led to substantially fewer young people being given custodial sentences ... we expect our proposals to lead to a fall in the use of imprisonment and therefore to a fall in the prison population’ (Hansard, 1990b: cols 139 – 140).*

He told me that he had *‘a very easy ride in parliament’ (personal interview).*

The Act created a new sentencing structure in which custody could only be used if the offence was serious or to protect the public from serious harm. Non-custodial penalties would become ‘community sentences’ and would also be seen as ‘punishment’, commensurate with the seriousness of the offence. For juvenile offenders, the minimum age for custody was raised to 15, and 17 year olds were brought into the juvenile justice system for most purposes.

Many saw the Act as revolutionary. For Ashworth (2001: 62) it was the ‘first coherent legislative structure for English sentencing .... What many commentators have regarded as a veritable feast of sentencing law’. However, it was to be overturned very quickly, as set out in Chapter 6 (see below: pages 225ff). Ashworth said that it



was ‘devoured by the judiciary’ as if it was ‘a rather significant amuse-bouche, with the Court of Appeal destroying some provisions through wrecking interpretations’. He also noted that David Thomas, responsible for instructing the judiciary on the Act, saw it as ‘a largely irrelevant exercise in teaching grandmother to suck eggs’ (ibid: 76, citing Thomas, 1992). Kenneth Baker, replacing Waddington as Home Secretary, responded to a parliamentary question asking ‘is not it apparent that the soft approach that has been advocated by the so-called experts for years has patently failed, that the day that we abolished approved schools and borstals was a sad one’ with the rejoinder that ‘it is easier to help them grow out of crime if they are kept out of custody’ (Hansard, 1991b).

Looking back, Lorraine Gelsthorpe noted that:

*‘Hurd, Waddington and Clarke all seem quite liberal in putting a positive frame on desert and proportionality. The Act was seen as a de-escalating, down-tariffing thing. They did not bargain for magisterial and judicial practice which circumvented the best intentions .... There did seem to be a link between juvenile justice and just deserts philosophy – the 91 Act was about **managing** the prison population in a way similar to juvenile justice’ (personal interview).*

Cedric Fullwood (*personal interview*) did not think that the 1991 Act was influenced by juvenile justice, but by concern about the rising adult prison population. In contrast Andrew Rutherford (*personal interview*) considered that ‘*juvenile justice was leading what might happen to adults*’. This was certainly the view of one of the leading practice guides to the Act (Leng and Manchester, 1991: 2 and 14), who suggested that the new sentencing framework ‘seeks to build on this experience with young offenders and to extend it to adults’, and that the restrictions on custodial sentencing in the 1982 and 1988 Acts ‘have led to substantially fewer young offenders being given custodial sentences’.

### ***Sentencing of juvenile offenders: 1987 – 1992***

Throughout this period the trends identified in the earlier parts of the 1980s continued and are set out in Tables 69 to 76. The number of *known juvenile* offenders had fallen from 176,000 in 1985 to 99,000 in 1989 (Barclay & Turner, 1991). The number sentenced to custody continued to fall, despite the abolition of the care order, such that less than 2,000 children and young people were removed from home as a sentence (Tables 69, 71 and 82). Cautions continued to rise and the number taken to court to fall, to the extent that to present percentages for disposals of those *cautioned and sentenced* become meaningless. Within court, the proportion fined fell at the expense of other community sentences.

### ***Cautioning***

Cautioning continued to increase nationally (Wilkinson & Evans, 1990). While Table 77 shows that the *number* of young people cautioned remained fairly steady between 1987 and 1992, with 79,700 males aged 10 – 16 cautioned in 1987 and 84,600 in 1992, these figures mask the increase in the percentage of known offenders cautioned due to the fall in arrests, as shown in Table 78, such that 90 per cent of boys, 71 per cent of young men, 98 per cent of girls and 89 per cent of young women who were arrested and charged were now being cautioned. There continued to be major variations between police forces, and there was a national increase in the cautioning of adult males from four per cent of cautions and convictions in 1981 to 10 per cent in 1988 (Evans & Wilkinson, 1990).

In 1988 the Metropolitan Police (1988) supported developments in cautioning and

issued guidance for multi-agency panels, and the development of cautioning in London can be shown in Tables 79 and 80, with less than a half of all those dealt with being prosecuted.

A Home Office paper in 1988 encouraged the expansion of cautioning to adult offenders (Home Office, 1988b). There was continuing concern about cautioning from some legal commentators (e.g. Sanders, 1986; 1988), criticism from probation (Roche, 1986) and from some magistrates (Browning, 1987; The Magistrate, 1987; 1988; Magistrates Association, 1988: 4; Block, 1989; Grimshaw, 1989; Rose, 1989; Widdowson, 1989) with some seeing it as a threat to the existence of the juvenile court, making the court ‘an endangered species ... what must a juvenile do, and how many times, before he is brought to court?’ (Biggins, 1987). In 1988 the AGM of the Magistrates Association (1988: 4) called for restrictions on cautioning. Some thought that cautioning panels were taking over the power of the juvenile court (Grimshaw, 1989).

Savage (1988) marshalled the arguments against inter agency cautioning well:

1. society actually wants more punitive sentencing
2. retribution, deterrence, public protection and reparation to society were not given cognizance in the diversionary framework
3. police were being ‘forcibly encouraged’ to caution, against their instincts
4. cautioning is class biased
5. young people are under pressure to admit offences in order to get a caution and avoid trial
6. caution-plus should be processed through the courts
7. there is no limit to the number of cautions a juvenile can receive

8. it is creating 'alternative courts' and an end to the role of juvenile courts, which should be given the power to caution formally.

Savage's article provoked a strong response from two of the leading members of NACRO's YOT (Burgin & Anderson, 1988).

Evans (1991) noted strong hostility to cautioning from police and magistrates in Northampton, where cautioning schemes were at their most advanced (The special circumstances of Northampton will be discussed more fully later: see below: pages 357ff).

The Commission for Racial Equality (CRE, 1990; 1992) claimed that more ethnic minority young people were prosecuted than cautioned when compared to non-minorities, and that this was not due to offence seriousness or offence history. Only a half as many Afro-Caribbean youths admitted the offence as did white youths. (The Commission did not seem to understand that there was a link here: a caution could not be given unless the accused admitted the offence: if more black youths denied the allegation then less of them were likely to be cautioned).

A Home Office Circular of 1990 (Home Office, 1990b) set out national standards for cautioning and supported the involvement of social services and probation in the development of cautioning *strategy* and *objectives* with the police in juvenile liaison panels. It supported *cautioning plus* and saw the courts as a last resort. In this, it was responding to very positive support for cautioning from the Association of Chief Police Officers [hereafter ACPO] (1989: cited in NACRO, 1992a) and the Magistrates

Association (1990).

The decade ended with a strong statement in support of cautioning and caution plus schemes from the Home Affairs Committee (House of Commons, 1990: Vol. I) in their enquiry into the CPS, where the CPS themselves (CPS, 1989; 1990: 17 and 25), the Metropolitan Police, NACRO, and the Howard League all gave evidence in support of cautioning, though NACRO had some reservations about caution plus (House of Commons, 1990, Vol. II: Q268 ff).

### *Absolute and Conditional Discharges*

Somewhat surprisingly, the use of discharges continued to be one of the most popular sentences used by magistrates, whereas with the growth in cautioning they could well have been used less, if magistrates had believed that young people had already been given a chance in the past. So 52 per cent of boys aged under 14 who appeared in court were discharged (Table 70), and 35 per cent of young men aged 14 – 16 (Table 72), while 67 per cent of the 244 girls under 14 who appeared in court were discharged (Table 74) and 57 per cent of those aged 14 – 16 (Table 76).

### *Attendance Centre*

The Attendance Centre also remained popular, being given to a greater proportion of sentenced offenders than in the past, with 20 per cent of boys and 15 per cent of young men receiving this disposal in 1992, up from 19 per cent and 13 per cent respectively (Tables 70 and 72)

### ***Fine***

The decline in the use of the fine, from 16 to 10 per cent of boys under 14 and from 32 to 16 per cent of young men aged 14 – 16 between 1987 and 1992 (Tables 70 and 72) may have been due to the economic crisis facing the poorer classes during the Thatcher governments, and recognition by magistrates that many of those that were before them, and their families, were already living in poverty. SERs would often mention family income and urge the court not to impose additional financial hardship on the family.

### ***Probation***

By the late 1980s, the probation service had ceased to have much involvement with juvenile offenders, with statutory supervision now being held in the main by SSDs. Raynor (1996) noted that equivalent developments to work with juveniles never took off in probation service work with adults, suggesting that this was because probation officers had more autonomy, which meant that ideas such as a policy on SER recommendations encountered resistance. The probation service was also slow to adopt information management systems. He pointed out that probation officers were sceptical of government initiatives to reduce custody, believing that they were being 'set up to fail', and that their discussions on *Punishment in the Community* were more concerned with its punitive rhetoric than with the underlying strategy, becoming even more confused when they saw that the 1991 CJA *was* clearly designed to reduce imprisonment.

Within the probation service, there were some misgivings about what was happening in juvenile justice. Cedric Fullwood, for example (*personal interview*) told me that:

*'while I was supportive of probation officers advocating for alternatives to custody, this was not to the extreme of having a policy of total opposition to custody, and one of the big debates that I had was to convince magistrates that probation would recommend custody when appropriate'.*

He also referred to cautioning schemes for juveniles '*allowing 10 or 11 cautions before taking a young person to court*', which was to become a major part of the criticism of cautioning in the 1990s.

### ***Section 1(4) of the 1982 Act***

Bodies such as NACRO continued to publicise case law and data around appeals against custodial sentencing and Court of Appeal guidance on the application of section 1(4) Updating his earlier data (see above: page 151) to 1989 Stanley (1992) demonstrated that throughout the decade between 62 and 74 per cent of appeals against DC sentences resulted in a community sentence, 24 to 43 per cent of appeals against YC sentences, and 58 per cent of appeals against sentences to a Young Offender Institution [hereafter YOI] (see NACRO, 1989f).

By 1991 the criteria restricting custodial sentencing in the 1982 CJA were being cited as influential on government thinking as they developed the 1991 CJA (Cavadino M., 1991).

### *Social Enquiry Reports*

By the late 1980s, SERs had become strategic documents for many youth justice practitioners, comfortable with making direct suggestions to magistrates about the most appropriate sentence (see Bell, 1990). Yet a study in Manchester towards the end of the decade still found that 47 per cent of those receiving a custodial sentence did not have an alternative offered in the SER (NACRO, 1990b), and noted a boy being recommended for custody as ‘he is an irish traveller’! A follow up report a year later (NACRO, 1992b) found the same lack of recommendations, or even sentencing to custody without an SER being prepared. Declan Kerr (*personal interview*) told me that he had joined NACRO’s Juvenile Crime Team in Manchester in 1989, where the aim was to try and change the culture, as part of which they had commissioned this survey, with support from Cedric Fullwood, the Chief Probation Officer at the time:

*‘You’d get SERs that said “we have no alternative to offer to custody as this young person has exhausted everything” but then you’d look through their record and they had had very few sentencing options’ (Declan Kerr: personal interview).*

(In my own job at the time, I had tabled a House of Commons question through Barry Sheerman MP, the answer to which identified that 23 per cent of all young people in England and Wales receiving custodial sentences emanated from the juvenile courts in Greater Manchester (Hansard, 1989a).

### *School reports*

The campaign to improve the quality and change the style of school reports to courts did not succeed everywhere. McLaughlin (1988) found that 30 per cent of school



reports in Stockport juvenile court recommended custody. Brown (1991) found that, though magistrates expressed negative views about school reports, they still gave them weight, assuming the author knew the child better than the SER author. McLaughlin (1990) discovered that 89 per cent of school reports were still not being shown to parents or children, while Macmillan (1991) assessed that schools input into juvenile liaison panels in Cleveland tended to be very negative.

### *Supervision orders*

The proportion of supervision orders made by the courts suggested that magistrates retained confidence in them, with an increase between 1987 and 1992 from 14 to 17 per cent of sentences on boys aged under 14 (Table 70) and from 15 to 19 per cent for young men aged 14 to 16 over the same period (Table 72). A large proportion of these would have been with IT, supervised activities or directions to attend LAC 83/3 projects, but this data was not collected in such a format.

### *Care orders*

Home Office Minister David Mellor said that 'it is inappropriate that care should be used as a punishment in criminal courts' (Community Care, 1988), and the care order as a sentence was abolished by the 1989 Children Act. Tables 69 and 71 show that the continual decline of its use in the early part of the decade continued throughout the 1980s, so that by the time it was no longer possible to order it (following implementation of the 1989 Children Act), its use had already withered away. In an inquiry into residential child care, Utting (1991:11) found that the proportion of

children in the CHEs on 7(7) care orders fell from 55 per cent in 1980 to 15 per cent in 1990.

### ***Residential child care***

Just as the use of the care order declined, so the placement of children and young people in CHEs, for whatever reason, also continued to fall (Table 81), and various CHEs requested the Home Office to take over their running (*David Faulkner: personal interview*), to which the Home Office showed no interest. It has only recently come to light that the DHSS Inspectorate had investigated a large number of complaints of physical and sexual abuse in the approved schools and CHEs, which may have led to their reluctance to defend them (A large number of files in the National Archives in sections BN 29 and BN 62 have recently been released after being kept confidential for 30 years, yet a large proportion of them have been withdrawn from release because they contain investigations of abuse). Warwickshire decided in 1987 to move out of the use of all forms of residential care completely (AJJUST, 1987), following its earlier decision not to use CHEs (see above: page 119).

### ***Secure units***

An Inspection of YTCs found a 'lack of a single, clear authoritative ... treatment model at St. Charles' (Social Services Inspectorate, 1988). A series of studies of the YTCs commissioned from the Dartington Social Research Unit also raised concerns about their functioning (see Millham et al., 1989; Bullock et al., 1998). In 1991, following an independent inquiry, the government made a Ministerial Statement on St Charles' (Hansard, 1991a) in which it admitted the injection of sedative drugs without

consent, a prolonged and unjustified use of separation, exclusion of a young person from her own review, and stated that a separate SSI report had stated that these were not isolated incidents, blaming poor management of the centre (see Fennell, 1992). The Dartington research found the YTCs to be dominated by 'lack lustre, temporary, crisis driven palliatives', which were not needs-led, though very few of the young people behaved in unexpected ways and their outcomes were predictable. They commented on the arrogance of the management at St Charles, who created the crises referred to above.

A government report disclosed long-standing problems at Aycliffe secure unit in Durham, the largest children's home in the country that included 44 secure beds (HMSO, 1994b), following an Inspection by the Social Services Inspectorate which had noted heavy use of physical restraint, and a 'confrontational culture', and indicated that there was no evidence to justify the claim by the institution that the residents were becoming more difficult to manage.

### *Custody*

By 1990 the number of young offenders *sentenced* to (Table 83) and *admitted* to custodial institutions during the year had fallen below 2,000 for the first time, dropping to under 1500 admissions in 1992 (see Table 82). On the 30<sup>th</sup> June, 1989 only 590 juveniles were in prison (Barclay & Turner, 1991), and there were more closures of juvenile institutions.

In 1991 the Home Secretary abolished detention in a YOI for 14 year old boys, as it had already been removed for 14 year old girls and the government was being

threatened with a sexual discrimination case (Fielding & Fowles, 1991a).

In Hampshire, where parts of the Woodlands model were being implemented across the whole county and not just in Basingstoke, custodial sentences fell from 185 in 1981 to seven in 1991, while the large city of Southampton had no custodial sentences between 1988 and 1991 (Wade, 1992 and 1996).

As Bottomley & Fielding (1986) argued, by 1986 there developed ‘unprecedented disquiet’ about institutions for young offenders. This was to continue over the following years, with child deaths in custody (Grindrod & Black, 1989; AJJUST, 1990), poor regimes and conditions (Her Majesty’s Chief Inspector of Prisons, 1989; 1991; Fielding & Fowles, 1991c; HMSO, 1991c), racism (Fielding & Fowles, 1991b) and suicides (Fielding & Fowles, 1992).

### *Care and custody*

The abolition of the care order did not result in a compensating increase in sentences to custody, and by 1992 the **total** number of children and young people removed from home for offences had fallen to 1,753 (Tables 83 and 84). The number of young women sentenced to custody also dropped dramatically over this period, reaching just 31 in 1992 (Table 84).

### *Departmental Responsibility*

From the mid-1980s the DHSS began to focus its energy on a major review of child

care law, which would eventually lead to the 1989 Children Act (Maclean & Kurczewski, 2011) give a detailed account of the development of this piece of legislation). This freed up space for the Home Office, which regained control of juvenile justice policy. However, the presence of John Patten at the DHSS during the early 1980s and his experience of intensive IT and the LAC 83/3 initiative would inform Home Office policy when he went there, and was highly influential in the development of the 1991 CJA. From this time onwards juvenile justice policy was to reside solely with the Home Office.

### ***Juvenile Justice as the 1991 CJA was implemented in 1992***

By 1992 some very strong claims for juvenile justice were being put forward based on the decline in young people entering the juvenile court, with the Howard League claiming that ‘the success of formal cautioning of juveniles by the police ... represents one of the most striking features of criminal justice practice in England and Wales over recent years’ (House of Commons, 1990: Vol. II: 93 - 94). According to Bill Utting (*personal interview*)

*‘by 1990 the DHSS would claim that the IT programme (LAC 83/3) had been a distinct success and was claiming credit for the reduction in the prison population and levels of delinquency .... Diversion, cautioning and IT had made a major contribution to this’.*

Attempts were being made to apply the lessons of IT to child care (Bilson and Thorpe, 1988; Kerslake and Cramp, 1988) and the adult criminal justice system (Ball, 1988; NACRO, 1989c; Holt & Wargent, 1989).

Giller (1989a) concluded that the decline in custody could be attributed to ‘enhanced

professional practice' rather than legalistic changes. IT was also assessed as cost-effective, and was seen as developing alternative to custody provision 'in spite' of financial pressures and incentives (Knapp & Robertson, 1989).

Others were trying to target those areas which still sentenced young people to custody, such as in the North West, where the IT Fund arranged a series of events designed to promote the development of alternative to custody schemes and provide funding for them.

Shaw (1987) felt that 'in the case of juveniles' the abolition of imprisonment 'is actually within our grasp'. NACRO (1991b) suggested abolishing custody for 15 year olds, planning to abolish it for 16 and 17 year olds, and extending juvenile justice practice to young adults (NACRO, 1989d). The AJJ (1990) called for the 'total abolition of prison department custody for juvenile offenders'. Rutherford (1992b: 139) saw juvenile justice as being 'at the dawn of a new and promising era', in which optimistic and confident practitioners were shaping events.

The Audit Commission (1989a: 44) advocated extending the lessons of juvenile justice to young adults, and the Penal Affairs Consortium (1989) suggested extending the statutory restrictions on custody to adults, making them 'similar to those for young offenders'.

Gibson & Bell (1992) began to detect a rise in youth custodial sentencing in early 1992 but the statement that 'an important thrust of Government policy ... has been to increase the effectiveness of community penalties and ensure that custody is used only

when necessary, especially for young offenders' (Home Office, 1991a) still seemed to indicate a commitment to avoiding custody when necessary.

However, between 1989 and 1992 official crime rates increased by 40 per cent, which Downes and Rock (2011), citing Dickinson (1994) and Wells (1995), link to the recession, even though this was not accepted by the Conservative government, who denied a link between crime and unemployment, instead believing that the crime rate was linked to personal morality, inadequate parenting, poor discipline in schools and increased opportunities for crime. While there was no clear evidence of rising juvenile crime, there was growing media and public belief that this was also increasing.

## **Summary**

By 1992 it appeared that the lessons of juvenile justice had been learnt by government and were being applied to adult offenders, with a belief that it was possible to reduce crime and recidivism by implementing community sentences for many serious adult offenders. The disappearance of custodial institutions for juvenile offenders seemed possible, while the removal of the care order for offending had had no impact other than the continual closure of CHEs. DC's had gone, and many former young offender institutions in the prison system had been converted to adult prisons, showing that a decarceration policy could realise significant financial savings. Decisions about arrested juveniles were being shared with a range of agencies by the CPS, and their code of practice strongly discouraged prosecution of young offenders. While the concept of 'intermediate treatment' was going out of fashion, many of the models that had evolved from it were part and parcel of everyday juvenile justice practice, even

though the 1991 CJA changed the language. Organisations like the AJJ and NACRO seemed to have the ear and respect of government and many juvenile justice practitioners considered that they were just one more push away from total abolition of juvenile custody, except for grave crimes.

In terms of the Kingdon model of change, the problem stream and the political stream had combined: there was an acceptance/recognition by government that there was a solution to the problem of juvenile crime that was effective and cost saving, providing an opportunity to close down institutions and re-allocate their use. Media seemed sympathetic as well. David Faulkner had seized the window of opportunity to convince the Home Secretary and his deputy Minister that the developments in juvenile justice could be transferred to the rest of the criminal justice system and form the basis of the 1991 CJ Act.



## **Chapter 6**

### **Youth Justice in England and Wales 1993 - 1996: The Return of Incarceration**

Initially, the 1991 CJA led to a real fall in custody of about 20 per cent (see Gibson et al., 1994a), even though it was never allowed to settle, becoming castrated by the 1993 Criminal Justice (Amendment) Act (HMSO, 1993), and virtually overturned by the 1994 Criminal Justice and Public Order Act (HMSO, 1994a). In early 1993 a Ministerial Statement announced plans for a secure training order for children aged over 12 and for giving magistrates the power to sentence directly to secure accommodation (Hansard, 1993), which was followed by calls for the overturning of the 1991 CJA.

NAPO did not feel able to give any credit for the fall in custody to the 1991 CJA, or the use of alternative to custody sentences, but instead suggested that it was due to demoralisation of the police, cuts in police overtime, and a fall in prosecutions (Fletcher, 1993). They launched a campaign for higher wages for probation officers because they had to implement the Act (Napo News, 1993a), noting that the 1991 Act was in trouble due to the governments' lack of commitment to it (Schofield, 1993). However, too late, this attitude then changed, as they criticised the Home Office for amending the Act with the 1993 CJA, belatedly acknowledging that the 1991 Act had 'introduced a coherent legislative framework for sentencing' (NAPO News, 1993b).

Following the murder of a child, James Bulger, by two 10 year old boys, 'the most major shift towards punishment in youth justice policy this century' (Littlechild,

1997: see also Asquith, 1996) was embarked upon, and it became ‘a turning point in penal sensibilities’ (Liebling, 2008). Haines & Drakeford (1998: 108) note the ‘remarkable repudiation by government’ of an approach that had been ‘painstakingly assembled and happily endorsed by that same government’, and how the actions of those following the government’s own advice were ridiculed. Michael Howard, determined not to be embarrassed at a Conservative party conference like his predecessors as Home Secretary, claimed that ‘prison works’. His agenda was helped by a media campaign to undermine the 1991 CJA (which had contained the notion of fines being related to the offender’s income, not the offence, which had really upset the political right), which highlighted case examples of children who seemed to be outwith the police’s powers: ‘rat boy’, ‘balaclava boy’ and ‘bail bandits’ became common public enemies.

Windlesham (1996) attributed a great deal of the undermining of the 1991 Act to Lord Chief Justice Taylor, who had (Taylor, 1993) told a Scottish Law Society conference in 1993 that Scotland’s legal system’s greatest advantage was to have been spared the 1991 Act. He argued that courts ‘should be concerned with deciding what sentence *ought* to be imposed rather than what sentence they are *allowed* to impose’. Setting out a powerful argument in favour of custody, he criticised the 1991 Act for creating ‘a sentencing regime which is incomprehensible or unacceptable to right-thinking people generally’ and which had ‘emasculated’ the courts, preventing them from imprisoning a hard core of serious and persistent young offenders. Politicians should leave sentencing to the judges, he argued, and in an important Court of Appeal decision (*R v Cox (1993) 2 All E R 21*) he allowed ‘public opinion’ to be a relevant factor in sentencing decisions.

Windlesham (1996: 34) described the 1993 Act as ‘a victory for the judges’, pointing out that the successors to Douglas Hurd and John Patten (David Waddington and Kenneth Clarke) lacked any commitment to the 1991 Act, and created the framework that Michael Howard was subsequently able to build on.

In interview, both Cedric Fullwood and Rod Morgan told me that Waddington had considered that David Faulkner was too powerful, and moved him away from his role. Rob Allen told me that Kenneth Clarke did not like the 1991 Act and thought the philosophy behind it ‘*was all wrong*’ (*personal interview*), as, according to his biographer (McSmith, 1994: 208), ‘the law discouraged any penalty more serious than a reprimand for a child under the age of sixteen caught committing a petty offence’. He also responded to police complaints about a small number of persistent young offenders.

The highly publicised resignation of some magistrates over the 1991 Act (though Windlesham reckoned it to be only between 12 and 30) fed into the changed political climate. The Government accepted only one opposition amendment to the 1993 Act, while accepting over 200 of its own, and then Howard built on this groundwork to push the 1994 Act through parliament, with little opposition from Labour, following their change of policy on crime (see Windlesham, 1996, chapters 1 and 2). Defence of the 1991 Act by Faulkner (1993) fell on deaf ears.

A significant document reflecting the change of mood at this time was a Report by the Home Affairs Committee of the House of Commons (1993a) on juvenile offenders. The Committee seemed to accept that juvenile crime was rising, and structured the

report accordingly, referring to ‘public concern about the level of juvenile crime’ and ‘the apparent inability of the criminal justice system to deal adequately with it’ (ibid: 7). Yet, according to the evidence submitted by the Home Office (House of Commons, 1993b: 1 - 41), the amount of crime juveniles were known to be responsible for had ‘fallen sharply over the last decade’, partly due to demographic change and an increase in informal warnings, but ‘there has been a real fall in the number of juvenile offenders ... in part the product of policy changes introduced by the government’. They also said that ‘cautioning has proved successful’, with 87 per cent of those cautioned not reconvicted. Only 15 out of 36 police forces who responded to a questionnaire had ‘informal warning’ systems, and there was little evidence of repeat cautioning, with only three per cent of young offenders having received more than two cautions. Local community based sentencing initiatives ‘almost certainly contributed to the substantial fall in the number of juvenile offenders under 17 receiving custodial sentences’. Whereas under 18 year olds had made up 26 per cent of known offenders in 1981, in 1991 they only accounted for 17 per cent, while a 32 per cent fall in known offenders aged 10 – 17 could not be explained by demographic factors. The sharpest fall was for 10 – 13 year olds, for whom the numbers in the population did not change between 1985 and 1991.

This explanation for the fall in juvenile crime was supported in evidence to the committee by the Howard League for Penal Reform (ibid: 140 – 153), The Justices Clerks Society (ibid: 154 – 155), NACRO (ibid: 161 – 170), NAPO (ibid: 173 – 176), NCH (ibid: 182 – 190), NITFED (ibid: 191 – 192), PRT (ibid 199 – 202), and the Standing Committee for Youth Justice (ibid: 215 – 220).

However, the new shadow home secretary, Tony Blair, and shadow home affairs spokesman Alun Michael told the committee that it was difficult to believe Home Office evidence that offending by young people was falling, and said that the claims that juvenile justice policy had been a recent success ‘simply does not ring true’ (ibid: 66).

ACPO submitted very influential statistics (House of Commons, 1993b: 63 - 73) which claimed that there was a major increase in juvenile offending, opposed cautioning, and called for a punitive residential disciplinary sentence for a growing hard core of persistent young offenders, to replace the vacuum created by ‘the abolition of remand homes (and) approved schools’, a call repeated in evidence from the Police Federation (ibid: 73 – 77), and the Council of HM Circuit Judges (ibid: 125 - 126). ACPO’s reasoning was based on the following:

1. the number of crimes reported to the police had increased
2. the proportion of detected offences known to be committed by juveniles had fallen from 32 per cent to 22 per cent, but ‘the actual numbers are significantly higher’
3. the proportion of juveniles in the population has fallen by 25 per cent; therefore if they **had** been born they would have committed 75,900 more crimes
4. the proportion of reported crime detected had fallen from 37 per cent to 30 per cent between 1980 and 1990, so ‘assuming that the reduction occurred across all crime, irrespective of the age of the offender ... the true rate of offending {by juveniles} has probably increased by 54 per cent’.

The confused nature of these arguments have been exposed by Rutherford (1999) and Sampson (1993), yet the Committee argued that they could not be ‘dismissed out of hand’ (House of Commons, 1993a: 9 - 10) and concluded that the solution to the statistical confusion was that there had been a massive rise in **persistent** young offenders.

The Government also began to take more heed of bodies like Crime Concern, who were promoting a youth crime prevention agenda rather than direct work with adjudicated delinquents, arguing that this had ‘served to divert attention and resources from primary and secondary prevention’, which they defined as modification of criminogenic conditions in the physical and social environment, and early identification respectively (Bright, 1993: see also Findlay et al., 1990; Gill, 1992; Crime Concern, 1992 and Graham & Smith, 1993).

A piece of research by the Home Office (Graham and Bowling, 1995) was seized on to justify many of the changes. This large self-report study of young people aged 14 – 25 suggested that ‘growing out of crime’ was a simplification, as self-reported participation in property offences **increased** with age. Young men were not achieving independence, responsibility and maturity by the age of 25, because of delayed entry to the world of work due to the economic recession. Despite criticism that this research did **not** disprove the notion that young offenders grow out of crime (Cavadino et al., 1999: 183) it became part of conventional wisdom.

Helen Edwards offered me some reasons why she thought that the culture changed, including the campaign about ‘bail bandits’ by the police (also mentioned to me by

Cedric Fullwood), the media portrayal of ‘balaclava boy’, the case of Jamie Bulger, the rhetoric on ‘prison works’, the politicisation of law and order, and the way that the victims movement ‘*was portrayed by the media*’. She felt that this ‘*changed the whole climate*’, and generated a fear of crime disproportionate to its reality (*personal interview*). Lorraine Gelsthorpe blamed it on

*‘media mischief ... and the judiciary and magistrates felt that their powers and discretion had been curtailed ... plus the Bulger case and the failure to look at what powers did exist to deal with grave child crimes. There was also the politicisation of criminal justice, with the parties trying to outsmart, outdo each other in terms of toughness’*. She also thought that this needed to be seen in context of a ‘*late modern social transformation, a culture of risk and globalisation, and British politicians looking to the USA rather than to Europe ... the Netherlands, for example ... because of political allegiances*’ (*personal interview*).

Vivien Stern thought that a

*‘consensus approach was replaced by a confrontational and politicised approach and the use of crime as a way of getting political brownie points ... once a certain sort of right wing conservatism swept America it didn’t take long to jump over here .... What was interesting in juvenile justice was that the Thatcher government did you well for a number of years and there was a delayed effect of the new ideologies, but eventually even juvenile justice succumbed under Michael Howard’* (*personal interview*).

Bill Utting blamed the change on the

*‘media-driven detestation of young offenders, picking on isolated cases and trying to persuade the public that this was the norm’* (*personal interview*).

For Richard Kay, part of the reason for the collapse was that

*‘LAC 83/3 was built on sand. There was too much money sloshing around and even Rainer was guilty of applying for it! New schemes were starting all over the place, but there was little space for developing good models, and after a while confidence began to collapse – the rhetoric got ahead of the reality – there were no built-in evaluation systems in many projects – we were not good at demonstrating what worked. Also the reason for the brittleness of the initiative was because it was based so much around key people and we did not have models of what works clarified. Even within Rainer the Foundation and the IT Fund were not joined up and went their separate ways’*.

For Paul Cavadino, the 1991 Act ‘*was very much in line with*’ the thinking of the

1980s, with restricted criteria for custody, and *'the early stages resulted in a substantial dip in the use of custody'*. But then the political climate changed, and

*'public discussion about young offenders changed round. The Bulger case was a key determinant even though it was irrelevant to the issues .... Home Secretaries from Ken Clarke onwards were not committed to the '91 Act – to defending it – in fact they rubbished it. But the biggest thing was the change in climate. They were no longer, as John Patten, David Faulkner and Douglas Hurd had done, going out and selling the idea that there should be a more sparing use of custody, based on the evidence. Instead there was a media climate harsher towards young offenders and a political climate with Home Office ministers who were not prepared to take the same line. Then from when Michael Howard became Home Secretary the whole thing changed to 'Prison Works' (personal interview).*

According to Barry Sheerman, the fact that the Conservatives very nearly lost the 1992 election was the significant reason for change, as the government set out to revise its policies feeling that it had become out of touch (*personal interview*).

For David Faulkner, *'the police will always bring about a juvenile crime crisis when they perceive a government attack on them'* (*personal interview*), though later in the interview he suggested that the main cause was Black Wednesday, when the financial markets collapsed:

*'the point at which the Government lost so much credibility, coupled with Maastricht and the split in the Conservative party which had to be mended by finding some issue that would unite the party and was politically attractive. They had the excuses of the Bulger case and the police campaigns around offending, and the press gave Michael Howard the political platform to do what he did'.*

Faulkner (1995: 63) was scathing about the new approach in his writing:

*'the Government moved from the approach described earlier [the 1991 Act] ... to one which relied on law enforcement, and especially the disabling effects of imprisonment and the supposed deterrent effect of conviction and punishment more generally, as the principle means of tackling crime. This approach paid little attention to prevention, to the social and economic circumstances in which crime becomes prevalent, or to the influences which affect a person's behaviour*



or pattern of life. It relied more on its popular appeal than on any process of consultation or evidence of its likely success. It was an approach which was deeply pessimistic in its view of society and of human nature; it was dangerous in the encouragement it gave to oppressive forms of policing and to the arbitrary administration of justice; it was divisive in risking the creation of an excluded and criminalized underclass; and it was operationally precarious in the strain it placed ... [on] ... the criminal justice system’.

Stephen Shaw (*personal interview*) believed that

*‘Tony Blair’s repositioning of the Labour party on law and order was very successful in political terms. It required the Tories to respond. Police crime figures showed rises in crime, and Blair was really excited by the fact that every quarter the rising crime figures showed how badly the Conservatives were doing’.*

Rob Allen thought that the police used their power to create a moral panic over youth crime as a tactic to divert Kenneth Clarke from his wish to reform the police. As a result

*‘the alliance of toleration for juvenile justice collapsed – the police went off – the politicians went off – leaving juvenile justice practitioners high and dry. Juvenile justice didn’t take enough care to protect its philosophy and support’.*

I asked Paul Cavadino to comment on the Labour Party’s views in the early 1990s, and he said that,

*‘from the point where Tony Blair and Jack Straw replaced Barry Sheerman as shadow Home Affairs speakers, they became involved in a Dutch auction to sound tougher than Michael Howard’ (personal interview).*

In retrospect, Andrew Rutherford (*personal interview*) felt that the 1991 Act may not have been necessary, as what had happened with juveniles in the 1980s had not needed legislation. It created an

*‘Aunt Sally, allowing Baker, Clarke and Howard to attack the 1991 Act as if it had been brought in by the opposition ... which in a sense it had, as civil servants had brought ministers along’.*

He considered that the decision by Tony Blair to join with Kenneth Clarke in attacking the 1991 CJA was crucial: *‘a very cynical attempt to use crime for political*

*purposes*', which provided the grounds for *'the unholy alliance of Blair and Howard'*.

For Henri Giller (*personal interview*), the fragility was because there had been no consolidation of the gains, there remained poor practice around supervising offenders, inconsistent delivery of programmes and a lack of quality projects. Frances Crook thought that an often ignored aspect of this was the fact that Labour's criminal justice thinking was dominated by fundamentalist Christians (Alun Michael, Jack Straw and Tony Blair), who had a simplistic Christianity that was punitive and unforgiving (*personal interview*). Rod Morgan said that (*personal interview*)

*'I think that the labelling perspective was largely abandoned or forgotten in the 1990s ... a downside of the managerialist framework, which led to profound disincentives to doing things which would have been constructive, and the introduction of incentives to do things which I believe are destructive .... So the police get rewarded for arresting kids now ... and that is sucking a lot of people into the system, even though we learnt in the 70s and 80s that this will be criminogenic'*.

For Norman Tutt (*personal interview*), the main reason for the change in policy towards young offenders in the mid-1990s was to do with media pressure about individual cases, such as 'rat-boy', and a manufactured crime wave of Taking and Driving Away:

*'the police were constantly feeding stories to the media about, for example, an eight year old boy driving a stolen car whose feet couldn't reach the pedals, and other mythological characters created by the police. The Labour party then started to try and outdo the Conservatives on law and order, starting a law and order spiral'*.

Research into 'persistent young offenders' (Hagell & Newburn, 1994; Newburn & Hagell, 1995) found that they were very few, and that there was little point in imprisoning them, as those who met the definition would have ceased to be persistent by the time that they were sentenced. However, this was too late to change the tide of

policy.

### **Sentencing 1993 to 1997**

After 1993, Criminal Statistics included 17 year olds with young offenders (as the 1991 CJA had brought 17 year olds within the new youth court) so, it is not possible to provide comparative data for 14 to 16 year olds to compare with previous chapters. Tables 89 to 93 provide comparative data for those under 14 and Table 94 calculates custodial sentencing of under 17s from a variety of Home Office publications.

### ***Cautioning***

The Government set out to reduce the cautioning of young offenders after 1993, and persuaded the CPS to revise its Code of Practice to newly state ‘Crown Prosecutors should not avoid prosecuting simply because of the defendant’s age’, and to drop ‘youth’ as a criterion of the ‘common public interest factors against prosecution’ (CPS, 1994a; 1994b: Para 6.5 and 6.8), thereby removing juveniles from the ‘category of vulnerable people’ for whom there would normally be a presumption of diverting from court (Ashworth & Fionda, 1994; Ball, 1994: 496). Yet the CPS had stated in its evidence to the Home Affairs Committee (1993b: 61) that it still supported the spirit of the cautioning guidelines, and wanted them made statutory (see also CPS, 1992); the Magistrates Association had also supported existing policy.

The Government issued a new Circular (Home Office, 1994f) criticising multiple cautioning, informal warnings, and urging police not to share their decisions on

prosecution or cautioning with other agencies. This also followed a legal appeal against the decision by the police to overrule a decision of a cautioning panel to divert an offender in Kent which gained widespread publicity. This was based in Michael Howard's constituency, and may have increased his hostility to cautioning (*R v Chief Constable of Kent and another ex parte L (a minor)* All E Law Reports [1993] 1 All ER 758 - 771: see Uglow et al., 1992; Tregilgas-Davey, 1993). Ball (1994) suggested that this put the clock back 30 years (and see NACRO, 1993), while the Penal Affairs Consortium (1993; 1994) noted the success of cautioning between 1982 and 1992 and suggested that any rise in informal warnings was unlikely to have had any significant impact.

The 'discovery' of 'multiple cautioning' as an issue was significant, as research commissioned by the Home Office itself (Evans, 1991: 608) had concluded that

'although there are some areas where juveniles might receive a significant number of cautions, say five or six, a general norm is that they tend to be prosecuted after two'.

A few years later Evans (1994: 566) sarcastically noted 'the lack of any relationship between government policy, its own research and professional advice', and observed that there was still no hard evidence of multiple cautioning, with under four per cent of those cautioned receiving more than two cautions, and low use of informal warnings other than in Northampton.

Norman Tutt (*personal interview*) wondered if the decline of cautioning was due to two concerns from opposite ends of the political spectrum: '*fear from magistrates about their powers being usurped*' and '*liberal concerns that some kids got cautions who would not have been found guilty*'.

Ironically, research into those cautioned in 1985, 1988 and 1991 found that it had very high success rates, with 85 per cent of those cautioned not convicted over the following two years, while only three per cent had multiple cautions in 1985 and eight per cent in 1988 (Dulai & Greenhorn, 1995). Looking at the first of these cohorts, Keith (1992) found that 87 per cent of young people cautioned in 1985 were not convicted for two years, and that this declined with age, being 89 per cent for 10 - 13 year olds and 84 per cent for 14 – 16 year olds.

Cautioning of those under 14 is shown in tables 92 and 93, showing a small absolute and proportionate decline in cautions as a total and proportion of all disposals for both boys and girls, as the new policy was implemented.

### **Community Disposals**

Conditional discharges and supervision orders for boys aged 10 – 14 continued to hold their level and percentage of sentences (Tables 89 and 90), while the use of fines and attendance centre fell slightly. The number of girls dealt with (Table 91) was so small that percentages can be misleading, but again conditional discharges and supervision orders make up the bulk of sentences

### **Custody**

As can be seen from Table 94, the trend of the last decade was reversed, and a steady increase in custodial sentencing of young offenders began. Custodial sentences rose from 1603 to 2600 between 1993 and 1996, and continued their rise thereafter. The decarceration of juvenile offenders therefore came to an end. In chapter 9 various

explanations of how and why this occurred will be considered.

## **Summary**

The 1991 Act, which had promised so much, proved to be a false dawn, as it was emasculated before it was properly implemented and a more punitive mentality returned. Decarceration no longer had any friends in influential places, as both main political parties fought to prove themselves tougher on offenders than the other. In terms of Kingdon's model, a new set of policy entrepreneurs, politicians, leading police officers and the media all seized a window of opportunity to transform the debate and practice. Juvenile justice practitioners were unable to respond to this on the national stage, though still managed to have influence in local areas (for example, as youth court officer in East Sussex I contributed to maintaining a custody-free zone for juvenile offenders between 1993 and 1998 in a large petty sessional division).

## Chapter 7

### Decarceration: Theory and Practice

There have been several attempts to develop theoretical approaches to ‘decarceration’, ‘deinstitutionalization’ or ‘reductionism’. This chapter will consider those situations in which a concerted attempt has been made to theorise a strategy to decarcerate or deinstitutionalize a portion of the incarcerated population, consider the concept of ‘abolitionism’ and some of its critics, and give a short account of one attempt to apply an abolitionist strategy in the UK.

#### **Andrew Rutherford and Reductionism**

In his book on ‘the reductionist challenge’ Rutherford (1984a) argued that ‘only when used as a last resort does the prison serve a function which is useful and legitimate .... if prison is to be a last resort it must be regarded as a scarce resource’ (ibid: 17), and claimed that this is one of the fundamental tenets of a decarceration strategy. He noted the importance of impacting on decisions ‘at the front of the process’ (ibid: 26) and identified two general conditions for successful reductionist strategies: a profound scepticism about imprisonment by key decision makers, and ‘the responses to crime by officials’ in the criminal justice process (ibid: 145 – 146). He raised the problem of the risk of ‘net-widening’ (see below: page 243), and suggested four strategies that can be used to achieve reductions in the prison population:

the packaging of alternative sanctions so that they appeal to sentencers

financial incentives to change sentencing practice

legislative restrictions on sentencers and  
reduction in prison capacity (see also Rutherford and Morgan, 1981).

He argued that strategies are likely to be most successful if they start at ‘the deep end’, with the most serious offenders and those most at risk of custody.

In another paper (Rutherford, 1992a) he noted the need for the support of other academics to sustain the ‘de-escalation’ that had been achieved through juvenile justice practice in England and Wales.

Rutherford was heavily influenced by his period working in the USA where he had been involved with Jerry Miller and the Massachusetts initiative (see below pp. 281 - 289) and his later involvement with the Woodlands project in Basingstoke. His analysis influenced, and was influenced by, juvenile justice practice in England and Wales. Particularly influential on juvenile justice practice were his notions of action at the ‘front end’ and the ‘deep end’; the development of scepticism about imprisonment by key decision makers, which youth justice practitioners were particular influential in developing; the importance of influencing the responses to crime by officials, whereby the police and later the CPS were convinced of the value of cautioning and diversion by juvenile justice practitioners; the importance of packaging alternative sanctions to appeal to sentencers, which was one of the strengths of the LAC 83/3 projects submitting their own reports to court; and the value of fiscal incentives, which was exactly what the LAC 83/3 initiative was. The first edition of his *Growing out of Crime* provided a model programme that local projects could adopt and adapt to their local situation, and many did so.



## **Norman Tutt**

Drawing heavily from his research into and involvement with juvenile justice, Tutt (1978b) suggested a career pathway for alternative strategies:

- the appearance of a crusader
- the development of a sympathetic stereotype of the offender
- the establishment of myths: both favourable and unfavourable
- generalization and
- conflict with the established professional authorities.

For an alternative to become established he suggested that there needed to be several necessary key features:

- the networking of services, so that the alternative is able to attract referrals of its targeted clientele
- flexibility of funding
- central or local government commitment and
- a 'deep-end' strategy, in which the alternative takes on and copes with the most difficult clients.

Tutt was very influential on the development of juvenile justice practice, as is highlighted throughout this thesis. He championed local authorities who tried to change internal practice, contributed to some of the key research through the CYCC at Lancaster, was readily available to address conferences and events throughout the country, and was able to draw on his experience of working within government as well as outside it. Particularly influential were his notions of developing a more

sympathetic stereotype of the offender, which was taken up in LAC 83/3 project reports, and the willingness to challenge other professionals on behalf of the juvenile offender.

### **Stan Cohen**

Stan Cohen has written widely on social control, the justice movement and decarceration strategies. He noted how, in the 1970s ‘the rhetoric of reform became abolitionist’, and the slogans specifically destructive (deinstitutionalization, decarceration), with officials in Britain, the USA and Europe all using concepts of abolition and decarceration, ‘with varying degrees of enthusiasm’ (Cohen, 1979a and Cohen, 1985: 83). He felt that 1973 was ‘the peak of the deinstitutionalization movement’, citing the National Advisory Commission view that ‘States should refrain from building any more state institutions for juveniles; States should phase out present institutions over a five year period’ which he considered was based on a mixture of humanitarianism, pragmatism and expediency (Cohen, 1977a: 219). Adopting the perspective of ‘revisionist history’, that is ‘scepticism about the professed aims, beliefs and intentions of the reformers, concern with analysis of power and its effects, curiosity about the relationship between intentions and consequences’ (Cohen & Scull, 1983: 2), he was to produce a devastating critique of alternatives which has stood the test of time (see Innes, 2003). His work was heavily influenced by Austin & Krisberg’s (1981) study of over 1,200 diversion programmes in the USA, costing over \$112 million, which claimed that all attempts at diversion and decarceration failed. They felt that the non-incarcerative options were transformed to serve criminal justice system values and goals other than those of reducing custody, and concluded that

‘progress in alternatives will remain frustrated until reforms are more carefully implemented’ (Austin & Krisberg, 1982: 374).

For Cohen, decarceration may lead to non-intervention, benign neglect or the reproduction in the community of the coercive features of the institutions, blurring the boundaries between ‘where the prison ends and the community begins’ (Cohen, 1979a: 344). This results in ‘thinning the mesh and widening the net’ and a shift in the techniques and focus of social control (ibid: 346 - 347). The language of ‘social control talk’ is actually diametrically opposed to the ideological justifications from which it is supposed to be derived, and ‘patently ... at odds with the reality’ (Cohen, 1983: 103). He suggested that agents of control are ‘colonisers’, moving from the closed institutions to the new territories in the community, so that ‘the destructuring and abolitionist elements in community ideology are largely illusory’ (ibid: 113). For him, ‘deinstitutionalization hardly affects the original problem’ (ibid: 114). Despite the development of decarceration thinking, and ‘community alternatives’, Cohen believed that the old institutions would still remain and new forms of community control expand; while the focus of control would be dispersed and diffused, the boundaries blurred, and the criminal justice system not weakened (Cohen, 1985: table 1: pp. 16 - 17). He claimed that ‘any reforming impetus becomes absorbed by the very institution it attacks’ (Cohen, 1977a: 222).

Cohen accepted that the initial assault on the prisons ‘originally’ led to a decline in some rates of incarceration, and ‘undoubtedly some programs of community treatment are genuine alternatives to incarceration’ (Cohen, 1979a: 360; 1979d), such that abolition ‘became common talk even in the heart of the control system itself’

(Cohen, 1979d; 1985: 33), but

‘the original structures have become stronger; ... the reach and intensity of state control have been increased; ... centralization and bureaucracy remain; professions and experts are proliferating dramatically ...’ (ibid: 37).

However, he suggested, the overall result is that there is an increase in the total number of deviants entering the system in the first place, many of whom are new deviants who would not have been processed previously, so the net of social control is getting *wider*, there is an increase in the overall intensity of intervention (the net is getting *denser*), and the new agencies supplement but do not replace the original set of control mechanisms (the net is *different*).

This concept of ‘net-widening’ was to become part of the conventional wisdom around decarceration from then on, promulgated by Lerman (1975), Matthews (1979), Austin & Krisberg (1981), Chan & Ericson (1981), Hylton (1982), Warren (1984), Lowman et al. (1987a), and Scull (see below: page 246), but has been seriously challenged by McMahon (1990) for being based on ‘metaphor and evocative images’ rather than statistical evidence. She considered that it had led to the notion of ‘impossibilism’ which would undermine all attempts to develop alternatives to custody.

Cohen supported his theory by drawing on the evidence of diversion programmes and incarceration rates, which, apart from Massachusetts (see below: pages 281 - 289), were held to show that rates of incarceration increased despite the development of ‘alternatives’, and that most diversion had the *unintended consequence* of actually diverting **into** the system, not out of it. This was because programmes selected those

easiest to work with and who were most likely to produce successful results, rejecting those that they did not want to work with and pushing them nearer to incarceration (Cohen, 1985: 44ff).

Cohen clearly had some concerns about how his message would be and has been operationalised. Ryan (1985) for example declared Cohen's message as being very depressing for abolitionists, who were faced with 'radical amnesia', and Sim (1992) claimed that abolitionists had been 'caricatured' and the hard work that they did to support and advise offenders and their families was ignored. Cohen acknowledged that a 'deep end strategy' may be possible and cautioned against 'analytical despair' and 'adversarial nihilism', for 'there were (and are) notable instances of deconstructing reforms and community alternatives which have succeeded' (Cohen, 1985: 240). Even 'unintended consequences' may be for the good, and good things can happen in spite of, or even because of, net-widening (Cohen, 1985: 241 & 255). In his introduction to a pamphlet by Radical Alternatives to Prison [hereafter RAP] he criticised RAP for 'the automatic condemnation of any alternative to traditional imprisonment on the grounds that disguised coercion is worse than open coercion' (Cohen, 1980b: 3). He accepted that 'the alternative to prison is not no control or no intervention, but is *some* form of control or intervention' (his italics), and applauded the project for being extremely sensitive to the problems posed by trying to be a genuine alternative (ibid: 4). He proposed that 'abolition' should follow an 'attrition' strategy involving a moratorium on new building, decarceration and then 'excarceration': preventing new entries into the institutions (Cohen, 1979d). Elsewhere, he was concerned that the debunking of alternatives to custody could be undermining the changes which the debunkers actually wanted to happen (Cohen, 1983: 103). This was prescient. Others

were to adopt his arguments with far less thought: Palumbo et al. (1992), for example, claimed that ‘alternatives to incarceration *inevitably* lead to net-widening’ (my emphasis).

Looking back, Cohen (1989) was critical of academics’ dismissal of concern with success and failure of interventions as ‘correctionalism’, and of having naïve views of the concept of social control.

While generally seen as theoretically unsympathetic to attempts to develop alternatives to incarceration, Cohen’s notion of ‘net-widening’ was influential on juvenile justice practice in the sense that practitioners were consistently careful in trying to avoid it (see below: pages 341 ff). His concern about projects being absorbed into mainstream services was also taken on board, such that many projects ceased to exist once their aims had been achieved.

### **Andrew Scull**

The most popular and influential critique of decarceration was that of Andrew Scull, which he developed in a wide range of publications (see Scull, 1976; 1977; 1981a; 1981b; 1981c; 1982; 1983; 1989; 1990). His focus was on mental health rather than criminal justice, but his theoretical arguments cover both. He noted how the pessimism about institutions was matched by the optimism about community based alternatives (Scull, 1983: 152) and attacked decarceration as ‘a new “humanitarian” myth’ (ibid: 153), ‘built on a foundation of sand’ (Scull, 1977: 1). Accordingly, the whole basis of the decarceration strategy was part of a ‘fundamental transformation in

the social organisation of advanced capitalism' (Scull, 1977: 12) in response to 'the changing exigencies of domestic pacification and control under welfare capitalism' (Scull, 1976: 211). This made segregative modes of social control in institutions far more costly and difficult to justify, such that 'the opportunity costs of neglecting community care in favour of asylum treatment ... rose sharply' (Scull, 1977: 135). He suggested that a growing fiscal crisis for the state had led to attempts to curtail expenditure on problem populations, and non-institutional techniques became more attractive. Decarceration thus became politically irresistible, supported by the political right as a cost saving exercise: as a transformation of 'social junk' into a profitable commodity (Scull, 1977: 150); and by the political left as part of a critique of institutions, a belief in individual rights of the incarcerated, and a naïve view of community care (Scull, 1977: 147). A deliberate policy of running down the institutions had then led to scandals, which were then taken as evidence for the need to close them (Scull, 1977: 71). He asserted that the reducing numbers in mental hospitals were not due to new drug treatments, as was sometimes claimed, but to administrative policies **prior** to the introduction of the new drugs, and that there was no real evidence of community support for decarceration, and no available treatment in the community (Scull, 1977: 101), with community mental health programmes a 'fig leaf for the failures of public policy' (Scull, 1990: 310). Deinstitutionalization had been little more than a transfer of people from state to private institutions, 'providing an ideological figleaf with which to camouflage a policy of malign neglect' (Scull, 1989: 9), the asylums being replaced by 'the sidewalk psychotics' (Scull, 2006: 204), and the policy supported by an 'odd mixture of zealots and penny-pinching politicians' (ibid: 29). He believed that 'for neither the mentally ill nor the criminal has the outcome matched proponents' expectations and intentions' and 'the impact on

those subject to it has been far different than its supporters intended and claimed’ (Scull, 1981a: 6). For the mentally ill, ‘what has changed is the packaging rather than the reality of their misery’ (Scull, 1984a: 174).

Looking back a quarter of a century later he would claim that “community treatment” of the mentally ill had in reality mostly corresponded to a policy of neglect and abandonment of the chronically crazy’ (Scull, 2006: 204).

Scull considered that there was not much evidence to justify deinstitutional correctional programmes, and that tinkering with the criminal justice system in a radically unjust society ‘is unlikely to advance us very far’ (Scull, 1977). He acknowledged, in later work, particularly in the ‘Afterword’ of the second edition of his book, that his original thesis was more applicable to the mentally ill than to criminal justice (Scull, 1983; 1984a see also Scull, 1982: 105), in response to comments and reviews of his work (see Minor, 1978; Figlio and Jordanova, 1979; Cohen, 1979b) and that his original argument was too deterministic and oversimplified in its link between the advent of welfare capitalism and the fiscal crisis.

In his rarer publications that were specifically linked to criminal and juvenile justice, rather than mental health, Scull (1982; 1984b) also gave a negative verdict on deinstitutionalization, suggesting that ‘neglect is cheaper than care’, but then cited Massachusetts as a ‘spectacular exception’, though he was critical of the decision in Massachusetts to develop alternatives **after** closing the institutions (Scull, 1977: 53, 101 and 142). Whereas for the mentally ill decarceration led to neglect, he argued, for



the criminal it had led to heightened control (Scull, 1984a: 178), to non-intervention dressed up as community treatment (ibid), and the meaning of ‘diversion’ had shifted from ‘diversion from’ to ‘referral to’, leading to more intervention and control and the blurring of the boundaries between guilt and innocence (Scull, 1984a: 180; Scull, 1991: 30). Voracious diversion programmes led to expansion of social control (Scull, 1982: 110), intentionally avoiding due process and presuming guilt, with the ‘modest illusions about the possibilities of humanizing’ the system.

Scull’s analysis had little influence on juvenile justice practice in England and Wales, partly due to its focus on mental health in the USA, and partly because it did not seem to link to actual practice in the juvenile justice system in this country.

### **Thomas Mathiesen and Abolitionism**

‘The term “abolitionism” stands for a social movement; a theoretical perspective; and a political strategy; is devoted to a radical critique of the criminal justice system and committed to penal abolition’ (de Haan, 1990: 9).

‘Abolitionism goes beyond the limits of the accepted canons of thinking, showing to us the new horizons and novel approaches to traditional social institutions and phenomena’ (Lasocik et al., 1989: 5).

‘a dream that will never come true’ (Bianchi, 1989: 15).

Thomas Mathiesen (1974a; 1974b; 1980a; 1980b; 1986; 1989) has offered the most radical perspective of all, with his notion of ‘abolition’. According to this theory (or ‘perspective’: see Scheerer, 1986) all ‘alternatives’ must, to be *real* alternatives, **compete** with the existing system, and contradict it. Otherwise they simply further justify the continuation of the penal system by ‘reforming’ it, giving it more

legitimacy. All strategies must therefore focus on the long-term goal of abolition (see Mathiesen & Roine, 1975), and even short term objectives must be undermining of the existing system. Drawing heavily on pressure group activities in the penal system in Norway, and on campaign groups in Scandinavia which, he argued, all had abolitionist goals (see Mathiesen & Roine, 1975), he focused on the successful campaign to prevent the creation of juvenile 'detention centres' in Norway modelled on British experience (see Mathiesen & Roine, 1975; Ward, 1986), and the abolition of a residential care school. He argued that the abolitionist goal must always be 'unfinished', constantly having to hold on to the ground gained to prevent the re-emergence of the institution (Mathiesen, 1980a: 231ff). One of the tactics he described is an 'exposing' policy (ibid: 110), part of what he called 'negative reforms', which are 'changes which abolish or remove greater or smaller parts on which the system in general is more or less dependent' (ibid: 202). Elsewhere (Mathiesen, 1974b) he called these 'short-term reforms', which must always challenge the penal system and avoid creating new forms of social control. These are in contrast to 'positive reforms' which are those which help the system function more effectively. He continually warned about the dangers of campaigning groups having to compromise their position in order to be taken seriously, and then becoming another part of the establishment. (For an excellent example of this see Ryan's account of the history of the Howard League for Penal Reform in Britain (Ryan, 1978)).

John Holt (1985) offered an abolitionist perspective on juvenile justice and an abolitionist agenda for IT, on the grounds that the ascendancy of law and order politics around the short sharp shock had reduced IT to a position in which it now just preceded custody on the 'tariff' rather than acted as a replacement for it.

Mathiesen's notions of 'negative reforms' and the 'unfinished' were influential on juvenile justice practice, and there was a strong abolitionist perspective in the AJJ and NACRO that helped to influence practice and make people aware of not engaging with positive reforms.

### **A Foucauldian perspective**

Various followers of Michel Foucault have developed his conception of 'governmentality' to suggest that political power is exercised through a multitude of agencies and techniques in terms of 'political rationalities' and 'technologies of government', and can provide a means of analysing the ambitions and concerns of the social authorities (such as youth justice practitioners) who try to 'administer' the lives of individuals (see Rose, 1993; Smart, 2002: 130). The notion of 'rationalities' comes from a definition of 'rational' as 'any form of thinking which strives to be relatively clear, systematic and explicit about aspects of "external" or "internal" existence, about how things are or how they ought to be' (Dean, 1999: 11). For Foucault, then, there is 'a multiplicity of rationalities, of different ways of thinking in a fairly systematic manner, of making calculations, of defining purposes, and employing knowledge' (ibid). By their 'actions at a distance' (Latour, 1987: cited by Miller, P & Rose, N, 1990) which rely upon 'expertise' (which is defined by Miller and Rose (ibid) as the social authority ascribed to agents and forms of judgements based on claims to specialist truth and power) the lives of young offenders can be regulated by the reports to court, advocacy and day to day work with offenders on court orders.

Foucault proposed that governmentality has become the common ground of all modern forms of political thought and action:

'an ensemble formed by the institutions, procedures, analyses and reflections,

the calculation and tactics, that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security' (Foucault, 1979: 20).

This notion of 'government' is 'a plurality of forms of government' which also applies to "governing" a household, souls, children, a province, a convent, a religious order, a family' (Foucault, 1979). Dean (1999: 2 and 10) suggests that it is a general term for 'any calculated direction of human conduct', and the study of 'the conduct of conduct', of 'any attempt to shape with some degree of deliberation aspects of our behaviour according to particular sets of norms and for a variety of ends'. Gordon (1991) has defined this as a form of activity aiming to shape, guide or affect the conduct of person(s). Dean expands this to define it as

'any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and forms of knowledge, that seeks to shape conduct by working through our desires, aspirations, interests and beliefs, for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes' (Dean, 1999: 11: see also Stenson, 1993b, who sees 'social work' as being concerned with the conduct of conduct).

Rose (1996) offers a slightly different approach, suggesting that 'governmentality', in the sense in which the term was used by Foucault, is

'the deliberations, strategies, tactics and devices employed by authorities for making up and acting upon a population and its constituents to exercise good and avert ill' (Rose, 1996: 328).

In another article, he (Rose & Valverde, 1998: 554) says that by 'government':

'we mean an analytical focus upon the formulation and functioning of rationalized and self-conscious strategies that seek to achieve objectives or avert dangers by acting in a calculated manner upon the individual and collective conduct of persons'.

The approach asks 'How is government possible?' (Foucault, 1984). However, 'the

very existence of a field of concerns termed 'policy' should itself be treated as something to be explained' (Miller, P & Rose, N, 1990: 3), even the notion that juvenile offending is a 'problem'. While

'policy studies tend to be concerned with evaluating policies, uncovering the factors that led to their success in achieving their objectives or, more usually, deciphering the simplifications, misunderstandings, miscalculations and strategic errors that led to their failure' (ibid: 4)

a Foucauldian perspective is not concerned with this, but with the fact that this is a characteristic of governmentality. The notion of 'evaluation' is itself a key concept to be investigated: why is there a belief that government can experiment, learn, evaluate and improve? The study of policy needs to be located within a wider field in which conceptions of the proper ends and means of government are articulated.

A historical approach is needed to understand the 'development of the science of government', which Foucault believed was driven by the discovery of 'statistics' and concerned with the management of a population via discipline (Foucault, 1979). Researchers need to engage in 'archaeology' – the analysis of the systems of unwritten rules which produces, organises and distributes the 'statement': the 'authorised utterance' that is found in the 'archive', which is 'an organised body of statements' (see Mills, 2003: 23), and in 'genealogy' – exploring the workings of power and describing the 'history of the present' and how it describes events in the past without making causal connections, which exposes how the human sciences are associated with technologies of power (Smart, 1985: 48, cited by Mills, 2003: 25). The task of a Foucauldian analysis 'is to describe the way in which resistance operates as a part of power, not to seek or promote or oppose it' (Kendall & Wickham, 1999: 51).

Within this approach,

‘the government of ... a child ... becomes possible only through discursive mechanisms that represent the domain to be governed as an intelligible field .... Before one can seek to manage a domain ... it is first necessary to conceptualize a set of problems and relations ... which is amenable to management (Miller & Rose, 1990: 6 – 7)

(by ‘discourse’ is meant a technology of thought – the technical devices of writing, listing, numbering and computing, though Mills (2003: 54) suggests that Foucault uses the concept in different ways. Mills defines it as ‘a regulated set of statements which combine with others in predictable ways’, such that a ‘discourse’ becomes ‘truth’ only if it is accepted by those in positions of authority).

Power should therefore be viewed as a matter of networks and alliances through which ‘centres of calculation’ exercise ‘government at a distance’, using chains of actors who ‘translate’ power from one location to another (Miller, P & Rose, N, 1990). An analysis of the development of policy (such as this thesis) should therefore not be concerned with questions of historical or social causation and explanation, but should ‘isolate programs, rationalities and technologies’ and investigate the forms of ‘discourse, knowledge and subjectivity’:

‘our studies of government eschew sociological realism and its burdens of explanation and causation. We do not try to characterise how social life really was and why.... Rather we attend to the ways that authorities in the past have posed themselves these questions’ (Rose, N & Miller, P, 1992: 177).

Gutting (1989: 6) claims that Foucault has shown how bodies of ‘knowledge’ are inextricably interwoven with techniques of social control, providing ‘a mode of thought that subordinates (subjectivity) to structural systems’ (Gutting, 2005: 8). Researchers should therefore study ‘the techniques and tactics of domination’ (Foucault, 1980: 102), and of how ‘normalizing mechanisms’ develop (Foucault, 1980: 107), where ‘normalisation’ is defined as ‘a kind of ... alliance between forms

of expertise' (Rose & Valverde, 1998: 549). They should also study how 'regimes of practices' develop which may try to colonize and subjugate other regimes (Dean, 1999: 21). Within this view, sociological accounts about 'the net of social control' etc. fail to understand the nature of modern power (Garland, 1997), which 'relies on constant supervision and control of individuals in accord with a certain concept of normality' (Bevir, 1999: 66). There are no prescribed standards: 'all an analytics of government can do is to analyse the rationalities of resistance and the programmes to which they give rise' (Dean, 1999: 37). An analysis of government, in the Foucauldian sense, will

'examine the diverse ways in which ... political and other authorities ... have sought to establish the legitimacy of particular systems and techniques of government' and of how these 'can be shaped and guided in order to produce desirable objectives' (Rose, 1993: 200).

Foucault, and Rose, use a notion of 'liberalism' to refer to government since the start of the eighteenth century in Europe and North America whose main characteristics are positive knowledge and documentation of knowledge, self-government by individuals, the authority of expertise, the questioning of government and the socialisation of society towards concepts of individualism and responsibility (Rose, 1993: 217). Rose (1996: 331: my emphasis) admits that these are 'the novel mentalities and strategies of government that *I have termed* "advanced liberal"' and identifies the development of new ways of governing 'conduct', focused on the 'affiliated' and the 'marginalised', which involved the intensification of direct, disciplinary, often coercive and carceral interventions (ibid: 340). All this is linked by Rose to notions of a 'risk society' (see Beck, 1992) with professionals concerned with managing risk through risk identification, risk assessment, risk management,

professional responsibility for the clients' future behaviour, professional regulation, minimum service standards, performance targets and auditing. O'Malley (1992) thought that there are two notions of power distinguished by Foucault, which are the disciplinary one for the regulatory control of the population, and a bio-political one 'an anatomo-politics of the human body' (Foucault, 1979: 139) used for regulatory controls of sexuality and reproduction.

Foucault (1977: 271), in his historical account of the development of the French penal system in *Discipline and Punish*, had asked why, despite its failure, the prison continues to exist, and says that this is because it is 'deeply rooted', embedded in the wider disciplinary practices that are characteristic of modern society, carrying out 'certain very precise functions (ibid): 'They tell us that the prisons are overpopulated. But what if it were the population that were being overimprisoned?' (Foucault: press conference, cited by Macey, 1994: 258, itself cited by Mills, 2003: 19). Attempts to reform prisons are seen as futile, and instead its functioning should be criticised (Eribon, 1991: 231 cited by Mills, 2003: 20 - 21). The history of penal reform is seen as

'the history of the dispersion of a new mode of domination called 'disciplinary power': a power exercised through techniques of objectification, classification and normalization, a power deployed through the whole social body (Lacombe, 1996: 332).

Garland interprets this as meaning that 'delinquency is useful in a strategy of political domination because it works to separate crime from politics, to divide the working classes against themselves, to enhance the fear of prison, and to guarantee the authority and powers of the police' (Garland, 1986: 863).



## **Jacques Donzelot**

There have been surprisingly few specific applications of a Foucauldian perspective to juvenile justice, though Simon (1994: 1384) considered the American juvenile court as a 'modernist technology of power' and explored 'the specific technologies of power that are in play, and their genealogies', in the juvenile justice system in the USA (ibid 1363). Donzelot (1980) applied a Foucauldian analysis to the role of state intervention in family life in France, including an analysis of the role of the juvenile court, but this is a very different system than that in England and Wales. He uses a 'genealogical, functional and strategic' method (Deleuze, 1980) to show the 'dependencies and complementarities' that 'governing' of the 'family' by its 'head' depends upon (ibid), isolating 'pure little lines of mutation' which form the contour, surface and milieu of the 'social' and the 'family' (ibid).

Donzelot addressed his work to Marxists, feminists and psychoanalysts, as he believed that these are three forms of discourse that 'implicitly converge' at the family. For Marxists, child protection laws, he argues, are a 'crisis of the bourgeois family', and family law was for 'social categories that combine a difficulty in supplying their own needs with resistances to the new medical and educative norms' (Donzelot, 1980: xxi). The state's concern was with the freedom that working class children enjoyed, so 'medical, educative and relational norms' were introduced 'whose overall aim was to preserve children from the old customs, which were considered deadly' (ibid: xx). For feminists, patriarchal domination is the concern, but the transformation of the family actually had the active participation of women, who applied the new medical and educational norms (ibid: xxii ff). For psychoanalysis, despite its role 'as the basis of the most accomplished representations of

phallocentrism ... patriarchalism and sexual racism' it had supplied responses to managing conflictual relations and maladjustments that are regulatory and noncoercive.

He goes on to develop a history of childhood which has been put together by himself, Foucault and Deleuze (ibid: xxv) which examines the 'domain of mentalities and their evolution' (ibid: xxv) in which the family is seen as

'a moving resultant, an uncertain form whose intelligibility can only come from studying the system of relations it maintains with the sociopolitical level. This requires us to detect all the political mediations that exist between the two registers, to identify the lines of transformation that are situated in that space of intersections. Following these lines of transformation, we see the contours of a form of sociality gradually taking shape, one that will furnish a tangible surface, an effective plane for understanding the present-day family' (ibid: xxv).

An historical account then takes the reader through the creation of foundling hospitals, the employment of domestic nurses, the role of house-servants in child care, medical texts on child-rearing and the educational and medical care of children, the movement of families to the city, the role of convents, the growth of brothels, a concern to restore marriage in the working classes, the domestic labour of women, moral decline, the role of philanthropy, the growth of social housing, the development of a concept of childhood as 'protected liberation' and 'supervised freedom' in the bourgeois family, and concern with the 'excessive freedom' of the working class child. Donzelot suggests that the development of the role of the 'head' of the family was part of the attempt to restore discipline and power within the family, with philanthropy for the poor being used as a 'depoliticizing strategy' around assistance and medical-hygiene poles. The philanthropic strategies of moralization and normalization via schooling and child protection laws were part of this, but then there was the emergence of a new philanthropic pole converging threat to children and

threats **from** children, which clashed with the notion of 'parental authority'. As a result, the notion of the 'morally deficient family' was developed giving new roles to magistrates and children's doctors.

Through this, the child is 'judged' and given to the penal administration; they consign the child to a protective society; they return the child to the family under 'supervision'; and if the family does not meet the expectations of the supervisor the child can be removed and placed in a 'centre' or even a prison. Thus there was a neutralization of parental authority leading to a 'procedure of tutelage' linked to public assistance, juvenile law, medicine and psychiatry (ibid: 89). Under this 'tutelary complex' a new series of professions - judicial, psychiatric and educative - develop under the common banner of social work using 'psychiatric, sociological and psychoanalytic' knowledge (ibid: 96 - 99). The French juvenile court is then described (ibid: chapter 4), containing the robed judge, philanthropists, with educators often bringing the cases, with prosecution and defence roles relegated to the background, and in which there is a large role for child psychiatry and child guidance clinics, in which medical reports are common, and which dealt with 150,000 'pre-delinquents' each year and facilitated social aid to 650,000 children, and in which 650,000 children were referred to child psychiatry. Few are incarcerated and such sentences are often suspended.

While there are some similarities in England and Wales to the court described by Donzelot (such as the dematerialization of the offence (ibid: 110) and the concern with symptoms rather than actual deeds) the juvenile justice system in England and Wales, particularly after the implementation of the 1969 CYPA, was much more adversarial, gave clear roles to defence and prosecution and imprisoned more, while

psychiatric and psychological input into the court was minimal. It is therefore difficult to transfer Donzelot's analysis to the themes of this dissertation.

### **Nikolas Rose**

Rose has applied a Foucauldian perspective to the role of psychology and its application to child welfare (Rose, 1989: 2), claiming that

‘the most obvious manifestation’ of how ‘governments and parties of all political complexions have formulated policies, set up machinery, established bureaucracies and promoted initiatives to regulate the conduct of citizens by acting upon their mental capacities and propensities’ has been ‘the child welfare system ... the juvenile justice system ... and the education and surveillance of parents’.

Within this perspective, an ‘expertise of subjectivity’ developed so that to ‘adjudicate upon a child accused of a crime now requires scrutiny and evaluation of family life’ (ibid: 121). In this analysis, the failure of the 1969 CYP Act was ‘not explicable in terms of a simple reactivation of a punitive mentality’ but by a ‘shift in the techniques for governing the family and its troublesome offspring’. Social work was about ‘implanting the techniques of responsible citizenship’ (Rose, 1993: 293 - 294).

It is hard to find an analysis of the ‘failure’ of the 1969 CYP Act that puts it down to ‘a simple reactivation of a punitive mentality’. Rose also adopts the Marxist analysis of Gough (1979) as the ‘correct’ interpretation of the development of the welfare state, which was that it was designed to preserve political and military power, govern labour, and maintain inequality, and also accepts Platt's (1969) view that all child care reformers had hidden agendas, without giving any sense that both these analyses are contested ones, or that Platt's work was specifically focused on North America. Hagan & Leon (1977) analysed historical juvenile justice data from Canada and found

no basis for the links implied by Platt between the reform of the juvenile justice system, alleged increases in juvenile imprisonment and capitalist interests in the child labour market (see also Lauderdale & Larson (1978) and Hagan & Leon (1978)). Rose also gives psychology a much larger role in juvenile justice in England and Wales than was ever the case, and a larger role for 'psychodynamic social casework' than existed after the mid-1960s.

### **Discussion of the Foucauldian perspective**

Garland (1997: 174) claims that the notion of governmentality 'offers a powerful framework for analysing how crime is problematized and controlled', but that it shows an apparent hostility to causal analysis and explanation, contains terminological confusion, and 'tends to neglect the expressive, emotionally-driven and morally-toned currents that play such a large part in the shaping of penal policy' (ibid: 202). In an earlier article (Garland, 1986) he had pointed out that Foucault's concern was with 'power in the abstract' rather than with concrete politics and the actual people they involve, and with the way that power relations are organised, rather than with the individuals or groups who dominate or are dominated. But he has concerns with Foucault's historical account in *Discipline and Punish*, his questioning of the motives of reformers (Foucault, 1977: 82), and the absence of any evidence cited for some of Foucault's assertions. Garland claims that Foucault's 'reluctance to acknowledge the role of any values other than power and control (Garland, 1986: 876) or control and domination (Garland, 1990b) tends to a neglect of the forces that put up opposition to the disciplinary practices that Foucault had identified, such as liberalism, the legal profession, the judiciary, the use of due process, the rule of law and a concern with individual rights. Foucault has also denied the humanitarian

values and sensibilities of reformer (Garland, 1992), such that ethical values and compassion become just ‘incidental music’ and euphemistic covering devices for new forms of power. The *unintended* consequences of the prison and imprisonment are therefore taken by Foucault as the *intended* ones (Garland, 1990b).

Rawlinson & Carter (2002) have summarised a range of concerns raised by historians about Foucault’s approach to history, based around his impenetrable style, the avoidance of narrative, an ambivalence towards ‘truth’, errors in historical facts, neglect of relevant historical studies, and questionable historical explanations. Dupont & Pierce (2001) are also critical of Foucault’s use of history and historical sources, Braithwaite (2003) called Foucault an ‘appalling historian’, and Porter (1990: 48) considered that Foucault’s historical sense of the carceral society was not ‘especially applicable’ to England. Geertz (1978), reviewing *Discipline and Punish*, saw it as ‘a kind of whig history in reverse’, while Fine (1979) suggested that Foucault’s notion of the prison as the most intense manifestation of disciplinary power was difficult to fit with the actual *failure* of the prison to achieve most of its aims. Hindess (1997) raised concern that Foucault used the term ‘political’ as it were equivalent to a certain concept of ‘governmental’, saw politics as a practice of liberation, and claimed that ‘Foucault’s account of the liberal rationality of government is seriously incomplete’. Mills (2003: 7) points out that the complexity and contradictory nature of Foucault’s work means that caution is necessary in trying to use or apply it. Attempts to apply a Foucauldian notion of ‘risk’ to young people have not been very successful to date (see Mitchell et al, 2001; Hannah-Moffat, 2005).

Stenson (1993a) suggests that Rose & Miller (1992) adopt a rather simplistic notion of the police, seeing them as ‘simply a component of a centrally organised ...

Leviathan', and O'Malley et al (1997) were concerned that the notion of governmentality renders government programmes as univocal, overly coherent and systematic, ignores political engagement and resistance to the governments 'vision of government', viewing politics simply as 'mentalities of rule' leading to a study of the replies 'given by rulers to questions they pose themselves' (ibid: 510). O'Malley (2008: 454) has also criticised the governmentality perspective for having a focus on the 'ideal' knowledge of plans to govern rather than being concerned with or explaining the details of actual implementation and their effects, and from resiling 'from pronouncing on the reality or otherwise' of the 'imaginaries' of the 'problem'. His article was proposing experiments in 'risk' relative to drug harm minimisation and he quotes an anonymous peer- reviewer of the article who asked what the point was of such experiments as the country is in the grip of the culture of control and such experiments are no longer feasible. He concludes that 'nothing is more disempowering than theoretically driven pessimism' (ibid: 468).

The 'Foucault-inspired project' offers no reason for taking a moral view, or a campaigning position, or to criticise existing policies or propose reforms (De Lint, 2006). The Foucauldian is not on anyone's 'side', in the context of Becker's (1967) call for academics to take a moral stance. The experiences of prisoners are ignored (Kruttschnitt & Vuolo, 2007) and alternatives to prison are seen as programmes that continue to 'govern' those subjected to them and that do not challenge formal regulation, as 'subjects act upon and discipline themselves without direct state intervention' in a 'paradoxical' exercise of 'freedom' that still meets the goals of the state (Brigg, 2007). There is no scope in the Foucauldian analysis for variation in the scale and character of punishment, as if all countries, all 'government' were equally punitive.

Foucault's work has become associated with the development of a wider, mainly French based concept of 'postmodernism', alongside other philosophers such as Derrida, Lacan and Lyotard (Epstein, 1997), one of whose major stances is that there is no such thing as 'truth'. Hobsbawm (1993) has described this as a 'new threat to history', whereby it is claimed that all 'facts' claiming objective existence are simply intellectual constructions, such that there is no difference between fact and fiction. Gross & Levitt (1998: footnote 8: p 265) claim that 'many professional historians', and even admirers of Foucault, view Foucault's historical accounts as 'novels'. This 'free floating relativism' (Wheen, 2004: 84 – 85: citing Foucault, 1988: 15, and see Ryan, A., 1993) could lead, for example, to Foucault's admiration of the 'beauty' of Ayatollah Khomeini's regime in Iran, in which the absence of free speech and human rights are admired as 'exercises in irony and textual ambiguity', where 'saying one thing that means another ... (is) ... a necessary and highly prized additional level of meaning' (Foucault, 1988: cited by Wheen, 2004).

The ambiguity of much of this work, including Foucault's, results in the need for every term to be re-defined, while common terms are given different meanings and definitions, with 'a tendency to confuse the technical meaning of words ... with their everyday meaning' (Sokal & Bricmont, 1998: 242). This has come under increasing criticism, with some arguing that it is a deliberate strategy. Weinberg (1996) claims that 'they do not seem to be saying anything that requires a special technical language, and they do not seem to be trying hard to be clear'. Gross & Levitt (1998: 71) refer to the 'realm of idle phrases', and Sokal & Bricmont (1998) suggest that 'if the texts seem incomprehensible, it is for the excellent reason that they mean precisely nothing'. Sokal tested his ideas by submitting a paper to one of the postmodernist journals, making nonsensical scientific claims and statements couched in the language



of postmodernism (Sokal, 1996a), which was accepted after peer review. His exposure of this hoax (Sokal, 1996b) created an extreme reaction from some postmodernists, with claims that Sokal had links to ‘Nazi science’ (Aronowitz, 1997), was ‘longing to put women back in the kitchen’, and to joke about ‘faggots’ (Robbins, 1996). Sokal’s attempts to explain what he was trying to do have promoted a major debate (see <http://physics.nyu.edu/sokal/#papers>). A similar attack on historians of education who choose not to use a Foucauldian perspective was made by Coloma (2011: and see the rejoinder by Butchard, 2011).

The Foucauldian perspective does not lend itself to the juvenile justice culture of the decarceration years, in which the focus was not upon coercive, disciplinary and carceral interventions but its opposite, or to the notion of the risk society put forward by Rose (see above: page 255), when the goal involved juvenile justice practitioners taking serious professional risks in order to keep children out of institutions. However, it is possible that the development of the ‘new penology’ (Feeley & Simon, 1992) and risk management perspectives in youth justice could have led to some of the changes in juvenile justice after 1993 (as argued by Rose (2000: 331 - 332)), and more generally in social work practice (Kemshall, 2010), which after 1989 had little interest or involvement with young offenders.

### **De Haan**

De Haan (1987; 1988; 1989) provided a critical appraisal of abolitionism, arguing that it ‘has enlarged its scope by considering prison abolition as an instance of the more encompassing form of penal abolition’ (1988: 434). In order to gain credibility he felt that there was a need to make it difficult to justify punishment and to show that there are other ways of dealing with crime, as abolitionism only makes sense if it

implies that one can conceive a social order without institutionalised, state-inflicted punishment. He also criticised abolitionists for assuming too easily that they held a morally superior view.

In his next paper De Haan (1990: 84) argued that the long term nature of the abolitionist strategy 'turned out to require more patience than most abolitionists seemed to have'. For him, abolitionism is based upon the moral conviction that social life should not and cannot be regulated effectively by criminal law, and that other ways to deal with problematic situations, behaviours and events should be developed. These should have a minimum level of coercion and interference with the personal lives of those involved, and a maximum amount of care and service for all members of society (De Haan, 1991: 203). He saw the origin of abolitionism in the campaign for the abolition of prison and the penal system, for prisoners' rights and penal reform, and in a critical theory and praxis concerning crime, punishment and penal reform, and accepted the value of 'negative reforms' in the political strategy. However, his interest in the development of non-criminal justice system responses to crime took the focus **off** abolition of custody and towards restorative justice and mediation schemes.

### **Left realism and the abolitionists**

Within criminology, a serious academic debate developed between the so-called 'left realists' and the abolitionists. The realists, notably Jock Young, Roger Matthews and John Lea, had set out to offer a new agenda for the left of British politics which 'took crime seriously' (Young, 1987; 1988: 174ff), most directly expressed in a popular paperback, *What is to be done about Law and Order* (Lea & Young, 1984). They criticised those they called 'left idealists' (ibid: see also Young, 1979; 1991; 1992a;

1992b; Lea and Matthews, 1992) for ignoring the fact that crime was a problem for the working class, women and racial minorities, instead believing

‘that property offences are directed against the bourgeoisie and that violence against the person is carried out by amateur Robin Hoods in the course of their righteous attempts to distribute wealth’ (Lea & Young, 1984: 262).

They accused the ‘idealists’ of believing that crime occurs among working class people as an inevitable result of their poverty as the criminal sees through the inequitable nature of society and commits crime to redress the balance. Young (1979) even cites a paper by Gordon (1971: 59) in which it is claimed that prison has no deterrent effect on the working class, as life in prison is so similar to life outside. When its theories conflicted with a Marxist analysis, these left idealist criminologists stopped theorising and changed their study to other areas, such as the sociology of law, and ignored crime (Young, 1986).

The ‘realist’ approach, according to Matthews (1992: 75 - 76) and Young (1986: 21 - 22) stresses that alternatives to custody have to be ‘competing’ and ‘realistic’. By realistic is meant that

- it accepts that crime really is a problem, and is intra-class and intra-racial
- sanctions adequately expresses the level of public disapproval
- sanctions are no more intrusive and burdensome than incarceration, both personally and socially
- alternatives are designed and directed at specific populations, with clear guidelines laid down for their implementation
- it believes that the media distort the reality of crime
- alternatives fit into the existing structure of sanctions
- sanctions provide adequate public protection
- it is concerned with victims and their relationship with the offender

- sanctions have an educational, reintegrative and socially relevant role.

Mathiesen's notion of abolitionism was a particular target for the left realists. Abolitionism was too idealist, focusing on social reactions to crime and ignoring the need to explain criminal behaviour (Young & Matthews, 1992). Matthews and Young (1992) claimed that abolitionists did not support any expansion of services, or the defence of some aspects of state provision, the maintenance of formal criminal justice agencies or of more accountable police and prison systems. Matthews (1979) believed that the 'growth of so-called alternatives to prison ... does not endanger the existence of prisons ... but reinforces their existence' (ibid: 112), and deinstitutionalisation 'only reflects the phenomenal form of changing control practices in the post-war period' (ibid: 116). He also (Matthews, 1989: 131) considered that Mathiesen's distinction between 'positive' and 'negative' reforms is difficult to sustain in practice and can be an impediment to transforming existing penal institutions, and he accused the abolitionists of a reluctance to spell out objectives, thereby avoiding the problem of co-option but damaging the process of mobilizing social and political support. He suggested that there was a clear choice between abolishing prisons – a 'deep-end' strategy, and reducing intake – a 'shallow-end' strategy (ibid: 132), which would suggest that there is a conflict between the abolitionist perspective of Mathiesen and the reductionist perspective of Rutherford, a point he made more forcefully a few years later, saying that reductionism and abolitionism are 'deeply opposed' (Matthews, 1992), and that abolitionism can easily slip into anarchism and is too sympathetic to informalism. On the other hand, a left realist perspective is an alternative to both abolitionism and reductionism, neither of which is politically viable, and lead to 'impossibilism'.

Young (1987) also took issue with the abolitionists, claiming that they ‘eschewed criminology as a subject in its own right’ (ibid, 351) and that he parted company ‘from much of the critique from the abolitionist camp’ (ibid 354 – 355). Lea (1992) claimed that abolitionists ‘like to imagine that the criminal law is quite redundant’, and Matthews that ‘even as an ideal rather than a reality abolitionism makes little sense’, as custodial sentences may be beneficial to offenders and the general public, especially if prisons could be transformed ‘into a more relevant and constructive sanction (Matthews, 1987: 393). Yet abolitionists would oppose this, as it would be a ‘positive’ reform (Matthews, 1989: 130).

Matthews argued that community care was a complement to incarceration, not a substitute for it (Matthews, 1979: 101), and as the cost of institutions are fixed, then community care must be an additional cost (ibid: 105), something that he accuses Scull of not realising, because of Scull’s flawed ‘functionalist metaphysics which fail to analyse capitalism as a dynamic contradictory whole’ (ibid: 111). He attacks supporters of decarceration: ‘the decarceration argument is built upon the very dubious presupposition that all those convicted of indictable offences should naturally and automatically be incarcerated’ (ibid 104) though cites no evidence of anyone ever arguing this. In reality, decarceration ‘only reflects the phenomenal form of changing control practices’ (ibid: 116).

Within juvenile justice, left idealism had little hold: practitioners still had enough contact with the families of juvenile offenders to be aware of the impact of their offences on their victims, who were often neighbours and as poor as they were. Practitioners also had contact with victims as part of caution plus and diversion schemes which brought young offenders and their victims together. It was the left

criminologists who 'rediscovered' victims and who had ignored them for several decades.

## **RAP and PROP**

One of the few attempts to actually implement an abolitionist strategy, outside Scandinavia, was in the UK, where Radical Alternatives to Prison (RAP) was formed in 1970 (see Kane, 1972; Ryan, 1976), whose fundamental beliefs included the view that 'incarceration in a prison is destructive and inappropriate both for the individual and for society' (RAP, 1972: 16 and see Bolt, 1972). RAP provoked hostility from the establishment, an anonymous correspondent for the Prison Service Journal (1972) accusing their Westminster rally that attracted 500 people of using 'people's goodwill and integrity ... for other purposes than that of penal reform'. They believed that alternatives to prison only placed more people in the claws of the criminal justice system, and aimed to 'eradicate the concept of incarceration' (Abolitionist, 1979) via the 'total abolition of the prison structure' (Ryan, 1978: 113), though they could also compromise, offering a reductionist strategy in their evidence to a government inquiry (RAP, 1979), and twelve alternatives aimed at different groups of offenders (RAP, no date). They campaigned strongly against the rebuilding of Holloway prison (Ryan, 1978: 101ff; Sim, 1994), the implications of the Official Secrets Act in prisons (Cohen, 1977b) and the development of 'control units' in prisons (Christian Action Journal, 1976; Coles, 1977). RAP were influential on NAPO's campaign against the preparation of SERs on those pleading not guilty (Ryan, 1978), and set up their own demonstration project, Newham Alternatives to Prison (see Bann, 1977; Ryan and Ward, 1989), which worked with 40 convicted adults on deferred sentences from Crown Courts (as local magistrates refused to co-operate with them: see Ryan, 2003:

63), only four of whom subsequently went to prison for the offence which was deferred (Ryan, 1978).

RAP had a young offenders group (Christian Action Journal, 1977) which was very critical of DCs (Ward, 1981). By 1979 their declared aim was the complete abolition of imprisonment for all but the most dangerous five per cent of the current prison population (Christian Action Journal, 1979). According to Ryan & Ward (1992), at its inception RAP was not abolitionist, 'but it quickly became so'. Ward (1982) argued that, while supporting penal reform, RAP always aimed to 'show up its inherent limitations and contradictions', but later supported the defence of liberal, welfare-oriented alternatives (Ward, 1989).

A predecessor of RAP in Britain was the Preservation of the Rights of Prisoners [hereafter PROP], set up in 1972, one of whose initial 'statements of intent' included 'to ... take action to bring about the eventual abolition of all prisons and the substitution of alternative methods of dealing with offenders' (see Klare, 1972). Its launch demonstration involved 9,000 prisoners in 27 prisons, despite having only 100 active members, and Thomas Mathiesen flew in to advise them (Taylor, 1972; see also Fitzgerald, 1977: 137; Ryan and Ward, 1989 and Ryan, 2003: 49 - 55). PROP had a clear abolitionist statement of intent (Fitzgerald, 1975a), and despite organisational crises still adhered to their core principles, issuing a 'Prisoner's Charter' in 1973 with 24 demands (Cohen, 1973). Fitzgerald (1977: 186) documents the rise and fall of the organisation, and the lack of support from academics and penal reformers. PROP submitted evidence to the May inquiry, enraging the Justice of the Peace (1979), who judged it as 'marred with exaggeration, one-sidedness and even

paranoia’.

### **Whither Abolitionism?**

In a detailed critique of abolitionism, Downes (1980: 76) offered the prescient suggestion that ‘a similar campaign in the U.K’ to that described by Mathiesen. ‘would probably take as high priorities the abolition of the youth prison sector’, though he recognised that ‘It may well be that a strategy evolved in Scandinavia has little hope of successful transplantation to the larger and more heterogeneous societies such as Britain and the U.S.’ (ibid: 78). His analysis of the pitfalls of abolitionism included concern that it ruled out many positive innovations in penal reform, citing the Barlinnie prison experiment in Scotland (see Boyle, 1977); that it ignored the potential of moves towards abolition that do not fit with its militant ethos; that it can lead to neglect of needy groups; that it ignored societal reaction to deviants; that the overriding concern with prisoner’s rights neglected the fact that the granting of rights could be the ultimate legitimisation of the system; and that the concept of the ‘unfinished’ was too vague and nebulous, such that it even ruled out alternatives to prison.

Abolitionism has therefore come under sustained attack, and almost disappeared in modern criminal justice and criminological texts. Part of the problem seems to have been that it offered little intellectual scope for continuous theoretical development, and the ambitious criminologist needed to go elsewhere for status-enhancing contributions to theory. Abolitionists were dismissed as utopians and idealists (Davis, 2003), and Fitzgerald & Sim (1982: 164) argued that Mathiesen’s concept of positive and negative reforms was not always helpful for campaigners. As a result

‘abolitionists are now regarded as sociological dinosaurs, unreconstructed



hangovers from the profound but doomed schisms of the late 1960s, who are marginal to the 'real' intellectual questions of the 1990s. Like Marxism, abolitionism appears to have been left behind on the sandbank of history' (Sim, 1994: 263).

The danger of this is that good and useful ideas can go out of fashion at the expense of the search for the 'new', something that I develop later (see below: pages 378ff). At a practical level, the notion of abolitionism did not lend itself to most penal reform campaigns, being too abstract for them. For example, The American Friends Service Committee (1971: 23 -24) considered proposals for abolition as 'exercises in label switching' and 'destructive of thought and analysis', and Lowman et al. (1987b: 10) said that decarceration was 'little more than benign abandonment', while Kelk (1995: 4 footnote 7) thought that it was 'predominantly utopian, and for that reason theoretically weak'. For Goldson (2005: 85) 'making a case for abolition is quite distinct from challenging the very legitimacy of social control in more general terms'. Stolwijk (1988) thought abolitionism was utopian and unrealistic, while Steinert (1989) said that 'to become an abolitionist, the idea of prison reform must have been abandoned'. Van Swaaningen (1989) distinguished between abolitionism as a criminological perspective and as a social movement, linking criminal abolitionism to the anti-psychiatry movement, which has also been criticised as being idealistic, unrealistic and theoretical, but has been able to influence practice.

The result was that abolitionism became sidetracked into conflict resolution, dispute resolution (see Steinert, 1986) and restorative justice, and lost a great deal of its core. Morris (1976), in writing 'a handbook for abolitionists', includes victim restitution, dispute and mediation centres, community assistance projects, day fines, suspended sentences, victim empowerment, sex offender treatment programmes and community

crime prevention as examples of work for abolitionists.

### **David Garland and the culture of control**

Arguing that ‘recent developments in crime control and criminal justice are puzzling because they appear to involve a sudden and startling reversal of the settled historical pattern’, Garland (2001: 3) suggested that the change in attitudes to imprisonment could offer an explanation for the growth in penal populations worldwide, as modern criminal justice practices ‘pursue new objectives, embody new social interests and draw upon new forms of knowledge, all of which seems quite at odds with the orthodoxies that prevailed for most of the last century’ (ibid: 3). He identified the indices of change as being the decline of the rehabilitative ideal, the re-emergence of punitive sanctions and expressive justice, changes in the emotional tone of crime policy, the return of the victim, the emphasis on public protection, the growth of a new populism with the downgrading of research and knowledge, the reinvention of the prison to serve incapacitative and punitive functions, the growth of rational choice theory, the expanding structures of crime prevention and community safety, the commercialisation of crime control, the new managerialism and a perpetual sense of crisis.

While most of his analysis can be accepted, it is significant that Garland tended to neglect developments in juvenile justice in his broad explanations and account, and it is difficult to see how his analysis can be applied to the reduction of imprisonment of juveniles in many countries in the 1980s and early 1990s. Often his broad approach fails to distinguish between different jurisdictions, so that all the different European

systems and the USA are treated as similar.

## **Summary**

This chapter has explored a range of mainly theoretical approaches to decarceration, and their relevance to both the analysis and the experience of the changing nature of juvenile justice practice in England and Wales between 1980 and 1993. While practitioners were often aware of these theories and ideas, most of the impact was incidental: no specific project attempted to apply a pure form of any of these theories to practice. In Chapter 8 I will consider some more specific examples of decarceration that achieved a measure of success, and their relevance to the juvenile justice story. Before this, it is necessary to return to the historical account, showing how and why, after 1992, decarceration in juvenile justice stalled and started to be reversed.

## Chapter 8

### **Decarceration in Practice: Lessons from the Netherlands, Canada, Finland, Massachusetts and mental illness and learning disability provision in the USA, UK and Italy**

As has been shown above, there are a wide variety of opinions about the feasibility of any decarceration strategy, from the pessimism of Scull, left realists and the postmodernists to the more optimistic views of Rutherford and Mathiesen. It is therefore worth looking at some examples of decarceration in practice, not only in criminal justice but also in adult mental health and learning disability services, where there are some interesting comparisons with and divergences from youth justice strategies.

#### **The Netherlands 1950 – 1975: reducing prison populations**

In the Netherlands, between 1950 and 1975, the prison population fell from over 6,500 to under 2,500 (with more than half of these unconvicted: Heijder, 1974). In 1970, only 35 sentences of over three years imprisonment were passed by all courts (Christie, 1994: 43 - 44), and only 149 in 1977 (Tulkens, 1979), with waiting lists prior to admission. This is attributed to an ‘attitude of mind’ (Baring, 1976), prosecutorial diversion (Rutherford, 1984a: 136 – 145; 1986a: 26ff), short sentences (Steenhuis et al., 1983), and the work of a small group of influential experts (Rutherford, 1996: 130). Prisons were being closed as their number of inmates fell below the ‘economic operative minimum’ (Heijder, 1974). Hulsman et al. (1978) noted that there was a reluctance to resort to criminal sanctions, but when these *were*

used sentences were short, and there was also ‘relative mildness’ in other parts of the criminal justice system, such as the atmosphere at trial and the relationships between inmates and their guards.

Downes (1982; 1988) has provided the most detailed analysis of the Netherlands situation, what he called ‘a classic example of decarceration in the penal sphere’ (Downes, 1988: 58), in his detailed discussion of ‘why the prison population of The Netherlands has been progressively reduced over virtually the whole of the post-war period’ (ibid: 5). He echoed Rutherford in saying that ‘It is difficult to exaggerate the importance of the public prosecution service ... in the shaping of judicial sentencing policy’ (ibid: 13), before considering and mainly dismissing a series of alternative explanations: economically driven ones (see Scull, 1977); the growth of the ‘carceral’ society (see Foucault, 1977 and Cohen, 1979a; 1985); the limits of prison capacity (see Blumstein and Cohen, 1973); a Dutch culture of tolerance; a pragmatic ‘politics of accommodation’ in which all the key political elites bargain to support the policy (see Johnson & Heijder, 1983); a restrained media; fortuity (see Hulsman et al., 1978); a liberal judicial culture; and a powerful rehabilitative ideal (Downes, 1988: ch. 3: pp. 56 – 101). His main conclusion was that the decarceration trends were best accounted for by ‘variables closely connected with the actual accomplishment of sentencing by the prosecutors and judges themselves’ (ibid: 101), in particular a massive programme of pre-trial diversion initiated by the state prosecutors which took the strain of a rising crime rate away from the courts and prisons, instead placing the absorption of this on the community (ibid: 193). In particular, he believed in the influence of the “Utrecht school”, in which a coalition of academics, politicians and prosecutors with like-minded beliefs were able to influence policy and practice to

create a liberal sentencing culture (see also Bianchi, 1975: 52 - 54). Other influences were the aftermath of war, which created an urge to reform, and a favourable political context (Downes, 1998). Buikhuisen (1989) noted that many politicians and judges had been imprisoned during World War II, generating a suspicion of imprisonment in their minds. In Kingdon's terms, this could be seen as an example of a window of opportunity seized by politicians and judges already suspicious of imprisonment.

However, the low numbers in custody in Holland were not sustained over the next 30 years (see Van Swaaningen & de Jonge, 1995; Tak, 2001). The policy of minimal use of prison was abandoned (Downes, 1998), and prison capacity increased (Baerveldt & Bunkers, 1996). Holland had the highest rate of increase in incarceration in Europe since the 1970s, according to Tonry & Bijleveld (2007). Buruma (2007) suggests that Dutch tolerance to drug offenders and prostitutes was also declining. Downes & van Swaaningen (2007) suggested that disillusionment began between 1975 and 1985 due to the rise in crime, the symbolic importance of highly visible crimes, concerns about Turkish and Moroccan immigration and the growth of heroin imports. These could be said to have created windows of opportunity for a reaction against the liberal policy that had occurred since the war, allowing a challenge to be made to the liberal philosophy which then led to more punitive sentencing, a reduction in the use of suspended sentences, and the criminalisation of heroin addiction. By 2005 there was then the prospect of 'dystopia', with an emotive politics of law and order, fear of ethnic minorities, drug-related and organised crime, longer sentences, the demise of probation, and the development of an instrumentalist managerialism and a more disciplinary regime in prison (see also Downes, 2007).

## **Canada**

In an analysis of Canadian government attempts to reduce prison populations in the 1970s, Chan and Ericson (1981) claimed that innovations that were meant to be alternatives to incarceration actually became supplements to them, or 'add-ons to the system' (ibid: 45).

Also drawing from Canadian material, Hylton (1981a) claimed that a high profile initiative to develop 'residential community correctional centres' instead of prison in Saskatchewan had simply resulted in the creation of 'a modified institutional environment in the community' (ibid: 84) and that 'community programs have made the expansion of the correctional system economically feasible' (ibid: 106). He questioned whether community programmes were 'humane' and argued that they had a detrimental effect on some offenders. Despite the development of the community programmes, he documented that the number of people incarcerated had also increased (see also Hylton, 1981b), and that those in the community programmes were the less serious offenders, so the institutions were being supplemented by community corrections, not replaced (Hylton, 1981c). He developed this perspective in a more theoretical paper, bringing together much of the critical literature on diversion and alternatives to custody (Hylton, 1982), in which, while saying that 'this essay is not intended to be a condemnation of community correctional programs' (ibid: 370 - 371), he argued that 'there is a tendency for community programs to extend state control over an increasing proportion of the population' (ibid: 341), and that 'decreases at one point in the correctional system may have been compensated for by increases in the use of custodial care elsewhere in the system' (ibid: 343). Many

alternatives were **not** alternatives to incarceration, but ‘alternative forms of encapsulation’, he argued.

Yet Canada has actually maintained a stable imprisonment rate between 1960 and 2005 (Doob & Webster, 2006; Webster & Doob, 2007), which Brodeur (2007) links to traditions of multi-culturalism, minority empowerment and a Canadian wish to be different from the USA. According to Webster & Doob (2007) this has not been recognised by many academics, who regularly make ‘data free assertions’ claiming rises in imprisonment across **all** western societies (they single out Haggerty, 2001; Pratt, 2002; Roberts et al., 2003 and Young & Hoyle, 2003). For Webster & Doob (2007) this has been achieved via wide judicial discretion, a culture of restraint in the use of incarceration, a political and juridical system that acts as a buffer to popular punitiveness, cultural scepticism about punishment, and resistance to the influence of the USA policy of mass imprisonment.

## **Finland**

Finland has also managed to produce declining imprisonment rates continually between the 1950s and the 1990s. Admissions to prison fell from 13,457 in 1976 to 9,851 in 1992, and the prison population fell from 5,706 on January 1st 1976 to 3,427 on the same date in 1991 (Tornudd, 1993: 18), and to 3,506 in 1992 (Proband, 1997), with median sentence length falling from 5.1 months to 3.6 months. By 1997 admissions were 6,201 (58 per 100,000 in the population as compared with 200 per 100,000 in the 1950s: see Lappi-Seppalla, 1998) and the population below 3,000 (Lappi-Seppalla, 2001). Lappi-Seppalla (2001; 2007) ascribed this to ‘a conscious,



long-term and systematic criminal justice policy strategy built upon criticism of the treatment ideology which linked to an overly severe criminal code and excessive use of custody before 1950' (see also Christie, 1994: 51 – 52); the development of a new sentencing ideology of 'humane neoclassicism' which linked proportionality and leniency; and a reduction in penalties via decriminalisation, day fine reform, parole reform, suspended sentences and development of community service. He also linked this to a culture of low levels of imprisonment throughout Scandinavia caused by the strengths and credibility of the welfare state; high levels of social trust and political legitimacy; a consensual and corporatist political culture which saw high imprisonment rates as a disgrace (see Tornudd, 1993); having career judges and non-political practitioners; the influence of criminal justice professionals; Nordic co-operation around uniform provisions and policies, and a sober media. Tornudd (1997: 193) simply argues that 'Finnish use of prisons has declined because Finish policy makers decided prison use *should* decline'.

### **The Deinstitutionalization of the Training Schools for young offenders in Massachusetts**

In the late 1960s, after a series of scandals were exposed in Massachusetts' training schools, Jerry Miller was appointed as the Commissioner for Youth Services in the Division of Youth Services [hereafter DYS], effectively in charge of placement of all children and young people referred to the state by the courts (Montilla, 1978). At that time, all youths determined by the courts to be in need of detention were held in jail-like settings, where the main activity was watching TV (Coates et al., 1975; Coates et al., 1978), with little constructive activity (Bakal & Polsky, 1979: 23). There had been

sustained criticism of the existing system by 'citizens groups, law enforcement agencies, judicial personnel, the Governor, and members of the legislature' (Isralowitz, 1979: 21), due to high recidivism rates, overcrowding, abuse in the institutions (Behn, 1976), the oppressive and deteriorating state of the facilities, the custodial, rather than therapeutic attitudes of staff, inefficiency, political patronage, and the failure to rehabilitate (Isralowitz, 1979). Between 1965 and 1968 the DYS had been subject to six investigations regarding the punitive nature of the institutions, which found that staff saw 'punishment, personal degradation and deprivation' as essential (Ohlin, 1975, and see Feld, 1977; Bakal & Polsky, 1979: 26; Loughran, 1997: citing Leaf, 1988).

Miller is a classic example of a policy entrepreneur, in Kingdon's terms, who seized a window of opportunity afforded by scandal. He encountered intense opposition to his attempts to reform the schools by bringing in therapeutic techniques (see Bakal, 1973a; Bakal, 1973c; Coates & Miller, 1973: 1977; Coates et al., 1973; Ohlin et al., 1974; 1975; 1977; Miller & Ohlin, 1976; Montilla, 1978; Binder et al., 1988: 356ff; Binder et al., 1997: 315ff). He found the staff resistant to change, wedded to diagnostic labels (Coates et al., 1975), and deliberately undermining his reforms (Feld, 1977: 63; Coates et al., 1978; Behn, 1978; Bakal & Polsky, 1979: 19; Miller, 1979; Lundman, 1984). He believed that sending every delinquent home would probably lead to less delinquency (Miller, 1971) and adopted what he calls a 'deep-end strategy', closing the institutions, placing the young people with a range of private sector organisations in the community, and using Federal grants for this in order to bypass state budget controls (Sargent, 1973; Arnaud & Mack, 1982). He had concluded that 'only a rapid, massive change could overcome the capacity of hostile

staff to mobilize political resistance and to sabotage the new policy' (Miller & Ohlin, 1976).

Resistance grew. Miller received death threats, and encountered systematic hostility from bodies such as the American Correctional Association and the National Conference of Superintendents of Training Schools and Reformatories (Rutherford, 1975: 64; Serrill, 1975a; 1975b; 1981). Social workers and probation officers in the state never supported him (Rutherford, 1986b).

From the beginning, his activities were subject to detailed research by the Harvard Center for Criminal Justice (see Ohlin et al., 1977; Coates et al., 1978), and follow up research has suggested that the decarcerated youngsters had no worse reconviction rates than others kept in custody. This was despite the fact that the training school sample contained 'status offenders' (committed for a range of welfare reasons) and the community-based group had a higher proportion of serious offenders (Krisberg and Austin, 1993: 144ff). The volume and severity of crime committed by youth under the DYS was less after the initiative, accounting for only one per cent of all arrests in Massachusetts, leading Krisberg and Austin (1993; 160) to conclude that there was no evidence that the initiative had compromised public safety, and Miller (1979: 144) to argue that 'if we got a set level of recidivism whether we treat someone decently or indecently, I would hope that we would opt to treat him or her decently'.

In the earliest published discussion of the Massachusetts initiative, Bakal (1973b: xiv) set out the philosophy:

'it is the closing of large institutions that actually stimulates new thinking about community-centred programs .... Only when the decision for

closing institutions is made are ways then found to effect the transformation and to open new directions for helping people in trouble in the community .... Without the actual decision to close the institution, all progressive solutions are stillborn’.

Miller (1973: 6 - 7) further argued that ‘to secure fundamental and lasting reform, therefore, our institutions must be closed’. Gula (1973: 15 – 16) added that the strategy needed dedicated leadership, legislative or executive support, sufficient funding, and an effective and successful public relations strategy.

The best statement of Miller’s philosophy is set out by him in Miller (1977 and 1979), in which he notes how juvenile justice bureaucracies ‘over-predict’ violence and possible seriousness, using ‘psychological or social work jargon as the fainthearted bureaucrats’ means of avoiding accountable decisions or potentially embarrassing incidents’ (Miller, 1979: 135). Writing long after he had departed from Massachusetts, Miller (1991; 1998) talked about tackling “the untamed punitive impulses” (Miller, 1998: x) of those who ran American juvenile justice institutions, and of having to resist the more subtle control techniques, such as using isolation cells and psychotropic drugs suggested by the new professions, as he reduced the direct physical bullying and abuse of the old professions. He claimed that ‘alternatives are seldom what they claim to be’ and are usually ‘quasi-institutional additions to an unassailable institutional tradition’ (ibid: xvi). He was very critical of ‘ersatz alternatives’ (ibid: 4) which were unwilling to take those who would otherwise be incarcerated, therefore simply extending the net of social control. He saw these as designed to bring in whole new populations, and allowed to exist only as long as they did not threaten institutions. Those middle class young people who did enter the juvenile justice system were quickly diverted to the mental health system or private

education establishments. In advising Hawaii's development of its juvenile justice system (Schiraldi, 1990), where the number in training schools fell with no increase in juvenile crime (see Chesney-Lind & Matsuo, 1995) Miller asked 'If my son committed this crime, would I pay the cost of incarceration to the prison system to rehabilitate him, or would I think of something more creative?'

For Miller, institutions 'have a life of their own, unrelated to their stated task. Should the requisite number of youngsters from one group or class be unavailable, others will be found to fill the void' (Miller, 1998: 12). 'The ideal institution is one with no inmates', he claimed in an interview with Katkin et al. (1976).

The unique features Miller claims for Massachusetts were that "(1) the resources followed the inmates to the community, and (2) the alternatives were reserved for the most difficult inmates in the system". For him:

'successful deinstitutionalization has more to do with manipulating labels than diagnosis; more to do with deflating stereotypes than with management techniques; more to do with mitigating immediate harm than with human service planning' (Miller, 1998: xiv)

and

'few professional models for deinstitutionalization have succeeded. Those done by the book have been disastrous' (ibid: 154).

Accordingly, authentic reforms must be marked by a commitment to individual clients, personal responsibility, case-by-case involvement, the ability to rebound from unanticipated crises, the ability to exploit vulnerabilities, and adherence to values (ibid: xviii). He claimed that one reason for the success of the Massachusetts initiative was that there were few 'professionals' working in the system able to use professional jargon to undermine the plans (Miller, 1979: 138), and that decarceration

was **total**.

The resistance to the Massachusetts model continued after Miller's departure (see Tamilia, 1976; Boisvert et al., 1976; Shubow & Stahlin, 1977; Calhoun, 1979; Isralowitz & Harshbarger, 1979; Guberman, 1979; Fabricant, 1980: 80 and 195; Lovell & Bullington, 1981: 9; Rogers & Mays, 1987: 439 – 441; Guarino-Ghezzi & Byrne, 1989), but the State continues to have one of the lowest levels of juvenile incarceration in the USA.

Matthews (1989: 132 - 133) considered that Massachusetts' significance had been 'overplayed', due to the idiosyncratic political situation in Massachusetts at the time, and that it is 'unable to provide any model of reform'. He also cites Lerman (1984a) and Schwartz et al (1986) as evidence that 'it fed into the expanding privatised network of juvenile control which in turn created a more opaque and less accountable system of juvenile justice'. This seems surprising, as it assumes that the previous system was accountable, despite all the evidence of its unaccountability and abuse cited above, and neither Lerman (1984) nor Schwartz et al (1986) comment on the Massachusetts initiative. Fitzgerald (1975b) claimed that Miller had 'only succeeded in replacing one set of institutions with another' with a 'clinical' orientation instead of a punitive one, which were still based on the same penal objectives and theories and were 'further removed from public control and scrutiny', so it had 'not resulted in the development of "real" alternatives'. Later (Fitzgerald, 1977: 260) he also claimed that 'Even, as in Massachusetts ... the closing down of correctional institutions has not provided a genuine alternative' and that 'the fundamental objectives of the new clinical approach in Massachusetts are the same as those of the punitive penal

system’.

Others have assessed the Massachusetts initiative more positively. Alper (1978) noted that there was no increase in juvenile crime for five years after the closure of the training schools. Fabricant (1980: 25) called it ‘the single most ambitious public attempt to replace the training schools with small community-based settings’ (see also Barnard & Katkin, 1986; Bullington et al., 1986; Austin et al., 1991 and Ferdinand, 1991).

Andrew Rutherford championed Miller’s work in England and Wales, and publicised the initiative widely (Rutherford, 1974a; 1975; 1978; 1986a: 67-107), arranging for Miller to come over to England and lecture on the experience, which proved highly influential on the decarceration initiative in England and Wales (see above: page 124). The evidence that institutions could be closed, the importance of campaigners (policy entrepreneurs) and the concept of a ‘deep-end’ strategy were particularly important on IT practitioners, as was the notion of the dangers of young people being transferred to another institutional structure (see below: pages 359ff). Declan Kerr, of NACRO, told me (*personal interview*) that he had spent a month’s placement in Massachusetts during the mid-1980s, and that they had ‘*taken away the debate ... they were very young people focused ... had respect for young people and their rights ... liberated staff*’, and that he promoted this in his own work in the UK.

Macallair (1993: 114) has described what happened as ‘the most dramatic in the history of corrections in America’, and Calhoun & Wayne (1981) as ‘one of the most dramatic changes in our national correctional history’. Hamm (1993: 706) said ‘If

there has ever been a more intelligent public policy to control crime and delinquency, I have missed it'. For Bartollas et al. (1976a: 9) it 'remains unique in the annals of penal history'.

After Massachusetts, Miller went to Pennsylvania, where he claimed to have removed 400 children from adult prisons and prevented a further 600 from going there, and placed them all in community settings, with no change in crime rates (Miller, 1977), and to Illinois (Blackmore et al., 1988). In Pennsylvania he had to negotiate individual cases with judges and welfare officials to remove 400 young people from Camp Hill training school. He again faced institutional staff hostility (Sprowls & Bullington, 1977), and succeeded in closing it as a juvenile facility within two years. Overall he reduced the number of children in institutions from 1,846 in 1977 to 644 in 1986 (Blackmore et al., 1988), again using Federal funds (Feldman, 1982). By 1979 the number of status offenders and non-serious juvenile offenders in institutions had fallen from 494 in 1975 to zero, and children in adult jails from 3,196 in 1975 to only four in 1980 (Specter, 1981).

In Illinois he reduced the number of children in public foster care from 3,160 to 2,078 in a short period (Testa, 1982), using evidence of brutality of Illinois children sent to Texas based wilderness camps to support his policies, provoking a vehement attack by the Illinois Association of Social Workers (ibid). Seven correctional institutions were closed between 1970 and 1976, and the juvenile population in institutions reduced from 2,500 in 1969 to 950 in 1977 (Sublett, 1977).

Looking back, Schwartz (1989: 101), said that 'when the full history of juvenile



justice in America is written, I suspect that Miller will emerge as one of the key actors in the latter half of the century'. Miller et al. (1977a: 104) concluded that 'what happened in Massachusetts was neither an accident of forces nor the result of one person's personality', but it was a concerted, systematic movement that followed principles common to other examples of major policy change. Other similar assessments have been made by Miller et al. (1977b), Bakal & Polsky (1979: 32), Guarino-Ghezzi (1988) and Krisberg (2005: ix).

### **Decarceration of the Mentally Ill in the USA**

Following the exposure of dreadful conditions in state hospitals for the mentally ill by Soloman (1958), Ferleger (1973) and Biklen (1979), President Kennedy (1963) had called for a 50 per cent reduction in the number of mentally-ill people in institutions, and set up 'national programmes' to achieve this (see Shinn & Felton, 1981: 1). Many people had spent most of their lives living in the hospitals. California, for example, had 36,556 resident patients in 1960, 45 per cent of whom had been resident for over five years and 14 per cent for over 15 years (Morrisey, 1982). In Modesto Hospital in California 72 per cent of a sample had been hospitalized for over 20 years (Marlowe, 1976).

Many studies (see Langsley et al., 1971; Markson & Cumming, 1976; Faden & Goldman, 1979; Okin & Pearsall, 1993; Francis et al., 1994; Conroy & Elks, 1999; McGrew, 1999; McGrew et al., 1999) found that many inmates could live in the community without any problems, and did not need to live in institutions to have their needs met, though internal studies carried out by the psychiatrists in the institutions

themselves claimed that few of the inmates could cope in the community (see Lawton et al., 1977). Model programmes were developed to encourage replication (Stein & Test, 1985), with assertive outreach, close monitoring and intensive contact at their core (Stein & Diamond, 1985). Research also found that 'the increased number of mentally ill on the streets is not the result of emptying the mental hospitals' (Rothbard et al., 1999: 906).

A controlled study of schizophrenic patients newly admitted to a state hospital was carried out by Dinitz (1979). These were randomly assigned to placement home on drugs, home on a placebo, or to a hospital placement. Of those placed at home on drugs 77 per cent remained in the community for six months, functioning well or better than the hospital group. They were then followed up after five years, and of the 92 per cent located all were still at home. Another group of schizophrenic patients who were discharged from hospital and followed up as out-patients with ongoing medication had less rehospitalisation when compared with a control group who were discharged without follow up (Clagborn & Kinross-Wright, 1971: see also Stein & Test, 1979).

Markson (1985) followed up 2,174 older chronic schizophrenic patients in New York State Hospitals, with an average length of stay of 19 years, who had been assessed as 'improbable' for discharge and as poor candidates for release. Following transfer to other hospitals 174 were discharged within three months, but many were subsequently found in board and care homes with a lack of service and a poor quality of life. Davidson et al. (1995) also followed up a small group of long stay patients discharged from state hospitals and found that, while they all preferred community living, they

led 'stark, empty, lonely and tragic lives'. This was a particular problem of the deinstitutionalization of the mentally ill in the US, as many were left without real support. Rose (1979), for example, in an important review of deinstitutionalization, believed that its rhetoric had masked 'general abandonment of mentally disabled people, and an abandonment of organisational responsibility for them', and Leona Bachrach was a major critic of the implementation of community care for the mentally ill in the USA over the next two decades, following a review that she carried out for the government (Bachrach, 1976; 1978; 1981; 1985; 1986; 1995; 1996). Her views were often echoed by Lamb (1977; 1979; 1981; 1982; 1998).

Some of the tactics of those campaigning for deinstitutionalization included seeking legal rulings for the right to liberty, right to therapy (Fleschner, 1974; 1975; Ennis, 1975), and the promotion of the concept of the 'least restrictive alternative' placement that met the assessed needs. The incompetence of officials was challenged in court (Rothman, 1973) in landmark cases such as *Wyatt v Stickney* (325 *Federal Supplement* 781 (1971) 781 – 786; 334 *Federal Supplement* 1341 (1971) 1341 – 4; 344 *Federal Supplement* 373 (1972) 373 – 411) and *Brewster v Dukakis* (Geller et al., 1990a and 1990b). All of this led to a massive reduction of the long stay mentally ill throughout the USA, as shown in Table 85.

It has been argued (e.g. by Scull, 1977) that the US experience of deinstitutionalizing the mentally ill was based on the attempt to cut and transfer financial responsibility, and that as a result the experience for service users was largely negative. The slashing of benefits for those moved to community living, together with the failure of the government and mental health agencies to support them, led to the failure of

deinstitutionalization (Bloche & Cournos, 1990). ‘The largest social experiment in twentieth century America except for the New Deal’ (Torrey, 1994), failed because of poor funding, according to Torrey, and a lack of attention to housing issues (Howell, 1991), though had still improved the lives of many people. However, many of the critics confused the **concept** of deinstitutionalization with the way it had been **implemented** in the USA, as if there was no other way. One of the biggest problems seemed to be that the Community Mental Health Centers, which were created to deal with the mentally ill in the community following deinstitutionalization, did not see this as their role, but rather saw it as a preventative one with the newly mentally ill (Tessler & Goldman).

While the deinstitutionalization of the mentally ill in the USA had little impact on juvenile justice policy and practice in England and Wales, this was mainly because the only well known account of it at the time was the critical one of Scull (1977). However, it is possible to see how the window of opportunity arising from the scandals allowed a political initiative from the President to take effect. The concept of ‘least restrictive alternative’ has some resonance with the ‘care and control test’ of Lancaster (see above: page 292), and the use of legal challenges to change case law, while much more widespread in the USA, was used to clarify the restrictions on custody in the 1982 CJA (see above: page 215). Model programmes were also part of the strategy in England and Wales, and the notion that claims by the institutions, particularly by those in the CHE’s, that the children needed to be there were self serving and based on questionable research. In retrospect, one of the most significant lessons is the closure and demolition of the institutions so that the policy could not easily be reversed.

### *Deinstitutionalisation of the mentally ill in the UK*

A similar attempt to empty the mental hospitals in the UK was also influenced by exposure of the poor conditions in which long stay patients were living, in what were referred to as the 'back wards' of the institutions, and the long lengths of stay. Public attention was drawn to the condition of the back wards of the hospitals by a series of scandals, such as that at Ely Hospital in Cardiff (NHS, 1969: and see Baker, 1961; Hailey, 1971; Bewley et al., 1975; Fottrell et al., 1975; Ford et al., 1987; Pickard et al., 1992; Perring, 1993; Michael, 2003).

The first statement of an intention to reduce the number in long-stay mental hospitals was set out in *The Hospital Plan 1962* (Ministry of Health, 1962), and has developed since then with the full support of the then Minister for Health, Enoch Powell, who surprised the Annual Conference of the National Association of Mental Health in March 1961, who were expecting lots of praise, by announcing a 50 per cent cut in mental health beds (see Jones, K., 1993). Table 86 shows the fall.

Developments in the UK were influenced by a range of patient-led movements in mental health in the UK (see Rogers & Pilgrim, 1991), often taking their initial brief from an 'anti-psychiatry' perspective, and also drawing on the Italian *Psichiatria Democratica* (see below: pages 297ff). One of the most important of these was People Not Psychiatry, set up in 1969 as a network of support for people experiencing mental distress, the support being an alternative to psychiatry and the mental hospital (see Barnett, 1970). A more radical group was the Mental Patients Union (see Barnett, 1973 and Crossley, 2006).

However, by the mid-1980s, there was growing concern at the slow progress of the development of community care for those who were targeted for discharge from the hospitals, and the DHSS funded 28 pilot projects brought together as the 'Care in the Community Demonstration Project' which was to provide many models of good practice (Cambridge & Knapp, 1988) for supporting people with mental health problems and learning difficulties in the community. The Audit Commission (1986) also began to take a leading role as a driver of change. A very negative report by the House of Commons Social Services Committee (House of Commons, 1985) could have set developments back, but most of its recommendations were ignored by the Government (DHSS, 1985e; 1985f; 1985h).

The planned movement of people from the institutions to the community was well researched. One of the most important studies was that carried out by Julian Leff and his colleagues at Friern Hospital, North London, one of the largest in the country, which in 1952 had 2,400 beds, and Clayburn Hospital, which was known as the 'TAPS project'. The studies followed those in residence into the community over a lengthy time period (see Tomlinson, 1988; Perring, 1993; Leff, 1997a). Between 1983 and 1997 a hundred small residential facilities were established providing for **every** long stay psychiatric patient discharged from the North East Thames Regional Health Authority's psychiatric hospitals, despite strong opposition from the Consultant Psychiatrist (Weller, 1985; 1989). The majority settled successfully and 'gained greater freedom in all aspects of their lives' (Trieman, 1997), despite an earlier internal study that had assessed only 15 per cent of the residents of Clayburn as having the 'potential for discharge' (Carson et al., 1989). In the community they were more often the victims of crime than perpetrators (Leff, 1997b). A five year follow up

of 281 people found that 60 per cent stayed in the original placement and only six were lost from the study. There was only one suicide, one person sent to prison (see Dayson, 1993) and 35 natural deaths, which was to be expected in terms of the samples age and health (Trieman & Kendal, 1995). Community reprovision was assessed as highly successful (Leff et al., 1994; Trieman & Wills, 1997). A matched comparison of 278 leavers with stayers found the leavers had more diverse social networks, more autonomy, and were happier (Anderson et al., 1993). Even former residents aged over 70 in 1989, followed up for three years, who left the hospital were stable or improved, while those who stayed in the hospital deteriorated and became more disturbed (Trieman et al., 1996). After five years there was no increased mortality or suicide, and 80 per cent wished to stay in their community homes (Leff, 1997b: 90). A comparison of 479 discharged with 279 who remained in the hospital during the closure programme found that both groups experienced 13 deaths, six of those discharged had become vagrants, two were imprisoned, and one committed suicide, while 86 per cent of them said that they preferred community living (Leff et al., 1996a). Some six per cent of the first 369 patients were readmitted in the first four years (Dayson et al., 1992), but only 27 per cent of all those discharged experienced readmission at any stage (Thornicroft et al., 1992), while there was no relationship between re-admission and the type of community setting in which they had been placed (Gooch & Leff, 1996). The costs of community care were marginally but significantly **greater** than those of the hospital (Beecham et al., 1997). The conclusion of the studies was that, except for very difficult-to-place patients, long stay, non-demented patients were 'generally well served' (Leff & Trieman, 1997: 190; Trieman & Leff, 1998), and that even 'the most difficult to place' could have their needs met in specialist placements (Trieman & Leff, 1996a): 'when carefully

planned and adequately resourced, community care for long-stay patients provides many benefits and few disadvantages' (Leff et al., 1996b). Last to leave were 72 long-stay and 'extremely disturbed' patients who were mainly transferred to other hospitals (Trieman & Leff, 1996b).

Similar results were found by the Worcester Development Project, which followed up the 1,200 people who had been in Powick Hospital following its closure in 1988, six of whom had been there for over 60 years, 46 for over 40 years and 73 per cent for over 20 years, and found that they had all been placed satisfactorily (Khoosal & Jones, 1991; Milner & Hassall, 1991). In Cheltenham (Cheltenham & District HA, 1988; Johnstone, 1991) and at Cane Hill, the large psychiatric hospital in the South East Thames Regional Health Authority Area (Pickard et al., 1992), research found similar outcomes.

Between 1977 and 1997 forty psychiatric hospitals in the UK were closed (Leff, 1997c), after recognition that if highly staffed community care facilities were provided then there was little need for long-term psychiatric hospitals (Clifford et al., 1991). The largest follow-up of deinstitutionalisation in the UK, which followed 272 service users discharged from mental health and learning disability hospitals for 12 years, found that only three per cent of the mental health users preferred to live back in the hospital (Forrester-Jones et al., 2002).

There were many critics of the policy, such as Reid & Wiseman (1986) and Jones (K., 1982; 1993: see also Bennett and Morris, 1983; Groves, 1990; Murphy, 1991). This was often based on the growth in the homeless mentally ill living on the streets of



Britain, but there was dispute about cause and effect. The Health Committee of the House of Commons (1994a: 6) concluded that:

‘the closure of the old institutions is **not** the principle cause of the numbers of homeless people who are mentally ill, and that the majority of mentally ill people who are homeless are those who have lost touch with services or have never properly engaged with them’.

They also found that fewer than two per cent of homeless people in central London who were seriously mentally ill had ever been in a long-stay hospital, and less than 0.5 per cent became homeless when they left hospital (House of Commons, 1994: 17).

What seems to have happened is that, while deinstitutionalisation was succeeding with those discharged from the hospitals, there was a lack of services for those needing new provision (Thornicroft & Bebbington, 1989), as resources were not being diverted, government objectives and actual services were inconsistent, and there were few incentives for any specific agency to develop the service.

Again, there was little direct influence on juvenile justice in England and Wales of the closure of the mental hospitals in the UK, and little recognition of any links across the two decarceration policies, even though many of the strategies had similarities. In retrospect, the role of scandals, the development of model programmes, long-term government support and research into the decarceration are significant factors for consideration of a decarceration policy, as is the ignoring of internal self-justifying research and campaigns from within the institutional staffing base.

### **Closure of the mental health asylums in Italy**

Italy embarked upon ‘one of the most radical experiments in psychiatric care of

modern times' (Perris & Kemali, 1985) following the passing of a Law in 1968 that prevented the use of asylums. Much of this was due to the work of Franco Basaglia, a radical psychiatrist who had been imprisoned during the war and then shut down several asylums, one of which was in Trieste, where 'a team of workers set out to systematically dismantle the authoritarian structure' of the 500 bed psychiatric hospital and 'the ultimate goal was the abolition of the asylum itself' (Basaglia, 1981). He then found himself in the position of being able to draft the Legislation that became Law 180 (see Scheper-Hughes & Lovell, 1986; 1987; Mangan, 1989; Girolamo & Cozza, 2000), that shifted the focus of service from individual pathology to a right to treatment and placed a responsibility on services to provide appropriate care, and prohibited first admissions to public mental health hospitals after December 1979 (Bollina et al., 1988). As a result, numbers in the institutions fell from 78,500 in 1978 to 7,704 in 1998 (Girolamo & Cozza, 2000; Burti, 2001).

Basaglia adopted an abolitionist position, believing that abnormal behaviour was a way of resisting the powerful in the institution and society and that community care was the answer, and engaged with wider issues of poverty, exclusion and marginalization as part of a social and political critique that aimed to reveal the contradictions in society that underlie repressive social structures. (Accounts in English of the history and policy leading up to Law 180 are provided by De Plato & Minguzzi, 1981; Benaim, 1983; Mosher, 1983; Crepet & De Plato, 1983; Crepet & Pirella, 1985; Maj, 1985; Morosino et al., 1985; Robb, 1986, Mangan, 1989 and Palermo, 1991, and of the opposition to the reforms by Basaglia, 1985).

These developments in Italy provoked a major debate, being heavily criticised by

Kathleen Jones (the leading historian of residential mental institutions in the UK) and Poletti (see Jones, K., & Poletti, 1984; 1985a; 1985b; 1986). They were responded to by Ramon (1984; 1985; 1988), Tansella (1985; 1986), Pirella (1987), De Girolamo (1985; 1989), Bourne (1984; 1985), Lacey (R., 1984) and McCarthy (1985). Jones (K., 1993: 221) argued that claims of success were ‘politically based accounts’, and attacked what she saw as the ‘communist ideals’ behind the Law. Bollina & Mollina (1989) claimed that a review of all the major empirical investigations ‘support the conclusion that Italian society has successfully generated a psychiatric system without asylums’ (and see De Salvia & Barbato, 1993).

There was little awareness of the Italian mental health decarceration in the juvenile justice field in England and Wales. Most of the research was being published in journals that juvenile justice practitioners would not be aware of. However, for Kingdon’s model, the ability of Basaglia to fill the role of policy entrepreneur, to seize a window of opportunity presented by his political involvement, and to change the law in order to sustain change, is important, and relevant to any understanding of sustainable decarceration.

### **Deinstitutionalization of people with learning difficulties (mental retardation) in the USA**

Strategies to move adults with learning difficulties out of institutions in both the USA and the UK went through a series of stages, from ‘normalisation’ (Emerson & Hatton, 1994: 4; see also Brown & Smith, 1992; Emerson, 1992) to ‘social role valorisation’ (Wolfensberger, 1983; 2000) moving on to ‘inclusion’ (Culham & Nind, 2003), via

the 'five accomplishments' of O'Brien (1987), the notion of 'least restrictive environment' and the concept of 'an ordinary life' lived in 'independent living' supported by a range of housing and personal services (see Scheerenberger, 1978; Lakin & Bruininks, 1985; Rowitz, 1992).

The living situation of those with learning difficulties in institutions in the USA was generally abysmal, with attitudes derived from the eugenics movement still widespread in the mid-1970s. Fernald (1975 cited by Lerman, 1985: 138), for example, claimed that every 'girl' should be 'segregated' during their 'reproductive period' as:

'feeble-mindedness is an important factor as a cause of juvenile vice and delinquency, adult crime, sex immorality, the spread of venereal disease, prostitution, illegitimacy, vagrancy, pauperism, and other forms of social evil and social disease'.

Corr (1967: cited by Wolfensberger, 1969) called for the 'sacrifice' of 'mentally defective humans' for organ transplants. Blatt & Kaplan (1966; 1974) had published a photo essay of two anonymous institutions documenting the horrendous conditions. Blatt (1969; 1970) compared the back wards of the institutions with evil and the Holocaust, saying he found few institutions 'completely free of dirt and filth, odors, naked patients grovelling in their own feces', where people were called 'research material' and where, when a staff member was dismissed for kicking a patient while he was having an epileptic seizure, other staff protested that the management were putting the welfare of patients before the welfare of employees (ibid: 72 -73).

Some of the institutions were huge: Lynchburg in Virginia peaked at 3441 residents in 1971 (Smith & Polloway, 1995), and remained dreadful even as they reduced in size.

A Senate (1985) Committee hearing received a catalogue of accounts of abuse, ill treatment and poor conditions that made up 686 pages.

The publication of a collection of papers for the President's Committee on Mental Retardation by Kugel & Wolfensberger (1969) was the catalyst for change in the USA, and in 1970 the Committee (President's Committee on Mental Retardation, 1970) suggested that mental retardation in itself should not be sufficient grounds for removal from home. Even President Nixon had supported the move to reduce numbers in institutions, aiming for a cut of one third (Presidents' Committee on Mental Retardation, 1971).

The campaign against the institutions was often clearly abolitionist, and was to use lawsuits, exposure of abuses, federal initiatives, parent activism, consumer activism and professional activism as tools in the campaign (Taylor et al., 1987: xi). In the *Pennhurst* case, class actions were taken on behalf of all the residents in a hospital, promoting new strategies by pro-institutional and deinstitutional campaigns (Rosenberg & Friedman, 1979: see Ferleger & Boyd, 1979; Burt, 1985). At Willowbrook {*New York State Association for Retarded Children, Inc v Rockefeller*, 357 *Federal Supplement* 752 (1973) 752 – 770} court action addressed the conditions in an institution holding 6,200 children and adults in 1969, in a State with the largest system of institutions in the world (Castellani, 1996: see Rothman, 1982 on Willowbrook). Based on Staten Island, the institution held 5,200 residents in 1972, with over 50 people living in wards staffed by only one or two unqualified attendants, who made routine use of cattle prods (Hansen, 1977). A doctor at the institution told a Senate hearing in 1977 (cited Senate, 1979: 394) that new entrants, including

children, either learned 'to swallow a large amount of food rapidly or they died'. Willowbrook used the inmates for research on hepatitis (Rothman, 1996), so that between 1956 and 1971 children in Willowbrook were fed live hepatitis B virus as part of a research programme (Rothman & Rothman, 1984: 260). All inmates then contracted hepatitis within 6 months of admission, according to Rivera (1972), the journalist who first exposed the conditions there, claiming that no one was given solid food, only mashed, and were fed by staff at speed (causing some deaths from choking), so that their gums weakened and teeth fell out. Rivera described some of the accommodation as 'kennels' and said the place felt like a Nazi death camp (Rothman & Rothman, 1984). Robert Kennedy made an unannounced visit in 1965 and described Willowbrook as a 'snake pit' (Rothman & Rothman, 1984: 23).

Institutional closure was slow to begin with, with just five closing between 1970 and 1982, but a further 13 between 1982 and 1985 (Braddock & Heller, 1985a), often following a difficult political struggle (Braddock & Heller, 1985b). However, by 1998 118 institutions had closed, and 50 per cent of those in residential services were living in settings with less than six residents. The numbers living in small group homes with under six residents had increased from 20,400 in 1977 to 202,000 in 1998 (Kim et al., 1999). Nine states had closed all institutions by 2005 (Eidelman, 2005). Between 1982 and 2002 there had been a 59 per cent decrease in institutional residents in the USA, and a 698 per cent increase in community residences housing six or fewer people (Stancliffe & Lakin, 2005: 4). A review of 33 studies carried out between 1980 and 1999 was also positive, with almost all of the studies showing significant increases in overall adaptive behaviour of those deinstitutionalized (Kim et al., 1999; Kim et al., 2001).

In Connecticut, the closure of Mansfield Training School, which had housed 7,500 people at one time, was followed up for five years by Conroy (1996), who found that people 'were much better off in almost every way we measured' and that the 'overwhelming picture is positive'. (MacNamara (1994) describes this institution in all its routine horror).

Key to the closure of the mental retardation institutions were the strategies of exposure of the scandals within them, the development of campaign slogans, court actions, and the long-term influence of policy entrepreneurs such as Wolfensberger, Blatt and Kaplan. Unlike juvenile justice, there was a recognition that many of those in the hospitals **did** need to be in some form of residential care, and the development of small group homes for 4 to 6 people, at little extra cost compared to the institutional cost, was crucial, and also avoided the problems that beset the deinstitutionalisation of the mentally ill in the USA. While not clearly voiced, there were many elements of an abolitionist strategy present, with few concessions to the idea that the institutions could be improved internally. Most of the legal test cases can be seen as classic 'negative reforms' and 'unfinished' strategies in abolitionist terms.

### **Closure of the long stay institutions for those with learning difficulties in the UK**

The political agenda to reduce the number of mentally handicapped people living in long-stay hospitals in the UK began later than that for the mentally ill. A Royal Commission on Mental Illness and Mental Deficiency in 1957 had recommended radical changes and a move to community care, but little had happened during the subsequent decade, despite exposes of the conditions in the hospitals (see Morris,

1969; Ericsson & Mansell, 1996). A good example of current thinking was an article by Gunzburg (1970) that opposed 'utopian' thinking about deinstitutionalisation of 'subnormals' whose deficiencies needed more supervision than was possible in the community.

A series of scandals exposing abuse and ill-treatment of patients in NHS-run learning difficulty hospitals such as Farleigh (NHS, 1971), Ely (NHS, 1969), Normansfield (HMSO, 1978b), South Ockenden (HMSO, 1974b) and other hospitals, and at Church Hill House (Martin, 1984: 45). led to a White Paper (DHSS, 1971b) that urged an acceleration of moves to care in the community, an end to 'unnecessary segregation', and the development of maximum capacity and use of skills, to enable 'as nearly normal a life' as people's handicaps permit. This was returned to a decade later (DHSS, 1980c; 1981b). There was substantial evidence from the inquiry reports of professional isolation, low expectations, corruption, weakness and superficiality of lay management (Martin, 1984).

In 1972 a Government Committee called for 'a new caring profession for the mentally handicapped' (DHSS et al., 1972), and another committee at the end of that decade (HMSO, 1979b) put forward the idea of 'normal patterns of life', setting out a philosophy and model of care based on three principles: the right to a normal pattern of life within the community; the right to be treated as individuals; and the provision of additional help to develop to the maximum potential, all using normal community services. Those with mental handicap should have individual plans and the report recommended independent living and group home models. The DHSS (1978b; 1980d; 1982c; 1985g) then set up a 'Development Team for the Mentally Handicapped' to



advise and assist local authorities to develop joint planning and joint financing as set out in Circulars issued by the Department of Health (1976; 1977) and the DHSS (1977a).

The King's Fund, the Campaign for the Mentally Handicapped and the British Institute of Mental Handicap were major promoters of good practice (see King's Fund, 1980; 1982; O'Brien & Tyne, 1981; Ward, 1982; Wertheimer, 1982; Shearer, 1986; Blunden & Allen, 1987; Felce & Toogood, 1988), as was a research unit set up at the University of Kent (Mansell et al., 1987), all urging services to be community based, using existing general services in the community, living in ordinary housing, working in ordinary workplaces (Kings Fund, 1984) and giving many examples of how to implement these ideas, built around the theme of 'An Ordinary Life' (Towell, 1988; Towell & Beardshaw, 1991). They particularly promoted the notion of 'five accomplishments' for ordinary living: a community presence, relationships, choice, competence and respect, which had been devised by John O'Brien (1987).

One of the most important developments was that of the 'dowry' system, in which a sum of money was allocated to the resident as their community care plans were developed, which had to be agreed by both the local authority and the Health Authority (DHSS, 1983c).

Another body behind many of the changes was the Audit Commission, who believed that community care was more cost effective, but needed the transfer of funding and staff from the hospital services to the local authorities responsible for the new services (Audit Commission, 1987) and identified the barriers to this. They were the ones who

ensured that the 'dowry' went with the service user as they left the hospital, and was maintained in perpetuity (Audit Commission, 1989b), and then noted that new service users would not have a 'dowry' and would need new funding (Audit Commission, 1992).

There was some opposition to the development of community care, including from families who feared it would place greater burdens on them, and from the institutions, their staff and unions (see Olsen, 1979). However, research suggested that relatives' opinions changed after the move and they saw the reality of community living (see Larson & Lakin, 1991 and Tuveson & Ericsson, 1996).

A range of research showed the gains that residents made in community living situations (Mansell et al., 1982; 1984; Felce et al., 1985; Repp et al., 1987; Rawlings, 1985a; 1985b; Felce et al., 1987; de Kock et al., 1988; Fleming & Kroese, 1990; Markova et al., 1992). These included a follow up of 100 severely mentally handicapped adults moved out of institutions in Wessex (Felce et al., 1980a; 1980b Smith et al., 1980), and the NIMROD study (Humphries et al., 1985; Evans et al., 1987; Davies et al., 1991) which followed 116 adults taken out of large hospitals and placed in a variety of community settings (Lowe & De Paiva, 1990; 1991; Lowe et al., 1992). The first very large institution to be closed was the one at Darenth Park in Kent, which had had 1,700 beds (see Emerton, 1981; Challis & Shepherd, 1983; Wing, 1989; Korman & Glennerster, 1990; Brooks & Bowler, 1995).

A government commissioned review of 71 publications (Emerson & Hatton, 1994; 1996b) found that the move to staffed houses from hospital wards improved former

patients' material standard of living, led to greater satisfaction with services and with life, provided more skills opportunities and the chance to develop new skills, reduced stereotypical behaviour, provided greater choice over routine daily activities, more contact with other people, greater use of 'ordinary' community facilities, more time on constructive activities, more staff contact and support, and led to them being supported in a less institutional environment. They also seemed relatively well accepted in the local community.

There was also evidence that even people with the most 'challenging behaviour' (people who made physical attacks, were destructive, self-injured, threw temper tantrums, committed anti-social behaviour, and had unpleasant habits, including sexual ones: see Kiernan, 1993) could be successfully cared for in community based services (Conneally et al., 1992; Young et al., 2000; Emerson et al., 2000). According to Felce & Emerson (1996) the concept of 'challenging behaviour' was adopted in order to remind people that severely problematic behaviours were a *challenge to* services, not a pathological condition (Emerson et al., 1987a; Emerson & Bromley, 1995). Challenging behaviour was described (Emerson et al., 1988) as were methods of developing individual service plans (Toogood et al., 1988; Cummings et al., 1989; McCool et al., 1989; Felce, 1991). Manuals were developed to promote this area of work (McBrien & Felce, 1992), and specialist Housing Associations created to provide housing and support (National Federation of Housing Associations, 1995). Emerson (2001) produced a detailed literature review and survey of approaches with this group (see also Emerson & Hatton, 1996a). The Government set up a 'Special Development Team' to promote best practice (Emerson et al., 1987a; 1987b; Emerson, 1990; Mansell & Beasley, 1990; Cambridge et al., 1994; Mansell et al.,

2001) with those with severe challenging behaviours, designing individual service plans for the most severe clients in the South East Thames Regional Health Authority area. A five year follow up of those in the projects found that there was ‘successful maintenance of skills acquired’ in the early months, and ‘by every criterion of normalisation that we examined, community accommodation after one year was better than hospital’ (Cambridge et al., 1994). After five years **all** were in planned accommodation, most had support, there had been no suicides, mortality rates were normal, there was no evidence of neglect and little evidence of victimisation. Individual changes in ‘skills, behaviour, morale, social networks and participation in community living were generally positive and sometimes quite marked’ (ibid: 103). A 12-year follow-up of 75 per cent of the original sample found that all the gains had continued, except for those due to age-linked deterioration, and not a single person in the sample expressed the wish to return to the hospital setting (Cambridge et al., 2002).

In contrast to the USA, costs of services had **increased** in the UK, though semi-independent living had lower costs than group homes, alongside increased empowerment of the service user, and greater involvement in the community and in domestic tasks (Felce et al., 2008).

Research continued to show the benefits of deinstitutionalisation over time (Beadle-Brown & Forrester-Jones, 2003) and the benefits of living in dispersed settings rather than NHS institutions, ‘residential campuses’ or ‘village communities’. The outcome of all the initiatives has been that **no** adult with learning difficulties was living in large hospital-based institutions after 2011 (HM Government, 2009), as shown in Table 88.

The deinstitutionalisation of adults with learning difficulties in the UK is probably the outstanding example of a successful decarceration strategy that has been sustained and seems impossible to be overturned. Keys to the strategy were the role of policy entrepreneurs such as Wolfensberger (offering a theoretical) perspective from North America, O'Brien offering key concepts and slogans, and Mansell willing to combine his research with influencing day to day practice and government policy (in many ways similar to the role of Tutt in the juvenile justice field). Slogans such as 'normalisation' were influential, scandals assisted change, and there were many models of good practice, a deep-end strategy and the use of the dowry concept to aid the transition from institutional living to independent living or to small group homes. The demolition of the institutions and the realisation of the value of the land on which they sat was also attractive to national and local politicians and health bodies, ensuring that they were unlikely ever to be re-established. While there was no direct link between juvenile justice decarceration and learning difficulty, the implications for a decarceration strategy are clear.

## **Chapter 9**

### **Explaining Youth Justice Decarceration in England and Wales:**

#### **Alternative Accounts**

There has been substantial academic debate about what really happened to cause the decline in youth incarceration between 1982 and 1992, with views ranging from my own earlier claims that it was a “successful revolution” (Jones, D., 1989a; 1993; Cavadino & Dignan, 1992; 1997), highly influenced by a small group of juvenile justice practitioners, to denial of any significant practitioner effect and strong criticism of practice in juvenile justice (e.g.: Hudson, 1987; Drakeford, 1988; Matthews, 1989; Pratt, 1989; Farrington, 1992a; Pitts, 1992a; Windlesham, 1993; Gelsthorpe & Morris, 1994; Muncie, 1999a; Padfield, 2002).

In this chapter I will initially discuss the views of the critics of the practitioner interpretation, before then considering each element of their critique against the available evidence. Though the juvenile justice system is a complex interlocking mechanism, it is necessary, however difficult, to deal initially with its distinct parts. Overall analysis is then amalgamated in the final part of the chapter.

#### **David Farrington**

David Farrington has been one of the major critics of the idea that a practitioner led initiative was the cause of the reduction of juvenile custody in the 1980s, offering a combination of reasons for his alternative explanation. These are:

1. An increase in informal, unrecorded warnings – as distinct from cautioning - by the police (Farrington, 1992a; 1992b; 1993; Farrington et al., 1994; Langan & Farrington, 1998), for which he cited Home Office research by Barclay (1990), and refers to Northampton as his main example. As a result, he argued,

‘the gap between the number of apprehended juvenile delinquents and the number officially recorded gets wider every year, making the official figures since 1985 useless as an indication of trends in juvenile offending’ (Farrington, 1992a: 125).

In a specific reference to shoplifting offences, he suggests that a survey of major retailers indicated that the amount of shoplifting had not changed, but that a steep increase in juvenile shoplifters being dealt with informally by the police meant that they were not included in official statistics of offending (Farrington and Burrows, 1993), as retailers claimed that they had been told not to report shoplifters to the police.

2. The introduction of the safeguards for accused persons in the Police and Criminal Evidence Act 1984, which caused ‘a marked decrease in the number of detected offenders’ (Farrington, 1992a: 126; 1993; Farrington et al., 1994; Langan & Farrington, 1998), for which he cites Irving & McKenzie, 1989).

3. The introduction of the CPS in 1986, which ‘caused a decrease in the number of people prosecuted’ (Farrington, 1992a: 126; Farrington, 1993; Farrington & Wikstrom, 1993; Langan & Farrington, 1998), increased the tendency for cases to be discontinued (Farrington et al., 1994), and decreased the probability of the ‘morally guilty’ being found ‘legally guilty’ (Farrington & Langan, 1992). This is also based on the assumption that a declining risk of imprisonment will be calculated by

offenders, so their crime rate will increase (Farrington & Langan, 1992).

4. The downgrading of the offence of 'unauthorised taking of a motor vehicle' from an indictable to a summary offence by the CJA 1988, 'thereby eliminating about 25,000 (mostly young) offenders from the official crime statistics' (Farrington, 1992a: 126; 1993; Farrington et al., 1994; Langan & Farrington, 1998).

5. As the overall rates of recorded burglary and shoplifting offences increased, it is unlikely that there was any **real** decline in these offences committed by juveniles (Farrington, 1992b: 157).

As a result, Farrington argued, 'the official figures probably reflect official reactions to delinquency more than juvenile misbehaviour' (Farrington, 1992b: 155), and the decline in recorded juvenile crime must have been 'an illusion caused by changes in police policies' (Farrington, 1992b: 157). He went on to ask 'why has juvenile offending **increased**?' (my emphasis). In a paper on persistent young offenders (Farrington, 1999) he developed his views, noting that 'a large increase in crime in the 1980's – and especially in the types of crimes particularly committed by young people ... coincided with a decrease in the number of recorded juvenile offenders'. Accordingly, he concluded that the average juvenile offender must be committing more crimes, as 'it is highly unlikely that the decrease in recorded juvenile offenders coincided with a true decrease in the number of juvenile offenders', so the reasons for the recorded decrease almost certainly lie in procedural changes, which are those mentioned above. As a result

'For all these reasons, it is very likely that the dramatic increase in crime between 1981 and 1991 coincided with a true increase in the number of juvenile



offenders. The number of recorded juvenile offenders only decreased because the probability of being convicted or cautioned after offending decreased' (Farrington, 1999: 3 - 4).

## **John Pitts**

Probably the UK's most influential youth justice author in the 1980s and 1990s, John Pitts has written widely about IT, and his views are cited widely by others. He declined to be interviewed by me, stating that he thought that his published work was a sufficient guide to his position. While complex, his arguments, which are repeated throughout his different books and articles, can be summarised as follows:

1. IT failed and would continue to fail to reduce the number sent to institutions. It would 'divert only insignificant numbers of young people from residential institutions' (Pitts, 1976) owing to the institutions' 'symbolic and political importance'. Also 'I do not believe that IT will ... diminish the borstal and detention centre population', though he now, three years later, thought that it might have some impact on the numbers sent to CHEs (Pitts, 1979: 25 - 26). In addition 'we do not avoid the taint of institutionalisation by getting rid of the beds' (ibid). Instead, IT is 'a holding operation' for the institutional system, 'not an alternative to it' (Pitts et al., 1986a: 177).

2. Developments in IT would actually increase custody so 'we may see more rather than fewer children and young people ... in institutions' (Pitts, 1979).

3. However, there was 'a small but articulate professional group with a coherent

model of an alternative non-institutional response to young people in trouble' (Pitts, 1979: 17).

4. Any attempt to develop IT as an alternative to custody would only increase social control, becoming 'a resource for magistrates', with an 'emphasis on control ... where treatment is prescribed and then reinforced by legal sanctions' (Pitts, 1979: 26). This limited the room for practitioners to manoeuvre, restricting them to controlling and policing young people. Meanwhile the 'rise of minimalism' and radical non-intervention allowed local authorities to close down residential centres, while face to face practice became 'more controlling and more punitive' (Pitts, 1979), with IT workers only too willing to offer 'a heightened level of discipline, control and surveillance' (Pitts, 1992a: 176).

5. As a result, IT had 'thrown off its welfarist trappings and emerged as a hard-headed, confrontational response to offending behaviour' (Pitts, 1996: 255) in which the main models of practice were 'tracking' schemes and the 'correctional curriculum' (Pitts, 1992a: 176). Furthermore 'some *intensive* IT projects' actually 'included specifically punitive programme elements, including manual labour and restriction of liberty' (Pitts, 1996: 261).

6. Pitts is strongly critical of the systems intervention model of IT proposed by the CYCC at Lancaster, accusing them of failing to grasp political realities, as

'It was not social workers or magistrates who planned and built the new secure units in community homes in the 1970s, it was the government. It was not social workers or magistrates who expanded the number of places in borstals and detention centres, it was the government' (Pitts, 1988: 24).

He argued that Tutt, Thorpe and their colleagues ignored the formidable constraints under which social workers work – police and magistrates are the power-builders:

‘by suspending considerations of political power and the relationship between the juvenile justice system and broader political and administrative changes in the state, the delinquency management approach has presented a prescription for change which leaves the major determinants of the present crisis in the system untouched ... it remains unreflective about the roots of its own strategies and uncritical of an increasingly authoritarian response to young offenders’ and misses the point that the youth custody centre ‘is being driven deeper and deeper into the working class community’ (ibid: 89 - 90).

As a result of this misunderstanding of the reality of juvenile justice the CYCC had developed a blueprint ‘that will appeal to a punitive magistracy’ (ibid: 151). Their

‘preoccupation with the more effective management of social reaction ... to correct the apparatus of justice ... (and) ... quest for a technology of system manipulation ... (which) ... eschewed consideration of the state, the causes of crime and ... the motivation of deviant action’ (Pitts, 1986b: 118 - 119)

had failed young people, within an ‘orthodoxy of “minimal statism”’ (ibid: 119). This ‘precluded the possibility of understanding changing patterns of juvenile crime in relation to the radically changed political landscape of Britain in the late 1970s and early 1980s’ (ibid: 120). This then ‘denies the necessity of a historical or political dimension ... (with) ... no possibility of grasping the social realities’ (ibid: 122). Unless workers enter the ‘contentious political arena’ then a ‘systematic’ approach is a ‘nonsense’, and will ‘sustain the notion that social circumstances have no bearing’ upon offending (ibid: 144). Lancaster’s perspective failed to show why the closure of CHEs ‘should result in young offenders entering community facilities rather than penal institutions’, ignored the need to attack the YC as the pinnacle and backstop of the juvenile justice system, and advocated ‘administrative and procedural reforms which could well condemn even larger numbers of youngsters to penal dustbins’ (Pitts, 1988: 88).

7. Using the Lancaster model, youth justice workers ‘abandoned concern with inequality for “technical discussion” about manipulating the apparatus of justice’ (ibid: 23), while assuming ‘that juvenile crime was no more than a relatively innocuous manifestation of working-class youth culture’ (ibid: 27).

8. Accordingly, the strategies used by the projects that were influenced by the Lancaster model were suspect. The ‘custody free zones’ of Basingstoke, Southend and Corby had nothing to do with delinquency management and IT practice but were caused by police willingness to caution and divert (Pitts, 1988: 165; Pitts, 1990).

9. Instead, IT should have been a wide form of youth work, social education and political awareness raising, including creative work ‘in the area of alternative education, community work, community action, law centres and welfare rights’ (Pitts, 1982; 1986a). However ‘concern for the social and psychological needs of young offenders ... was marginalised’ (Pitts, 1996: 251). IT should also have addressed the politics of juvenile justice (Pitts, 1986a), and the expansion of IT should have been linked to a **political** decision to reduce places in prison and residential care, not something strived for through practice. It should have also ‘exert(ed) influence on local authority child care policy’ (ibid: 109), and should have been part of neighbourhood strategies based around clubs, adventure playgrounds, detached youth work and community work initiatives designed to give young people more power and control over their lives (Pitts, 1992a). IT workers had ignored the rise in youth unemployment, heroin addiction, urban civil disorder, child abuse and racism, living in their ‘bunker at the end of the welfare state’ (Pitts, 1983). They did not talk about ‘need’ or ‘deprivation’ since ‘no link was made between the personal or social

circumstances of young offenders and the crime(s) they had committed' (Pitts, 1996: 261; 1992b: 137), and 'those perspectives which address the personal, cultural, social, economic and racial factors which may increase the vulnerability of young people to involvement in crime ... are not admitted' (Pitts, 1992b: 138).

10. This had all occurred because 'the theory, policy and practice of youth justice had effectively become disengaged from social reality' (Pitts, 1996: 287), and the 'youth justice lobby had chosen to remain silent about the growing poverty, victimisation and social polarisation' of their clientele because of fear that a causal connection would be made between falling youth custody and rising youth crime (Pitts, 1997: 129 - 130).

11. Pitts regularly claimed that IT failed black young people, as IT had been colour blind (Pitts, 1984). and called for an 'anti racist IT' to meet the needs of black juveniles (Pitts et al., 1986b). The alternative to custody type of IT had had a 'classless and colour-blind minimalism' (Pitts, 1990: 25) which meant that social workers were less likely to recommend alternative to custody programmes for black young people, and 'ignored the political and face-to-face levels' (Pitts, 1986b: 38), though he also claimed that, where juvenile justice workers **did** intervene, they were more likely to propose care orders on black than on white young people, at an earlier age. He noted that LAC 83/3 makes no mention of the fact that YOIs were attracting larger black populations, and 'unless controls are placed both upon the judiciary and the magistrates, the situation will undoubtedly worsen' (ibid: 143). The failure of IT to address race issues masked 'a substantial **increase** in the confinement of black young people in child-care and penal institutions' (ibid: 45 my emphasis), and girls and young women becoming 'more vulnerable' to care and custody (ibid: 51).

However, elsewhere Pitts (1993: 105) also said that anti-racism ‘has had a significant impact on practice and policy in juvenile justice’.

12. Yet at other times he and his co-authors supported and promoted many of the strategies that identified the new form of IT, such as the need for ‘gatekeeping’ of SERs, an appeals strategy, the need to assist defendants to obtain good legal representation, a bail appeal strategy and a permanent juvenile justice position in court (Pitts et al., 1986a). He also referred to the ‘controversial’ involvement of IT with truants (Pitts, 1993: 41), and wanted social workers to act as advocates for young people when arrested (ibid: 44). Practitioners’ target ‘must be the criminal justice system itself’ (1990: 52), via working with the court, using SERs, using contracts, working with individuals, working with young people’s friends, avoiding care orders, preventing custody, and adopting an abolitionist perspective.

13. In writing on the wider politics of juvenile justice (Pitts, 1986a) he said that ‘the war against the incarceration of working-class young people in trouble is being lost’ as the mid-1980s would be a period of ‘rapid and substantial increase in the levels of youth incarceration’, not ‘decarceration’. This was because ‘we have a decarceration movement without an abolitionist politics’, and ‘decarcerationists ... now have no use for theory’, and ‘continue to espouse theoretical ideas which even their originators have subsequently revised’ (ibid: 7). IT was ‘romantic’ and ‘naïve’, ignoring the reality of juvenile crime and its victims, displaying ‘culpable negligence’ to inner-city suffering, with programmes which focus ‘exclusively upon the modification and eradication of offending behaviour .... The alternatives offered by IT has no merits over the CHE or DC beyond the fact that the participants usually go home at night’.

He concluded that The Home Office and Home Secretary are **not** on the point of ‘handling (sic) the response to young offenders over to the IT industry’.

14. This is then developed into a complex critique of the wider political stance of those trying to reduce custodial sentencing, who are accused of being opposed to justice, social well-being and morality; of believing that the existing system has arisen by mistake and can be corrected and restored to ‘optimal functioning’; of having a benign view of the state, the existing social order and free market forces; and of ignoring links between poverty, offending and social control, rather than seeing the juvenile justice system as a ‘battleground on which a class struggle was being enacted’ (Pitts, 1988: 106 – 108). In contrast to his criticism of the Lancaster academics, he offered praise to NAPO for trying to ‘transform practice as a step towards the achievement of a socialist transformation’ (ibid: 116 – 119), replacing the ‘radical authoritarianism’ of the delinquency managers with ‘radical collectivism’, and the ‘development of an internal radical practice linked to individual action’, whereas ‘social work and IT have been fairly ineffective participants in the politics of reform’ (ibid: 119).

15. This analysis led to his belief that the ‘central irony’ of the LAC 83/3 initiative was to ‘impose the prison on the community’ (Pitts, 1988: 54), generating a new form of IT in which ‘an exclusive focus on offending behaviour and excursions into questions of need or subconscious motivation are rejected in favour of hard-headed behaviour modification’ (ibid: 87). The LAC 83/3 initiative was an ‘attempt to deflect political attention from juvenile crime’ (Pitts, 1992a), which ‘gave legitimacy to the government’s attempts to rationalise expenditure on criminal justice’ (Pitts, 1992b:

134), to 'promote an alternative, non-custodial sentencing tariff' (Pitts, 1992b: 141), and to de-politicise crime.

16. Looking back in 2000 on the 1980s and 1990s and the decline in custody that occurred, he concluded that

'Far from diverting serious offenders from imprisonment, "alternatives to custody" have been the means whereby less serious offenders have been propelled further up the sentencing tariff .... Radical reductions in custodial sentencing [were] not solely attributable to changes in 'sentencing culture' and the provision of alternatives to custody, although they may have played a minor role' (Pitts, 2000: 141 - 143).

Instead (Pitts, 1990) the fall in custody was due to diversionary initiatives, the development of alternative to custody programmes, and the reduction of young people in the age group,

'but it would be a mistake to assume, as some commentators have, that such reductions indicate that agencies of social care and juvenile justice systems are necessarily making more rational decisions or targeting their interventions more accurately' (Aymer et al., {including Pitts} 1991: 92),

because Parker et al. (1989) had pointed out that there was no possibility of estimating a likely custodial sentence.

17. While the LAC 83/3 initiative *appears* to have been 'the most successful innovation in the criminal justice system in the post-war period' (Pitts, 1992a: 182: *my emphasis*), contributing to a 68 per cent reduction in juvenile imprisonment between 1981 and 1989 (Pitts, 1992b: 136), he argued that Initiative projects were established mainly in low custody areas, and reductions in custodial sentencing were achieved in other areas, so the phenomenon could not be put down to LAC 83/3. Meanwhile the *proportion* of juveniles appearing in court who received custodial



sentencing actually increased slightly, so it was not really a success (Pitts, 2001). He cited Burney (1984) and Parker et al. (1989) as evidence that magistrates ignore restrictions on their sentencing powers, so it was not down to section 1(4) of the 1982 CJA either. Rather, the reduction in recorded juvenile crime 'is a product of a growing reluctance on the part of the police to proceed against 10 – 14 year olds and the 25 per cent drop in the numbers in the age range' (Pitts, 1992b).

18. However, in other writings he offered praise for NACRO and accepted that the LAC 83/3 initiative 'reduced levels of custody substantially' (Pitts, 1990: 15), and 'ultimately it is as strategic initiatives which aim to change the behaviour of juvenile court magistrates ... that they should be evaluated'. The important contribution made by alternative to custody projects, especially LAC 83/3 ones, was also acknowledged in a chapter in which he is one of the co-authors (Aymer et al., 1991: 94). He also claimed that the LAC 83/3 initiative 'triggered the most radical release from incarceration of children and young people this century' (Pitts, 1995: 8), and noted that between 1983 and 1989 the number of juveniles imprisoned in England and Wales fell from 7,900 to 2,200, and that 'the projects developed within the DHSS IT Initiative were a key factor in this reduction' (Pitts, 1996: 267). He said that this was due to a government alliance with a marginal group of radical youth justice professionals, and despite the introduction of the shorter DC sentence, which could have increased numbers sentenced to custody. The 1991 CJA 'was to be the means whereby the lessons learned in the 1983 IT Initiative would be generalized to young adult offenders' (Pitts, 1996: 272).

He was even positive about the 'progressive minimalism' that had produced a huge

reduction in the number of children and young people entering juvenile court, due to diversion, 'robust intervention' and cautioning plus, with the Conservative government institutionalising the success of alternative-to-custody practice and multi-agency diversion in the 1991 CJA (Pitts, 2003).

### **John Pratt**

John Pratt believed that the provision of education and employment training in IT was leading to greater social control of young people (Pratt, 1983a); that IT 'has become the vehicle for an increasingly wider and more intensive regulation of the lives of young people' (Pratt, 1983b: 19); and that alternatives to custody actually 'legitimise' custody, as the 'community/custodial sectors complement each other: each addition to the infra-structure of the one is likely to generate corresponding increases in the other' (Pratt, 1985: 97 -98). He thought that the Home Office 1984 Circular on cautioning would increase recorded crime and recorded juvenile offending, while the decline in the population of 14 to 17 year olds would increase the rate of custody, in order to fill beds, and result in net-widening as new client groups were brought into the system. In a review of diversion, he argued that it is all net-widening (Pratt, 1986a), but is also situated on the 'margins' of the juvenile justice arena, 'an appendage to, rather than diversion from, the juvenile court' (Pratt, 1986c: 46).

In another paper (Pratt, 1985) he identified the main features of juvenile justice as the growth of inter-agency co-operation, the increase in administrative discretion through diversion panels, the extension of IT to those 'at risk', an increase in coercion and surveillance through heavy-end IT and tracking schemes, earlier and longer

interventions, and a growth in professionalism and bureaucracy. He suggested the need to **move away** from developing community alternatives, and instead a more political approach to SERs, to challenges to other agencies, and an improvement of supervision practice.

Speaking at a practitioner conference in the North East (Pratt 1986b: 15), he claimed that ‘the omens for the success of intermediate treatment as an alternative to custody (or care) practice could hardly be said to be very good’, and that it would widen the net, escalate offenders up the tariff, create ‘a new site of control’ and ‘reproduce the prison form in the community’, citing the example of tracking schemes. Projects were accused of not emphasising ‘the wider social context of juvenile crime, the impact of inner-city policing, urban decay, mass unemployment and so on’, so becoming ‘a collusion with the prevailing view of juvenile crime ... rather than effectively challenging this’ (Pratt, 1986b: 17).

He distinguished between liberal and new right ‘back to justice’ movements (Pratt, 1987: 148) but still argued that decarceration failed because of insufficiently developed programme rationales; not addressing the structural biases in the criminal justice system; inappropriate client selection; professional resistance; and insufficiently conceived services and agencies. He referred to LAC 83/3 as a burden on the voluntary sector, used for the wrong clients, having no impact on custody rates, and based on intense control in the community, citing ‘tracking’ schemes as if they were typical of IT projects.

In later work, he questioned why ‘non-custody’ was ‘presumed to be a lesser

punishment than custody' (Pratt, 1989: 240) before going on to argue that what had really happened in youth justice was the development of 'corporatism', which was made up of:

1. increased cautioning and pre-court disposals (citing Northampton)
2. the development of inter-agency co-operation
3. the development of alternative to custody and care programmes
4. a decline in *personal autonomy* of social work professionals and sentencers
5. an increased voluntary sector role
6. the development of juvenile justice technology by the private sector
7. bifurcation
8. privatisation (seeing LAC 83/3 as the example of this).

He argued (Pratt, 1989: 246 - 247) that the male custodial population remained at 12 per cent of those sentenced in the youth court, and that little had actually changed in practice. He said that Intensive IT schemes 'carefully' designed their entry criteria to ensure 'a large catchment population (so as to achieve reasonably full occupancy)', retained the right to exclude the 'hard core' to maintain their credibility, and continued to allow a disproportionate number of black offenders to go to custody (citing Pitts, 1986a). As a result, the 'hard core' would still be locked up, and the unhealthy result was the reproduction of the features of the carceral system in the community.

However, in a review of Pitts' work on the politics of youth crime he accused Pitts of not getting to grips with the complexities of right wing policies, ignoring the falling

numbers of juveniles in custody and being too critical of the use of computers for system monitoring (Pratt, 1990).

In correspondence with me in 2006, John Pratt acknowledged that *'probably my own criticisms were exaggerated'* but restated his view, supported by the work of Scull and Cohen, that

*'all the alternatives to custody seemed to be leading to much more intrusive forms of social control in the community – but to those developing these programmes, this didn't really seem to matter .... I think Nellis always said that the reality of what happened in them was rather different from the way in which they were written up to get approval, funding etc. Nonetheless, I think what was taking place in the community punishments area raised fundamental principles of accountability and ethics – which I don't think were ever really addressed.'*

He also raised concern about the development in the 1980s of

*'the way in which largely non-accountable social work organisations began to dispense justice themselves – diversion from court and particularly all those intrusive and coercive ATC {Alternative to Custody} programmes with their conditions and penalties for non-compliance, dressed up in social work language ... all those ridiculous contracts the kids had to sign ...'.*

### **Barbara Hudson**

Barbara Hudson was also one of the main critics of the juvenile justice developments of the 1980s, seeing them as part of a 'back to justice' movement which offered 'dangerous ideological support for the withdrawal of welfare from amongst the most vulnerable sections of the population', which would lead to 'more and longer custodial sentences'. She believed that the 1982 CJA 'cannot fail to lead to more and longer custody' (Hudson, 1985), reversing the trend towards treatment (Hudson, 1984). She considered that the development in Britain of decarceration policies was 'now over', after it had been influenced by the 'notorious' Massachusetts experiment,

and IT was now offering cognitive training around debriefing and decontamination which would ‘extend, diffuse and strengthen’ incarceration (Hudson, 1984). She also believed that closure of institutions would lead to transcarceration (Hudson, 1993: 17).

In 1987, Hudson’s influential *Justice Through Punishment* was published, offering a powerful critique of the justice model, which she argued

‘too readily provides a legitimating rhetoric for the reduction of social-work presence in courts, the exclusion of offenders from caseloads, the curtailing of intermediate treatment programmes, and the cutting of counselling, training and other rehabilitative services in prisons’ (Hudson, 1987: xi).

She clearly believed that juvenile justice workers had an adherence to a ‘justice model’ which offered ‘the theoretical possibility and actual practice of imposition of something which could be said to be definitionally not-punishment, but which was experienced by those on whom it was inflicted as punitive’ (Hudson, 1996: 42). Instead, she called for ‘a direct abolitionist policy’ (Hudson, 1987: xii) in place of a decarcerationist strategy which ‘cannot be said to have been pursued at anything other than rhetorical levels in England and Wales’ (Hudson, 1987: 174). Falling juvenile crime rates were due to ‘the increasing practice of cautioning rather than prosecuting juveniles’ and some decline in the numbers of juveniles apprehended (Hudson, 1987: 100).

In a confusing chapter on juvenile justice, which moved indiscriminately back and forth between the British and American systems, and between the literature on adult, young adult and juvenile offenders, citing evidence from one to critique the other, she seems to assume that the failure of an initiative such as ‘diversion’ in one jurisdiction

must mean that it will fail in other jurisdictions, without any sense that lessons can be learned from research documenting a failure that can then be avoided in future. She also shows no awareness of **how** different the 50 state juvenile justice systems in the USA are, and how these are different again to that in England and Wales. She noted the decarcerationist intent of policy and practice, but claimed that it led to increased convictions and more youth incarceration (Hudson, 1987: 139) and gave ‘unwitting support to ... law and order ideology’ (Hudson, 1987: 176). She cited evidence from the 1970s, that social workers often recommended custody, to criticise the advocacy style of the new youth justice practitioners in the 1980s, who she believed had too much faith in lawyers, and a lack of a judicial perspective on the seriousness of crimes (Hudson, 1987: 157). Burney’s work on the impact of the restrictions on custody in the early days of the 1982 Act was cited by Hudson to show that they did not achieve their objective, and she claimed that campaigners were more concerned with the procedures than the outcomes (Hudson, 1987: 142; 1993).

She argued that the development of diversion was responsible for diverting people *into* the system, and not out of it, citing evidence from the USA (Hudson, 1987; 1993). Diversion will increase differential treatment, she argued, and draw more young people into social control processes (Hudson, 1987: 147). She claimed that ‘we have continued to build and fill more and more custodial institutions for young people’ (Hudson, 1987: 148). IT is cited as a ‘paradigmatic example ... of net-widening, goal-displacement tendencies’ (Hudson, 1987: 150), while ‘no judge was ever made redundant, no police force or prison service reduced because of the success of diversion projects’ (Hudson, 1993: 40). Thus

‘Decarceration through the expansion of welfare programmes has been a spectacular failure, resulting in expansion of the whole juvenile control

apparatus .... What is open to doubt, however, is whether the most apposite lessons have been learned, or whether the correct conclusions have been drawn' (Hudson, 1987: 152).

Hudson then claimed that juvenile justice practitioners were not trying to solve juveniles' problems, but trying to stop their criminality, strengthening the net of social control. Her description of alternative to custody IT included casework interviews, group activity focused on offending, a residential component, daily attendance at a centre, and 'near-constant surveillance' through 'tracking' by telephone, such that it is 'taking up almost all the young person's time and effectively removing them from their normal associations' (Hudson, 1987: 153: see also Worrall, 1997). She suggested that

'These projects, established as alternatives to custody, have in fact blurred the boundaries between custody and non-custody, to the extent that with some of them, it is difficult to know whether they should be categorised as alternatives to custody, or alternative custody' (Hudson, 1987: 154).

She concluded that the development of more punitive supervision in the community

'might well be a price worth paying if it were successfully decarcerating substantial numbers of offenders. The available evidence is that while intermediate treatment is having considerable impact in gaining clients in the fourteen- to sixteen-year-old age range the use of custody for the seventeen- to twenty-year-olds continues to rise' (Hudson, 1987: 154),

and argued that the closure of the residential institutions in England and Wales precipitated the decline in children being sent to them, due to financial stringencies.

For Hudson, 'social workers and probation officers have not taken up the challenge of urging the abolition of penal institutions for young people', whereas NAPO and ACOP have. The result was 'the failure of decarceration' in England and Wales, and increased custody for young people (Hudson, 1987: 160 - 161).



In a later work she also criticised the approach of the youth justice movement for its failure to address the issue of delinquency by girls and young women, as focusing on the offence would encourage the judgement of female delinquency ‘against standards of adult femininity rather than juvenile immaturity’ (Hudson, 1989: 110). She believed that it ‘would be anything but beneficial for females’ and said that it was ‘the legitimising rhetoric of the right-wing law and order lobby’ (Hudson, 1989: 112).

### **Other critics**

Many subsequent commentators seem to take some of the above arguments as given, without a more detailed look at the matter. Many rely heavily on Farrington’s and Pitt’s analyses. Newburn (1996 and 1998), for example, believed that ‘structural changes ... were at least equally, if not more, important’ than practice, citing demographic change, increased cautioning, bifurcation, the restrictions of the 1982 Act, and ‘diversion’ in IT as the reasons and concluded (Newburn, 1998: 199) that ‘the possibility that what the statistics represented was actually a “real” decline in juvenile offending has now largely been discounted’, citing Farrington.

Bottoms et al. (1998: 173) believed that the decline in juvenile offending since 1985 was ‘an illusion’, and Morgan & Newburn (2007) that the reasons for the fall in youth custody were an 18 per cent drop in the population of 14 to 16 year old males between 1981 and 1998, the 1982 Act, Intensive IT and, ‘crucially’, diversion from court. Phillips (1990) repeated the claim that the LAC 83/3 initiative failed to respond to black young people and young women.

Gelsthorpe and Morris (1994) suggested that, as the proportionate use of custody for those juveniles actually sentenced ‘hardly changed’, and that custody for young black people did not fall ‘so markedly’, then the alternative to custody thesis cannot be upheld:

‘It is only when we look at the proportionate use of custody for the whole of the known juvenile offender population that we see a very marked reduction: from 8% in 1981 to 1% in 1990. This indicates that it was the impact of diversion (cautioning) practices rather than deinstitutionalization (intermediate treatment) practices, the increased use of fines, compensation, or community service, the introduction of criteria to restrict the use of custody or legal representation which reduced custody’ (Gelsthorpe & Morris, 1994; pp. 976 - 977).

Roger Matthews referred to ‘the bizarre situation in which the community-based alternatives are depicted as being more of a problem than a solution’ (Matthews, 1989: 128). He then claimed (ibid: 135 – 137) that a ‘minimalist’ approach failed to acknowledge the problems of transcarceration, of displacement to other equally problematic agencies, of transfer of discretion to more administrative and less accountable realms, and of benign neglect, concluding that ‘successive alternatives have failed to live up to expectations’ (ibid: 139). He suggested that a successful decarceration policy depended upon limiting judicial discretion by providing rational guidelines (ibid: 140 - 141), and by developing inter-agency approaches, which have been particularly successful, ‘where other strategies have failed’ in juvenile justice (ibid: 143).

In some of his later writings (Matthews, 1992; 1995; 1999) he acknowledged the dramatic fall in juvenile custody and recorded juvenile crime (Matthews, 1995: 83), but claimed that emerging forms of inter-agency co-operation (Matthews, 1992: 84 - 85), managerialism or ‘corporatism’ were responsible for this, along with a fall of 30 per cent in the population (Matthews, 1995), and the ‘judiciary’s willingness to

explore a wide range of alternatives and adopt a growing array of non-custodial options' (Matthews, 1995: 96). He saw a critical role played by 'the improved penal climate' and the 'declining level of serious juvenile crime' (Matthews, 1992: 84 – 85) but does not consider cause and effect (was the fall in serious juvenile crime and the improved penal climate a cause or a consequence of the reduction in juvenile incarceration?). However, he argued, 'custody rates for young Afro-Caribbean's and for females did not decrease significantly during the 1980's' (Matthews, 1995: 86; 1999: 174). He saw little impact of cautioning, as it was not usually used when custody was a possibility, though it did reduce pressure on the courts (Matthews, 1995: 89). He said that the overall achievements of the diversion of juveniles from custody was 'not wholly positive', because of a contradictory set of imperatives and a weak theoretical position (Matthews, 1995: 96 – 101). In a bizarre misunderstanding of the order of developments, he says that

'In Northamptonshire, Basingstoke and elsewhere, inter-agency co-operation has been established in order to achieve a reduction in the use of custody for juveniles through the creation of what have been termed 'non-custodial zones' (Matthews, 1989: 143).

Yet it was only after there were several years of no custodial sentencing in Basingstoke that the 'custody-free zone' was used as a concept. As he put it again a few years later, 'the attempt to limit prison use through the expansion of more welfare-oriented "alternatives" in the 1970s and 1980s never quite lived up to expectations', while youth justice practitioners were no longer

'responding to the perceived needs of offenders and providing care and support ... impervious to the links between social and economic disadvantage and patterns of offending ... unwillingness to explore "deeper causes" ... (and the possibility of addressing the basis of offending becomes increasingly unlikely ... young people who may be facing serious difficulties are simply left to their own devices' (Matthews, 1999: 178).

Cheetham (1986: 34 - 35), one of the few writers to explore the racial aspects of sentencing, claimed that IT workers were not offering positive recommendations for community based sentences in their SERs on black young people, not offering black young people explanation, advocacy or help, and that when they did engage with black young people this engagement actually stigmatised them and drew them prematurely into the net of welfare services. She claimed that 'some projects' have a racial quota system, only admitting a small number of black young people or resting content with a few applications.

Roger Smith (1981: 32) claimed that intensive IT 'virtually amounts to a custodial sentence where money is saved by inmates going home to sleep'. He later (Smith, 2003) thought that too much emphasis had been placed on only one measure of success in the 1980s – reducing custody – which then had no defence against 'prison works' talk, and as a result the 1990s became a period of 'unlearning' in juvenile justice. Bernard Davies (1982) argued that Intensive IT was a 'progressive fad' that was failing to focus on 'poverty, inequality and powerlessness' of young people. Knapp & Robertson (1986) believed that LAC 83/3 would lead to IT being over-used.

Windlesham (1993: 168 and 240) gave prime importance for the decline in custodial sentencing of young offenders to the statutory restrictions on custody (as did Padfield, 2002) though stated that

'The steady decline in the number of young male offenders sentenced to custody which occurred throughout the 1980's is one of the most remarkable post-war achievements of deliberate legislative enactment' (Windlesham, 1993: 170).

He noted that recorded juvenile crime was falling (Windlesham, 1993: 171). In addition to the statutory restrictions, he acknowledged the role played by increased

cautioning, magistrates' greater use of IT, and the extension of community service to 16 year olds. However he stated 'while it was true that other factors beside the statutory restrictions on the use of custody for young offenders contributed to the decline, judicial interpretation and practitioners usage was crucial'.

Howard Parker et al, in various writings, had predicted that juvenile custody would rise after 1982, and in 1987 (Parker et al. 1987: 21) still considered that 'it is unlikely that custody rates will decrease significantly', though acknowledged that the steep rise in custody that he and his colleagues had predicted in 1982 had not occurred. LAC 83/3 projects had, they argued, not been alternatives, but 'sentences in their own right', causing 'over capacity and mistargeting', and there had been 'no substantial impression on custody rates. Decarceration may be more at the level of rhetoric'.

They then suggested that:

'There has ... been a drop in the proportionate use of custody if the percentage of males receiving a custodial sentence is expressed as a proportion of those found guilty and cautioned by the police. However, the custody rate for those convicted has not dropped .... The inevitable conclusion is that the new 'alternatives', like others before them, are not supplanting custody but other sentences .... The reality behind the rhetoric of decarceration is an escalation of control and surveillance' (Parker et al., 1987: 38 – 39).

McLaughlin & Muncie (1993) believed that community based initiatives 'have never replaced the custodial option' but 'have become additions to a seemingly ever expanding juvenile justice system'. They claimed that cautioning was used by IT 'to recruit clients, and that intensive IT was 'an institutionalised and punitive form of IT', yet go on to describe the 'unexpected and dramatic shift to decarceration and deinstitutionalisation' which they attribute to diversion policies, legislation, the curbing of professional autonomy, the development of alternatives to custody and bifurcation.

John Muncie believed that the justice movement provided a legitimating rhetoric for the political right, ignoring unemployment, poverty and inequality (Muncie, 1997). Later he (Muncie, 1999a: 272) noted the fall in the number of CHEs from 125 in 1975 to 60 in 1984, and the drop in residents from 7,500 to 2,800 over the same period. He suggested that the restrictions on custody in the 1982 CJA were gradually tightened by case law, and attributed the fall in youth crime and custody in the 1980s to LAC 83/3 rather than the 'successful revolution', noting that the 1991 CJA was an attempt to build on juvenile strategies in the adult arena. He went on to offer a radical critique of decarceration under the heading of 'the contradictions of decarceration' (ibid: Table 7.5: 278). These he defined as net-widening, up-tariffing, the lack of purpose of community based programmes, the jeopardy to which they subjected youngsters by accelerating the entry to custody through breach of the alternative order, the dubious financial and economic rationale of the alternatives, their limited vision and lack of awareness of the broader social context, and their political vulnerability. In his reading of the 1980s, he claimed that 'while magistrates were committed to incarcerating the young offender, social workers extended their preventive work with the families of the "pre-delinquent"' (Muncie, 1999a: 266). However, in another article of the same year, he cited the 'successful revolution' in youth justice and 'the diversionary successes of the 1980s' (Muncie, 1999b), though also claimed that by the late 1980s youth justice was 'a delinquency management service' (Muncie, 1999c).

Goldson has also offered various views on the 1980s and early 1990s. While documenting the good practice and reduction in custody (Goldson, 1997a; 1997b; 1999), he argued that it was 'misleading' to describe this as an 'unqualified success' due to institutional injustices, and the lack of attention to race and gender by 'colour

blind' and 'gender-blind' practitioners, so 'girls and young women in trouble did not benefit'. However, in 2005 he said:

*'The principles, policies and practices of diversion, decriminalisation and decarceration made a positive impact across the juvenile/youth justice system in England and Wales during the 1980s and early 1990s'* (Goldson, 2005: 86).

Rogowski (1995), a practitioner writing from an avowed radical perspective, accused community based initiatives as being 'alternative incarceration', rather than alternatives *to* incarceration. For him (Rogowski, 1984), 'IT itself cannot reduce the overall rate of delinquency as delinquency itself has its roots in the structure of society' and the politicisation of young people. So 'even if IT did emerge as a genuine alternative to incarceration ... seen from a Marxist perspective it is merely a more subtle method of social control' (Rogowski, 1985), a 'conservative practice' (Rogowski, 1990a) 'perpetuating a capitalist society', that instead should aim 'towards the longer-term structural transformation of society' via non-pathologising groupwork that develops a 'sense of oppression' (Rogowski, 1990b). 'Removing young people from gaols and the like is all well and good but does not address the fundamental inequalities of wealth and power in society' (Rogowski, 1994). However in 2009 he criticised both New Labour and Conservative governments for ignoring that

'there were social work successes in relation to youth crime in the 1980s which showed that minimal intervention and being channelled away from the youth justice system, together with genuine alternatives to incarceration, were the way forward' (Rogowski, 2009: 10).

Robertson & Knapp (1987: 133) were convinced that there was an 'apparently irreducible custodial population of young people', which could not be affected unless custodial sentences were abolished. Rawlings (1999: 153) placed responsibility for the decline in custody on the increase in cautioning, and Brown (1998) believed that

the fall in juvenile custody rates was mainly due to the restrictions on custodial sentencing in the 1982 and 1988 Acts, alongside ‘increased use of “punitive” community measures’ such as IT, police entry into social work areas via cautioning panels, and the ‘refashioning of intermediate treatment in a “law and order” image’ during the ‘darkest hour’ for juvenile justice.

The juvenile justice experience in the UK between 1982 and 1994 is also totally ignored by some academics writing about attempts to reduce custody. Goldblatt & Lewis (1998), for example, in a Home Office study on ways of dealing with offending behaviour, made no reference to IT. Bishop (1988), writing on non-custodial alternatives in Europe, also ignored juvenile justice in England and Wales, as did McConville & Williams (1987) and Snacken et al. (1995). Bottoms (1987), writing on limiting prison use in England and Wales, showed no interest in juvenile imprisonment. Reiner (1987), reviewing Rutherford’s *Growing out of Crime*, said that he remained ‘unconvinced about its feasibility either politically or as a means of dealing with all young offenders’. Garland (1989) writing about the Punishment in the Community green paper, ignored juvenile justice, as did Davies (1989), Smith (1989), and Davies et al. (1996). In a collection on ‘radical social work today’ Langan & Lee (1989) made no reference at all to the radical social work going on in youth justice, but had a chapter on probation which thought that ‘the recent proliferation of non-custodial alternatives is a component of a more general drift towards coercion’ (Senior, 1989: 309). Writing at the time of some of the most significant changes in sentencing and the closing of residential and custodial institutions for delinquents, Ely (1985: 135 - 136) concluded that ‘no particularly important initiatives with regard to the continuing management of delinquency appear to be in prospect’. Recent



discussion on decarceration in North America (Barker, 2011; Bosworth, 2011; Bushway, 2011; Gartner et al, 2011; Gottschalk, 2007; Staples, 2007; Uggen, 2007; Mauer, 2007), ignore the lessons of abolitionism and other decarceration initiatives, instead coming up with calls to ‘reclaim the rehabilitative ideal (Gottschalk) and institute executive pardons (Uggen) as their strategies. Jacobs argues that little is known about how to decarcerate; ‘this is practically virgin territory’ (Jacobs, 2007).

There is a similar neglect of juvenile justice developments in many overviews of wider criminal justice policy in the UK or in England and Wales, when one would have thought that the massive reduction in imprisonment of juveniles at least deserved a mention (see Dingwall & Davenport, 1995). Sim (2009), despite proposing an abolitionist agenda and asking ‘why have empathic policies been ignored and marginalised?’ (ibid: 134ff), discusses the period 1983 to 1990 with no reference to the closure of youth prisons, and relegates the Massachusetts initiative to a footnote (ibid: 141), thereby answering his own question. Even campaign groups who had supported and drawn on the juvenile justice success in the 1980s would ignore it in the late 1990s (see PRT, 1998). Fionda (1988), in explaining juvenile justice in the 1980s, referred to ‘alternatives developed by the probation service’, ignoring the role of social services and the charitable and voluntary sector, who set up and managed many of the LAC 83/3 Projects. Pickford’s (2000) collection is significant for its lack of reference to practitioner gains in the 1980s, and for an example of alternatives to custody she went to the USA (Hunt, 2000). Mills (2011) claims that community sentence reform will leave ‘the overall size of the prison population’ untouched, that ‘alternatives to custody’ cannot bring about change ‘on the scale necessary to release meaningful sums of money from prison’, and will not act as ‘like-for-like

replacements' to custody, but will push offenders up tariff.

### **An Alternative analysis**

This amounts to a strong academic critique of youth justice practice in England and Wales in the 1980s. Each of the above authors make some similar and some unique points, and it makes sense to discuss each of the concerns separately.

### **Changes in the age cohort**

Pitts (see above: page 320) and Hudson (see above: page 326) both suggest that a falling age cohort was one of the main reasons for declining custody. The 14 – 16 year old population fell from 1,268,000 in 1981 to 1,045,000 in 1988 (an 18 per cent fall). There was no decline in the number of 10 - 13 year olds in the population between 1985 and 1991 (Howard League, 1994: 195). As Rob Allen (1991a) suggested, 'the decline in custodial sentencing easily outstrips the decline in population' (see also Allen, 1991b). Pratt (see above: page 322) argued that custodial sentencing would **increase** proportionately as the population fell, in order to maintain institutional capacity, but this did not happen. The fall in the percentage of offenders sentenced to care or custody **cannot** be explained by changes in the age cohort. At most it would only account for barely a fifth of the reduction in care and custody.

### **The role of informal warnings**

Almost all the evidence about the expansion of informal warnings, especially

Farrington's evidence (see above: page 311), came from studies of the Northampton juvenile justice system. Northampton's juvenile justice system was unique, however, and must be seen as a special case (see below: pages 357ff), and it is not appropriate to use it to generalise across the country.

Other evidence is less supportive of the belief in the expansion of informal warnings. Evans & Wilkinson (1990), for example, looked at 16 police force areas across the country in 1988, and found that 11 of them did not use informal warnings at all, two forces used them for one per cent of arrests, one force for six per cent, and one for 15 per cent. The remaining police force in the study was Northampton, which used them for 35 per cent, but never used **instant** cautions, whereas some others cautioned up to 45 per cent of all cautions instantly. Across the country, the officers that they interviewed said that they used warnings and instant cautions for 'the most minor offences', such as dropping litter or cycling on the footpath.

Collier (1996) found that the fall in the number of recorded male offenders under 18 **could not** be accounted for by increased use of informal warnings, as the number of young male offenders known to the police in 1995, including those informally cautioned, was significantly less than the numbers found guilty or cautioned in 1985. He claimed that, at least for the 10 – 13 age group, this was due to a genuinely declining rate of offending per 100,000 in the population. Barclay (1990) considered that it was not clear that the fall in shoplifting was due to an increase in informal police action, despite being cited by Farrington (see above: page 311) in support of this. Furthermore, while Farrington and Burrows (1993) cited the increase in informal warnings as masking the rate of shoplifting, there is no available evidence that the

police did not record offences that they cleared up because they had dealt with them informally.

### **The impact of the Police and Criminal Evidence Act 1984**

The Codes of Practice introduced under the Police and Criminal Evidence Act 1984 (HMSO, 1984a) were designed to ensure fair and consistent treatment of suspects. Young people under 16 were designated as 'vulnerable' and were required to have an 'appropriate adult' with them when being interviewed. In most cases this would be a parent. They were also entitled to a solicitor. There is very little evidence to support Farrington's view (see above: page 311) that the introduction of these safeguards dramatically changed police convictions or clear-up rates of juvenile offences. The research that has been carried out (Dixon et al., 1990; Brown et al., 1992; Evans, 1993; Pearse & Gudjohnson, 1996; Evans & Rawsthorne, 1997; Brown, 1997; Bucke & Brown, 1997) suggested that parents often collaborated with the police to get an admission; that police regularly broke the rules and were unchallenged by the appropriate adult; and that admissions by children and young people in expectation of getting a caution occurred when there would not have been valid evidence to sustain a prosecution (see Jones, D W, (2005) for an overview of appropriate adult research). Farrington (1984: 75) had elsewhere argued that juvenile admissions 'may not meet strict legal requirements of proof'.

### **The impact of the introduction of the CPS**

The introduction of the CPS was seen by juvenile justice practitioners as an

opportunity to promote alternatives to custody, by reducing prosecutions (Hardy & Batty, 1988a; 1988b) following negotiations with prosecutors, as the Codes by which the CPS were governed encouraged diversion of juveniles until 1993 (see above: page 194), after which they were changed. Gelsthorpe and Giller (1990), found that 96 per cent of recommendations for prosecution made by the police to the CPS were actually prosecuted (citing Gelsthorpe et al., 1990). So while it is possible that the creation of the CPS led to increased cautioning, it is difficult to see how it would have contributed to lower custodial sentencing, as Farrington suggests (see above: page 311).

### **The naivety of youth justice practitioners and their lack of awareness of net-widening and the expansion of social control**

Much of the academic criticism of the focus on offending behaviour made by Pitts (see above: page 314ff) and Muncie (see above: page 334) ignored the fact that, **in the court arena**, projects had to emphasise this rather than the welfare work that they carried out around wider social and youth issues, in order for magistrates to recognise their programmes as realistic alternatives to custody. Project publicity, leaflets and reports were written for magistrates, court clerks and police, and needed to be interpreted in this light. Juvenile justice practitioners were one of the rare parts of the social work profession that **did** read and respond to research, and it is possible that many of the academic critics ‘underestimated both the political and the ethical awareness of social workers’ (Smith, 1995: 84). Wade (1996) described an occupational culture and ethos around reductionism and systems management in Hampshire, with a tactical awareness that enabled a small group of just 10 – 12

juvenile justice workers to have a much greater influence on their local juvenile justice system than would be expected from their low status and power position. They were comfortable with conflict between juvenile justice workers and social workers, residential staff and managers, and had clear strategies designed to influence the police, magistrates, court clerks, solicitors, prosecutors and others, and 'they held firmly to the belief that the unintended and destructive consequences of criminal justice system intervention outweighed the benefits' of providing welfare support to minor offenders (ibid: 83), and instead offered support and premises to other organisations to develop such services.

Many practitioners had a sophisticated understanding of the possible impacts of their practices and a consciousness of the dangers of net-widening, which they saw as not inevitable (Raynor, 2002: 1179). The reality was that projects had to manage the public image of their work with an awareness of the views of sentencers, so they developed a language that masked some of the reality of practice. Many projects gradually reduced the amount of contact that they had with young people, as part of the statutory court order, as they gained credibility. For example, the CSV Kent schemes reduced the length of programmes as the project became accepted by their local courts (CSV Kent, 1987). Chris Stanley, who managed all the LAC 83/3 schemes in Kent, told me (*personal interview*) that '*programmes had to be incredibly tight to begin with, and then became less severe as time went on*'. The alternative to custody programme in Hampshire involved three attendances a week over 10 weeks; the one in Solihull three individual sessions a week for 40 sessions in all (Howard League, 1994: 101ff). The North City IT project run by Barnardos required attendance for just three evenings a week, and their more intensive IT with Specified Activities

programme for five sessions a week (Ames, 1991). Surrey Juvenile Offender Resource Centre's programme as an alternative to care and custody involved two sessions totalling seven hours per week (Curtis, 1989: 22). Denne & Peel (1983) describe programmes offering from one to five contacts per week. The Well Hall Project in Greenwich required 2-3 three-hour evening sessions a week over 12 weeks (Jones, D W, 1987) and the Hounslow Action for Youth Sixteen Plus Project between one and five individual sessions, often around an hour in length a week (Hounslow Action for Youth, 1988). This hardly seems similar to the experience of custody while living at home, as Pitts (see above: pages 318 - 319) and Hudson (see above: page 328) have both suggested.

The most extensive study of IT found that those sent to heavy-end Intensive IT projects **were** serious and persistent offenders genuinely at risk of a custodial sentence (Bottoms, 1995b: 8), and found 'intensive' to mean three or more contacts a week, with an ordered approach and authoritative style 'coupled with a strongly caring focus', whose clients rated them as helpful (ibid: 12). The same study argued that the 'simple' net-widening critiques oversimplified the nature of 'the state' and implied that state intervention was inevitably harmful to the disadvantaged, when this was not always the case (ibid: 83).

Paul Cavadino (*personal interview*) told me that he thought that the most significant development in criminal justice at this time was

*'the strong practitioner led culture of diverting young people from court and keeping them out of custody wherever possible. Intensive IT was being used for young people who would otherwise have been at risk of custody, contrary to previous experience of the development of more intensive alternatives (which was why there was a lot of academic scepticism at this time) ...'*

His comments were echoed by Henri Giller (*personal interview*):

*'You can't minimise how much of this was practitioner led ... they were fully engaged with this debate and these strategies, and there was a real enthusiasm to try and make a difference, make a change ... practitioners were dedicated to this'.*

Hughes et al. (1996) attended team meetings and interviewed staff in the Northamptonshire Diversion Unit, and found them very aware of the dangers of net-widening and taking steps to prevent these dangers being realised. They also found staff very aware of the 'lack of justice' argument and very clear in promoting clients' legal rights. NACRO's (1986b, for example) regular bulletin promoting cautioning clearly showed an awareness of the dangers of net-widening.

In fact, it could be argued that the 'naivety' was more that of the academics (Pitts, Pratt, Hudson, Matthews etc), whose ideological belief that alternatives to custody were impossible obstructed their understanding of the complex reality of IT practice, an issue that is dealt with more fully later (see below: pages 379ff).

### **The role of tracking schemes and punitive juvenile justice**

Pitts (see above: page 314) and Pratt (see above: page 322ff) both imply that tracking schemes were typical of intensive IT, yet tracking schemes actually made up a very small proportion of juvenile justice projects around the country (see Robinson, 1986) and were constantly criticised by the mainstream campaigning youth justice organisations and juvenile justice practitioners (see Nellis, 1991: 382). They did **not** epitomise IT or youth justice practice. Many of them were probation based, such as the Leeds one documented by Clayden et al. (1987: and see Crine, 1983, and



Falkingham & McCarthy, 1988). Nellis (2004) identified only 12 such projects in the whole of England and Wales, which were ‘the focus of a controversy out of all proportion to its incidence’. He accused Pitts and others of heightening the surveillance elements in tracking ‘in order to critique it’, and it is hard to see why else the critics equated IT with tracking.

This analysis contributed to the wider views that IT had become much more punitive, as espoused by Pitts (see above: page 314ff), Pratt (see above: page 322ff), Hudson (see above: page 325ff), McLaughlin & Muncie (see above: page 333), Matthews (see above: page 331) and Brown (see above: page 335), and was part of their belief that IT had moved away from concerns with young people’s welfare, discussed below.

### **The lack of attention by LAC 83/3 projects and social services to social need**

This is based on the failure to recognise the distinction between rhetoric and reality in juvenile justice. Many projects could state, for the benefit of sentencers, that they were focusing on offending behaviour, but in reality the welfare needs of the young people that they were working with were not ignored.

Stone’s account of the Junction Project is a good example of this. She quotes internal reports of the projects’ aims and objectives, including attention to ‘work, educational attainment, home situation, peer group relationships ... use of leisure time and the community’ (Stone, 1984: 15). The project recognized that, while there was some control over the offenders’ lives, the young people had more choice than if they were in custody (ibid: 17), and she suggested that there was a strong sense of

empowerment:

‘Offenders are not viewed as passive receivers of ‘treatment’ but as active participants in measures which are seen as offering them choices and the means of changing their behaviour .... These means are seen as consistent with respect for the individual and reflects a belief in the individual’s capacity to be self-determined whatever the structural problems existing in society’ (ibid: 17 – 18).

The Fitzgerald Project run by the Rainer Foundation in Lewisham, and part funded under LAC 83/3, offered counselling, group work, education, employment workshops, housing and skills training (Macdonald, 1987). Another Rainer Foundation project, the Well Hall Project in Greenwich, employed a clinical psychologist to attempt to measure the successful inputs on a range of welfare issues (see Brown, 1986). The Hampshire projects run jointly by the Rainer Foundation, Hampshire Social Services and the Hampshire probation service clearly set out to provide ‘high quality support programmes’ and to ‘tackle the underlying difficulties’ that the young people faced (Wade, 1992). This had followed an acknowledgement in the 1980s at the Woodlands project that they had not tackled housing, unemployment, family issues, social conditions, and head teachers’ attitudes as well as they should have (*Pauline Owen: personal interview ‘you can’t divorce a young offender from his living circumstances’*). Andrew Rutherford (*personal interview*) told me that he found that Woodlands **were** working on welfare issues:

*‘certainly meeting the welfare needs of young people, but not doing this in a way which stuck them into some form of welfare dependency ... Woodlands was like a very well run youth club which was also acutely conscious of not attaching some criminal label upon the young people’ .*

Lorraine Gelsthorpe said:

*‘I think that the work I saw showed an absolute commitment to young people and their needs. I don’t think that this was an ideological thing, but a social work thing’ (personal interview).*

The Northampton Diversion project was aware that in its work it would identify other needs, but claimed that it was also conscious of the need to promote children's rights and not undermine them (Hinks & Smith, 1985). O'Dowd et al. (1991) claim that, although their starting point was always an offence, once they were working with an offender staff would get involved in welfare issues as appropriate.

Henri Giller told me that youth justice practitioners '*did want to try and identify some of the kids' needs and try and meet some of them*'. Certainly Gibson et al. (1994b: 40) stated that 'this was not to say that ... working with young people in the community was neglected'.

An account of three Barnardos intensive IT projects in the North West by Ames (1991) noted the attention to social and life skills and leisure activities; that 'the staff worked to ensure' the young peoples' 'well-being in whatever ways they were able'; the provision of a neighbourhood youth and community service; a 'commitment to alleviating the effects of severe poverty and disadvantage', and a 'genuine commitment to meeting welfare needs'.

Norman Tutt told me (*personal interview*) that he '*did not think it was ever true*' that projects did not address welfare issues:

*'What I always said was that, if you have got the kids for a week, then what you have to do is to work out a sensible curriculum, part of which was the offending curriculum, working on the attitudes and behaviour that were linked to the offending, but that other aspects were just as important: having a meal with a child, seeing how they are getting on at home, teaching them social skills, and I think that what John Pitts and others never understood was that we took as read that these things would be going on, and that you overlaid them with working on the offending .... I don't know of any youth justice worker who thought you could just deal with offending from nine in the morning until nine at night*'.

The five LAC 83/3 projects set up in Devon by NCH ‘all involved’ education, literacy, numeracy, social skills and job skills (Millham, 1986), and those in Kent ensured that staff had the skills to work with young people on social issues (*Chris Stanley; personal interview*). The Miskin Project (1987) gives a clear account of an intensive specified activity programme for ‘Billy’ which addresses a range of welfare issues. Rob Allen (*personal interview*) claimed that the Redlees centre in Hounslow, which he managed, was working on:

*‘a lot more than the offending behaviour – the actual amount of contact time with youngsters was a lot of the time spent in trying to support them at home, get them engaged in other activities, working with their parents to try and stop them throwing the kids out. It wasn’t just about offending: it was about trying to work with these young people in their families – to try and help them get through to the other end’.*

Given that many of the LAC 83/3 projects were actually managed by national children’s charities (Barnardos, Save the Children; NCH, Rainer) it is hard to believe that their parent bodies would have allowed children’s welfare needs to be ignored.

### **The lack of development of LAC 83/3 in high custody areas**

Pitts (see above: page 320) raised this concern. The LAC 83/3 projects cannot be seen as unique, and different to already existing local authority intensive IT schemes. The LAC 83/3 initiative itself was based upon already existing projects, mainly in local authorities, that the DHSS believed were showing success in reducing custodial sentencing, and was an attempt to push those authorities that had not yet developed such projects to do so. In many high custody areas (such as Rochdale, Oldham, Sefton, Northampton and Essex) local authorities had already set up similar projects, following commissioning of research into the local juvenile justice system by people

such as the CYCC at Lancaster. These were often the models for the LAC 83/3 projects. When surveyed by Bottoms et al. (1990: 72) the reasons that areas that had **not** applied for LAC 83/3 funding gave for this ‘was overwhelmingly that alternatives to care and custody were already well established’ in their areas. Personnel moved easily between the two sectors, and methods used were shared. The national practitioner bodies had membership from both statutory and voluntary sector projects, with little tension between them. Workers from both types of project met up at national youth justice conferences run by NACRO, the AJJ and BASW and shared ideas, and workers moved between the voluntary sector and statutory sector regularly.

### **The role of diversion and caution plus**

Lee (1998: 6) argued that diversion is ‘best understood in terms of the management of unruly groups and the state’s adaptation to high crime rates and high case loads’, so that it was able ‘to limit the level of demand placed upon the criminal justice system by letting minor offences and offenders fall below the threshold of official notice’. Certainly the young people that she interviewed saw cautioning as punitive, and she observed the police trying to make a visible impact, such as getting the youth to cry (ibid: 128). Diversion and Caution Plus schemes are often discussed in the literature as if they somehow stand alone, whereas they were in fact part of a much more integrated juvenile justice strategy than the critics allow. Lorraine Gelsthorpe (*personal interview*) said that

*‘cautioning was part of the thinking. A little bit of evidence went a long way in persuading police officers that maybe a second caution could be important, and had a low level of reoffending.*

Paul Cavadino echoed this (*personal interview*), seeing the trend towards diversion as

a key feature of the 1980s:

*'Caution and caution plus had an impact on keeping people down the tariff. Most did not reoffend. It kept a lot of young people out of court, and the evidence clearly indicated that you were less likely to reoffend if kept outside the formal criminal justice stages. If they did reoffend they were coming before courts for the first time, not the second, and therefore not moving up the tariff ladder as quickly towards custody'.*

Andrew Rutherford (*personal interview*) told me that *'cautioning initiatives were clearly part of an agenda to keep young people out of custody'*, and Uglow et al. (1992) considered that there was a clear link between intensive IT and cautioning strategies in Kent. By removing a large chunk of minor offences from the juvenile court, practice was allowed to concentrate on those who did appear in court, and courts given more time for deliberation about sentencing options (see Tutt, 1984d). As Bottoms et al. (1990: 5) noted, the expansion of juvenile cautioning in the 1980s was achieved without the net-widening effects that had been seen in the 1970s. Practitioners were familiar with the research showing that *'diversion'* had failed in the USA and learnt lessons from this, avoiding replication of the structures that had failed.

Given magisterial hostility to the development of cautioning (see above: page 211ff), there could easily have been a backlash, with much tougher sentencing on those that did come into court. The huge decline in the numbers being dealt with in court meant that the courts were only dealing with more serious offences, and this could have led to them passing more custodial sentences (Gibson et al., 1994b: 41), which did not occur. Bell & Gibson (1991: 97) were clear that cautioning practice played a major part in the reduction of custodial sentencing.

## **Repeat cautioning**

One of the pieces of ‘evidence’ used to challenge the expansion of cautioning of juveniles was the increased reoffending rate by those cautioned after 1991, but this was partly due to the fact that repeat cautioning was increasing, with a fall in the proportion of those being cautioned for a first offence from 81 per cent in 1985 to 69 per cent in 1991, and a large increase in the cautioning of adults, from only 20 per cent of those cautioned in 1985 to over 50 per cent in 1991 (Home Office, 1994f). Repeat cautioning could also be a statistical artefact: a person cautioned for taking a motor vehicle without consent could also accrue cautions for driving under age, not having car tax and not being insured, giving the false impression of four separate cautions (see evidence by the Association for Youth Justice to House of Commons, 1993b: 78 – 79 and Audit Commission, 1996). Multiple cautioning, however, only occurred in a few police areas, notably Kent and Northampton.

## **The proportion of court sentences resulting in custody**

Given that many of those now cautioned would previously have appeared in court and received, presumably, minor sentences, the fact that the proportion of those sentenced to custody, as a percentage of court appearances, did **not** rise may itself be something of significance. Yet Pratt (see above: page 324), Gelsthorpe and Morris, (see above: page 330) and Parker et al (see above: page 333) all see it as significant evidence of the failure of intensive IT. As Parry (1992: 216) argued, given the reduction in custodial sentencing of juveniles, it could be reasonably expected that those few **now** receiving custodial sentences would pose a grave and direct threat to the community.

Haines & Drakeford (1998: 59 - 60) offer an excellent statement of this:

‘If more and more minor and younger offenders are being diverted from formal prosecution then it is increasingly the older and more serious offenders who appear in court .... If there were no changes to courts’ sentencing behaviour, then an increase in diversion would be likely to lead to a proportionate increase in more severe sentences ... the decline in custody over the 1980s is far more significant than straightforward sentencing trends tend to suggest’.

Bell & Haines (1991: 121) pointed out that, as courts began to see only the more serious offenders, a *percentage* decline in custody actually masks the greater *absolute* decline, as is shown in the Tables in Appendix 1. As Smith (1999: 152) noted, the proportion of 14 to 16 year old boys receiving custody, as a percentage of all those cautioned or convicted, fell from eight per cent in 1981 to two per cent in 1991, and this was far more than demographic factors could account for. Bottoms et al. (1990) were clear that there had been a decrease in custody and care in the 1980s when considered as a proportion of all offenders.

### **Faith in lawyers**

The view of Hudson (see above: page 327) that juvenile justice practitioners had too great a faith in lawyers is not backed up by any evidence. Many youth justice projects actually had such concern about the quality of representation of juveniles in court that they maintained informal lists of good solicitors and tried to encourage youngsters to use them (see Wilson, 1987). Blackwell (1986) called for a Crown Court strategy, involving the cultivation of barristers sympathetic to juveniles, challenging other barristers, and appeals against sentence.

The first issue of AJJUST (1984a) claimed that solicitors ‘don’t care’ about young



offenders going to custody. A campaign was launched to try and improve the quality of barristers representing children in Crown Court, and their understanding of youth justice practice. The AJJ ran a regular training day on 'Justice and the Law' (see AJJUST, 1984d), and promoted the development of links with solicitors and barristers (AJJUST, 1984e).

One of the leading practitioners at the Woodlands Project, Sanders-Graham (1987), raised concern about the incompetence of barristers in juvenile appeal proceedings and the need for a strategy to deal with this. Declan Kerr (*personal interview*), talking about his work in NACRO's Manchester office in 1990, told me how they had worked with the North West Solicitors' Association to try and influence solicitors and barristers, actually put on training for barristers and attempted to obtain Law Society accreditation for this training.

Seventeen of the projects worked in by respondents to my questionnaire indicated that they specifically directed juveniles to selected solicitors that they knew worked well with young offenders, while one said 'it was thought unprofessional to openly' do this (as it could have led to commissions being paid by solicitors to youth justice workers, for example) he added that it 'was common practice to carefully manipulate it'. Another talked about telling young people to go and stand at a particular spot in the town centre and then look around, knowing that they would then be near to the offices of good juvenile justice specialist solicitors. Geoff Monaghan (questionnaire submission) said that

*'important features included ensuring that the juvenile justice team staff maintained a high level of legal knowledge and networking. In time, key staff were viewed by crown prosecutors, defence lawyers, magistrates and other players as the most knowledgeable in the local system and were highly*

*respected .... There was more confrontation and challenge’.*

### **The impact of the 1982 s.1 restrictions on custody**

These legal restrictions have either been cited as ineffectual by Hudson (see above: page 327) and Pitts (see above: page 321) or as massively influential by Windlesham (see above: page 332) and Brown (see above: page 335). Much of the research that is cited to claim that these restrictions were ineffective was carried out in the very first year after the implementation of the Act by Burney (1985) and Reynolds (1985), yet it continued to be cited even when more up to date evidence was available that showed that the interpretation of the restrictions was changing (Stanley, 1988 and 1992; NACRO, 1989f; 1991d; 1991c; Gibson et al., 1994b). As Ashworth (1989) noted ‘after some early years in which the courts did not know quite how to apply the new requirements, the sub-section is now influencing courts’ reasoning in marginal cases’. It is necessary to question why some academics (e.g. Hudson, 1993) continued to use the early research of Burney and Reynolds and ignored more recent evidence.

Paul Cavadino (*personal interview*) agreed that the restrictions on custody

*‘took a while to bite .... Initially magistrates were deciding what they wanted to do and then looking at a way to fit this into the criteria. It was only when you had a determined local attempt to appeal cases, like that of Chris Stanley in Kent, who wrote a Justice of the Peace article about it, showing most appeals were successful, that it began to spread. NACRO summarised all the court of Appeal cases which were interpreting the criteria so they could be used in appeals – it took time – but it gradually built up and spread. There was no doubt that the 1988 strengthening of the criteria helped as well. Almost all of the impact was after 1985, after Burney’s research’.*

### **The impact on girls and young women**

It is difficult to argue that juvenile justice practitioners trying to reduce care and custody ignored girls and young women, as Pitts (see above: pages 317 - 318), Matthews (see above: page 331), Hudson (see above: page 329) and Goldson (see above: pages 334 - 335) do, when by 1988 there were only 25 fifteen year old and 26 sixteen year old girls in custody (Nellis, 1991). The figures for young women under 17 receiving custodial sentences actually fell so low (see Tables 75 and 84) that they were shown as 'nil' in the criminal statistics. It is true that, as most young female offenders were diverted from court, projects offering alternatives to custody mainly worked with young men, but then the projects could have been accused of 'net-widening' if they had continued to work with girls. Projects did work with young women when appropriate. The Fitzgerald project, for example, had a 30 per cent intake of young women (Macdonald, 1987). The DEWIS Project (Phipps, 1990), after reducing the numbers entering care and custody, started to focus on girls who were deemed to be 'beyond control' and working with those who were homeless.

### **The impact on black young people**

The claim that black young people did not gain from the fall in custody is a particularly serious one when aimed at a group of practitioners who would claim to be radical. It is made by Pitts (see above: page 317), Pratt (see above: page 324), Phillips (see above: page 329), Cheetham (see above: page 332), Goldson (see above: page 334), Gelsthorpe and Morris (see above: page 330) and Matthews (see above: page 331). However, a great deal of the belief that black young people did not get the best

support from intensive IT was based on a piece of research by Tipler (1989) on the sentencing of juveniles in Hackney, North London, which was based on 1000 cases appearing in juvenile court. This noted a difference in cautioning of black and white youths, and higher rates of custody for black youths, after controlling for offence and previous convictions. However, Tipler's findings on cautioning were 'statistically insignificant', while his study did not control for plea, despite the finding that black youths were more likely to deny the charge and/or plead not guilty, which ruled out cautioning and could also rule out the development of a comprehensive alternative to custody programme prior to trial.

It is also necessary to question the claim that black young people did not gain from the fall in custody, though they may not have gained as much as youths from non-minority ethnic communities, but there is no hard evidence either way. Given the fall from 14,000 young people in care and custody for offending in 1982, to 1800 in 1992, then even if **all** of these 1,800 were black (which they were not) this was likely to be less than the total in 1982, as this would only amount to 11 per cent of the 1982 population in custody.

The conference organiser of the NITFED (1987) annual conference in 1987 called for attention to anti-racist practice, and Stone (1984) found that over half of those attending the Junction project were of ethnic minority status, while 55 per cent of the Fitzgerald Projects' intake was Afro-Caribbean (Macdonald, 1987).

## **The role of Northampton as a special case**

Northampton was a very special case in juvenile justice, a 'product leader' according to Hughes et al. (1998), and a 'blueprint' (Wright, 1993) and it is dangerous for commentators to draw on it as typical of juvenile justice practice nationwide, as Farrington often does. Initially one of the pioneering schemes monitored by the CYCC at Lancaster, it soon developed a 'unique' system of pre-court diversion (Thorpe, 1994) which it saw as 'well ahead of the rest of the country' (Crook & Dolan, 1986), and was seen by others as 'apart from other initiatives of its kind' (Blagg, 1985), using victim-offender reparation as a key part of the input (see Hope, 1985; Lunn, 1987). There was an 81 per cent fall in prosecutions in the county between 1981 and 1986, with care orders and custodial sentencing falling from 53 in 1980 to 16 in 1985 (Crook, 1987). It was one of the first inter-agency Juvenile Liaison Bureaux to be established (Bowden & Stevens, 1986a; Hinks and Smith, 1986a), using a model of 'corporate action' (Stevens & Crook, 1986; Bowden & Stevens, 1986c), and it deliberately sought to increase **informal** action by the police (Davis et al., 1989). The juvenile cautioning rate, as a proportion of all police decisions, rose to 83 per cent, one of the highest in the country, and remained there over time (Evans & Ellis, 1997; Hughes et al., 1998), while custody fell from 31 in 1980 to seven in 1985, and care orders from 16 to three over the same period (Bowden & Stevens, 1986b). Juvenile crime also fell despite an increase of 10 per cent in the juvenile population (Bowden & Stevens, 1986c).

Evans (1994), researching cautioning practice nationwide for the Home Office, noted the 'unusualness' of Northampton in terms of the use of informal warnings (see

above: page 339), where it was ‘very much the exception’, as did Gibson et al. (1994b: 225 - 226: see also NACRO, 1998). Geoff Monaghan worked in youth justice teams in Northampton from 1982 to 1986, including a spell in the Juvenile Liaison Bureau and told me (comments attached to his returned questionnaire) that *‘it was created to be as independent as possible of any agency .... The manager was employed by the Local Authority Chief Executives’ department’*.

The staff of the project promoted its work at every opportunity (Woods, 1982; Crook, 1985a; 1985b; Wellingborough JLB, 1985; Hinks, 1985; Hinks & Smith, 1986b; Smith, 1987; Wright, 1993) so its impact on academics could have distorted their perception of what was happening in juvenile justice across the country.

### **Up-tariffing**

Muncie (see above: page 334) suggested that IT up-tariffed young offenders, but Nellis (1987), considered that up-tariffing was a ‘myth’, as there was no **real** evidence that early IT led to stiffer sentences on offenders at later court appearances, though he agreed that it had been a ‘tactically useful’ concept. He felt that there were clear remedies to the possibility of up-tariffing available to practitioners, and that the concept should be abandoned. Yet Mills (see above: page 337) supports the view that alternatives to custody will push offenders up tariff.

Lorraine Gelsthorpe agreed that ‘down-tariffing’ was part of the strategy and philosophy of juvenile justice (*personal interview*), and Paul Cavadino (*personal interview*) said that

*Practitioner-led initiatives included a strong emphasis on gatekeeping – keeping young people down-tariff so that they didn't get projected up the tariff to more intensive alternatives, and didn't get supervision orders too early so if they reoffended they would be more at risk of custody'.*

### **Restricted entry criteria to projects to exclude referrals**

There is no evidence to support this claim by Pratt (see above: page 324), either in the literature on projects or in the many project documents I have seen. Most projects had very clear criteria based around a risk of custody and the young person's willingness to work with the alternative programme being put forward to court. Such a criterion could also have led to refusal of LAC 83/3 funding.

### **Wide entry criteria to ensure full occupancy**

While there is evidence that 'diversion' projects in the USA, and those involved in the 'deinstitutionalization of status offenders' programmes in the 1960s and 1970s, did this (see Government Accounting Office, 1973; Klein et al., 1976; Dunford, 1977; Bohnstedt, 1978; Blomberg, 1980; Palmer & Lewis, 1980; Kobrin & Klein, 1982; 1983; Klein, 1983; Roesch & Corrado, 1983 and Schneider, 1985), there is no evidence of this from juvenile justice in the UK, as claimed by Pratt (see above: page 324) where projects actually shut down once their targets had been achieved and they ceased to receive referrals.

### **Transcarceration**

Hudson (see above: page 326) and Matthews (see above: page 330) both suggest that

juvenile justice practitioners totally ignored, or were unaware of, the dangers of transcarceration. Yet Rutherford had drawn attention to the need to prevent the slippage of young people from the penal system to the psychiatric and medical systems. In Massachusetts, Miller (1998: 12) had noted that ‘whenever the number of inmates in state reform schools has dropped, there has been an equivalent rise in youth populations in other institutions’ (child welfare and psychiatric). Binder & Binder (1994: 357) noted that the mental health system in the USA was ‘eager to take up the slack’ of juvenile justice institutional closure, with a fourfold increase in adolescent admission to private psychiatric hospitals (10,764 to 48,735). Rutherford, drawing on lessons from the USA (Warren, 1981; Lerman, 1982; Austin and Krisberg, 1982; Krisberg and Schwartz, 1983; Schwartz et al., 1984), painted a disturbing picture of the use of psychiatric facilities for children.

While transcarceration was therefore a real issue, there was a clear recognition of the dangers within youth justice in England and Wales. Coppock (1996) identified four different systems dealing with problem adolescents: education, health, social services and criminal justice, with their own diagnostic labels, definitions and pathways. Stewart & Tutt (1987), in trying to identify where children were in custody, included penal systems, secure care and mental health care, and noted how many children may be locked up in less visible systems. John Denne, a leading youth justice activist and AJJ committee member, was in a position to commission research into how children entered education and health institutions via referrals from probation, social services, education officers and psychologists (Malek, 1988; Malek & Kerslake, 1989; Malek, 1993), which noted

‘that if the route to custody via the judicial system was blocked, then the same young person could still be removed from home via the social services



department, the education department, or the health services. It seemed that controlling the number of young people removed from home via one system could lead to 'spillage' into another system (Malek, 1988: 1).

Fennell (1992) raised concern and awareness of the misuse of mental health provisions to remove safeguards for children at St Charles YTC and at Langton House in Dorset.

The awareness of the possibilities of transinstitutionalisation, and monitoring of each system by juvenile justice practitioners and organisations, may in itself have been enough to ensure that there were no increases in the numbers of children in special education or mental health facilities during this period.

### **Racial quota systems**

No evidence is available to assess this allegation by Cheetham (see above: page 332) against IT, and one would have thought that, if it had been happening, there would have been at least one practitioner who would have taken this issue to the social work press or the campaigning organisations.

### **Breach policies, and acceleration into custody through breach proceedings**

Again there is no evidence to support this claim by Muncie (see above: page 334). In fact, projects tried hard to hold onto young people because of the strong anti-custody ethos, decarceration and abolitionist cultures, even when young people did not cooperate.

## **Corporatism**

Haines & Drakeford (1998: 54 - 57) suggest that it is difficult to accept the 'corporatist' analysis of Pratt (see above: page 324): 'juvenile justice practice in the 1980s was characterised by far more conflict and abrasion than corporatism allows for', with 'aggressive pro-diversion and anti-custody strategies'. They note that many battles were fought between juvenile justice teams and courts, police and social services, with gatekeeping and appeals strategies causing tension. Diversion panels were often sources of conflict, with disagreements in some cases such as Kent (see above: page 236) reaching the appeal court.

## **Lack of understanding of the youth justice system as a whole**

There is substantial evidence that many practitioners **did** have a clear understanding of the interlocking nature of all parts of the juvenile justice system. Rainer's project in Lewisham (Rickman et al., 1989) described the work with the juvenile bureau, liaison with the CPS, a gatekeeping panel, SER screening, a project presence in court, crown court liaison, assessments and programmes for the 79 young people it worked with that year. Brownlie et al. (1983) reported on a Barnardos project clearly aiming to reduce both care and custody sentencing. Haines & Drakeford (1998: xiii) point out how 'an effective appropriate adult service and intervention can reduce the chance of an ultimate custodial sentence'.

Helen Edwards, for example, told me that

*'the overall strategy was to tackle the whole system, from cautions to custody and to find the best ways to reduce offending, something which often had to be*

*done outside the juvenile justice system (personal interview).*

The major piece of research on Intensive IT by Bottoms (1995b) contained a figure 'showing possible optimum delivery of youth justice services from the point of view of persuading courts to use custody to the minimum practical extent' (ibid: 38), divided into structural issues and personal issues. This included, under structural issues, having a small number of SER writers, with well argued SERs containing clear details of the content of community programmes; clear operational instructions and internal procedures, including gatekeeping; a professional (not administrator) agency presence in court, with good links with all relevant service delivery teams; and programmes that began immediately after sentence. The personal issues included specialist court officers, report writers and project workers trained and experienced in handling offenders, trusted by magistrates, who regularly visited the projects. Of the 1217 projects in the original survey (Bottoms, 1990b) 163 were defined as 'heavy end only' and likely to have had these characteristics and a further 329 had 'heavy end' programmes within a wider brief.

As part of this research I distributed questionnaires to practitioners who had worked in youth justice between 1982 and 1996, via an appeal in the NAYJ Newsletter, an e-mail to all the Youth Offender Teams in the country in 2005-06, and mail shots to people that I knew (a copy of the questionnaire is at Appendix 2). However, a large number of practitioners left youth justice when the 1998 Crime and Disorder Act was implemented, as they considered that the philosophy behind the 1998 Act was so different to their previous practice, and were resistant to the proposal from the Youth Justice Board that everyone had to be retrained and forget everything that they had done in the past, so not many returns (16) were received. Those that did respond are,

however, worth drawing attention to:

I asked people to indicate which of the following 16 services were offered by their projects:

- Cautioning strategy with the police
- Inter-agency cautioning panels
- Caution plus services
- Bail remand strategy
- Remand placement
- Court system monitoring
- Attempts to influence magistrates and court clerks in formal forums
- PSR/SER gatekeeping
- Directing juveniles to selected solicitors
- A dedicated professional court officer from the SSD
- Court advocacy
- Alternative to custody programmes via specified activities
- Alternative to custody programmes via deferred sentences
- Crown court strategy
- Appeals policy
- Wider PR strategies about youth justice.

Of the 26 youth justice projects that people had worked in, four had 15 of these services, three had 14, three 13, five 12, three 11 and three 10, suggesting that these projects were all working across many areas of the youth justice system.

When asked about the main characteristics of juvenile justice policy between 1982 and 1986 comments included:

- 'innovative/radical practice'
- 'the correctional curriculum'
- 'practice led policy'
- 'massive reduction in custodial sentencing'
- 'the use of the systems management system and the diversion from prosecution, reducing tariff interventions and diversion from custody'
- 'the use of the legal system to slow down progression into the system whilst young people grew out of offending'
- 'a groundswell of practitioner involvement in policy development'
- 'a general belief that custody should be a 'last resort' for children'
- 'Local Authorities were proud to be custody free zones'
- 'commitment to diverting young people from the criminal justice system'
- 'commitment to diverting young people from care and custody'

- 'commitment to down tariffing young people'
- 'feeling part of a radical workforce'
- 'shielding young people from the worst excesses of the justice and welfare systems'
- 'a pervasive anti custody culture'
- 'a belief that young people tend to grow out of crime'
- 'minimum necessary intervention combined with a harm reduction approach to work with young people'
- 'practitioner led policy and practice development'
- 'a campaigning orientation'

and in response to a question about their over-riding concerns

- 'to reduce custody'
- 'to gain confidence of sentencers'
- 'get young people to 16 and they would likely grow out of crime'
- 'developing creative problem-solving responses to deal with offences/offenders within a context of informal/minimum intervention'
- 'a strongly held commitment to reduce the use of custody by influencing sentencers and policy makers'
- 'to advocate on behalf of young people in the youth justice system'
- 'to stop young people going into custody'
- 'giving young people the space to grow out of crime'
- 'to maximise opportunities for young people to mature without being subject to negative forms of intervention'.

I asked what they were trying to achieve in practice, to which the answers included:

- 'reduce custody levels'
- 'reduce offending'
- 'delay entry into the criminal justice system'
- 'gain confidence of magistrates'
- 'divert young people who would otherwise be pulled into a system that escalated the response to quite minor offending using custody quickly and easily'
- 'providing a professional and credible service to courts'
- 'working with courts to ensure equity, proportionality and fairness in sentencing'
- 'change practice among social workers and probation workers'
- 'influence magistrates and Crown Court judges'
- 'keep young offenders out of custody'
- 'act as an advocate for young people'
- 'create a more just response to young people's offending'.

The respondents views about LAC 83/3 were

- 'practice ahead of policy'
- 'clear targets'
- 'Tory government needed to reduce custody/costs but felt Hurd/Clarke had a

value on our work’  
‘it started a small revolution in practice, and had an effect out of proportion to the budget’  
‘Halcyon days – It seemed to be a real commitment to do something about reducing the use of custody’  
‘At times it felt as if we walked on water, with the successes we had in court’  
‘it felt that it was practitioner led and IT seemed to be taken seriously as a means of creatively working with young people and keeping them out of custody’

and they thought that policy changed in the early 1990’s because of

‘change of Home Secretaries’  
‘the Bulger case’  
the abolition of doli incapax’  
‘multiple/discredited cautioning’  
‘Media campaigns: ‘rat boy, safari trips’ etc’.

Other comments made about this period of youth justice were:

‘I think we made massive short-term gains – reduced custody in my area by over 50 per cent’ (Richard Smith: Calderdale 1982 - 1996).

‘multi-agency management/steering groups hugely important’ (Richard Smith: Save The Children LAC 83/3 project: Calderdale, 1986 – 88).

‘one of our first objectives was to squeeze the probation service out of juvenile justice matters’.

‘there developed a strong team ethos of doing ‘whatever it takes’ to avoid custody’.

‘it is a period I remember in purely personal terms as one of creativity, success and “winning the argument”’.

‘One of the main memories that I have is of a campaigning effort, an extraordinary commitment, a kind of zeal – which was associated with the view that we were at the radical cutting edge’.

What also emerges from these submissions is the sense of achievement and excitement when the project managed to keep a child out of custody, with descriptions of the strategies used. One former worker with whom I had a discussion, but who did not submit a questionnaire, referred to going back to the office and opening a bottle of champagne after ‘winning’ a difficult case in Crown Court, and

others said:

‘Gaining a three year supervision order with a 90 day specified activity requirement at Inner London Crown Court including bringing the offender and victim together, in which the judge made it clear that the defendant would have been given a long custodial sentence had it not been for the demanding programme’.

‘submitting a 60 page SER to Crown Court recommending a very intensive community sentence that prevented a young woman suffering Post Traumatic Stress Disorder following a car accident in which some of her family had died, who had committed a very serious wounding offence, from going to custody, even though her barrister was convinced she would be going to Holloway, didn’t understand IT and wanted to offer a Community Service option instead, while my department had refused to fund a Youth Treatment Centre placement’.

‘Successfully challenging a DC sentence for young people committing damage to a golf course on the grounds that the magistrates were members of the golf club’.

‘We attached articles from *Justice of the Peace* to Reports to courts to back up our proposals’.

Norman Tutt suggested (*personal interview*) that the decline in youth custody was due to the fact that

*‘practitioners put all the bits together, from challenging SERs to an appeals strategy. The really important thing is that, however it happened, there was constructed a consensus amongst youth justice practitioners that custody was bad, and they stood firmly against it. This was done by confrontation – the best way of achieving change is to have somebody to oppose – people were invigorated, seeing it as their job to oppose custody. The key issue is that the legislation supported this movement, in which people said “my job is to keep kids out of custody”. Practitioners put themselves and their reputations on the line to keep kids out of custody. It is extraordinary how powerful that became. I remember one Assistant Director of Social Services who picked a 16 year old up every morning, took him to work in his office and took him home at night, every day’.*

### **Political awareness of youth justice practitioners**

This is one of the repeated claims made against youth justice practitioners, made by Pitts (see above: page 315ff), Matthews (see above: page 331), Muncie (see above:

page 334) and Davies (see above: page 332). Nellis (1991: 375) found that practitioners considered that playing into the government's concerns was *worth the risk*, and that after considering the option of taking a confrontational style with the Conservatives, as the probation service did, or taking account of the government emphasis towards reducing custody, youth justice practitioners took the latter course. They did not believe that notions of diversion, alternatives to custody, crime reduction, economy and effectiveness were reactionary concepts; were well aware of the risk of being co-opted by a law and order agenda; and took steps to distance themselves and protect themselves from this, so that their relationship with government was not a collusive one.

As Rob Allen told me (*personal interview*)

*'we sometimes elevated the correctional curriculum and the techniques partly to impress the courts and imply that there was a scientific basis behind the work that we were doing – lay it on heavy – but actually the practical work was most of it'.*

He went on:

*'some of the zealots went too far – all kinds of intervention was seen as equally negative, stigmatising and labelling. Sending someone to DC and trying to get someone into a youth club were not equally stigmatising!'*

Richard Kay, of the Rainer Foundation, said

*'there was a realistic package addressing welfare and offending, even though we played the political game of saying we focused on offending'.*

This contrasts with the 'political' stance taken by NAPO and praised by Hudson (see above: page 328), and Pitts (see above: page 319) which had no impact on sentencing patterns and led to serious consequences for the probation service (see below: page 370ff).



## **Commitment to the ‘Justice’ model**

Hudson (1994 and see above: page 326) believed that IT had adopted a ‘justice model’ developed from conservative criminology, and was committed to the ‘just deserts’ philosophy. However, she failed to see that there was little direct connection between ‘systems management’ and the justice model. Andrew Rutherford (*personal interview*) told me that ‘justice talk’ was used to ‘limit intervention’ as a strategy, rather than a philosophy. As Denne (1986) argued, ‘previously innocent social workers unexpectedly found themselves called “justice advocates” merely because they wanted proper targeting and programming in their practice’.

Thorpe et al. (1980: 31) suggest that they were never arguing for a return to justice, but in favour of proportionality in sentencing, using some of the literature from the justice movement. Nellis (1991) noted that the CYCC did not make any reference to the justice lobby literature, but took the ‘insistence that legal principles matter’ from the justice movement: ‘They did not see a commitment to due process and proportionality as compromising their basic and overreaching commitment to welfare’ (Nellis, 1991: 315), and were more influenced by systems management thinking around targeting, gatekeeping and monitoring than they were by a justice model. ‘Justice’ language was a tool, not a philosophy: as Henri Giller said to me: ‘*you could use the ‘justice’ approach to construct minimally acceptable interventions*’ (*personal interview*). Tutt (1984d) pointed out that the ‘justice model’ was a strategy, not an ideology, and would be used even when it could be seen as contradictory.

Haines & Drakeford (1998: 44) noted that ‘the normative argument that justice is

inherently a good thing was important at the **ideological** level' (my emphasis), and that the attempts to avoid custody were not based on 'any explicit justice philosophy', but on 'system manipulation (ibid: 58 - 59), while 'minimum intervention was a tactic, not a philosophy' (ibid: 73). As Paul Cavadino told me (*personal interview*):

*'Lancaster were also influential in the move towards the 'justice model' – but the type of justice model that would prevent the disproportionate punitive things being done to young people as opposed to the kind of justice model that results in greater punishment – a liberal justice model'.*

### **The probation service and youth justice**

The decline in work with young offenders by the probation service meant that recruitment to the service began to be less attractive to those sympathetic to young offenders (Priestley et al., 1977: 22; Bottoms and Stevenson, 1992). In their survey of IT in the 1980s, Bottoms et al. (1990: 24 - 26) noted 'explicit resistance' to involvement in IT by NAPO, possibly due to a feeling that early probation service involvement in outdoor pursuits, boys clubs etc had been usurped by social services. This was not helped by a lack of clear government guidance on the respective roles of social services and probation with young offenders.

Probation service attitudes to the developments in juvenile justice in the 1980s ranged from opposition to denial. Many key texts on the political changes faced by the probation service in the 1980s totally ignored developments in juvenile justice (Harding, 1987; May, 1991a; 1991b; Ward & Lacey, 1995; May & Vass, 1996). A classic example of this is the conference reported in Shaw & Haines (1989) in which none of the key papers makes any reference to the lessons of juvenile justice, but the topic appears in reports of all the subsequent plenary discussion summaries, and the

editors' overview! (Haines & Shaw, 1989: 147 – 160).

In addition, probation service opposition to social work training, and its lack of relevance to their jobs, had been part of the culture since the mid-1970s, and was eventually to contribute towards its own downfall (Worrall, 1997), not helped by the failure of CCETSW: 'an organisation that is quite ill-fitted to have responsibility for probation training' (Nellis, 1992: 145).

Nellis wondered why the 1991 Act was seen by probation officers as coercive and controlling when the police, magistrates and the media saw it as liberal and lenient (Nellis, 1995). Smith (1996a: 152; 1996b: 17) noted that NAPO belatedly discovered the virtues of the 1991 Act after it had been destroyed (see above: page 325).

Blagg and Smith (1989: 117) found it 'odd that a service which has been running probation hostels for many years should balk at the prospect of orders being enhanced by far less restrictive conditions'. One of the most intrusive IT Projects, the Medway Close Support Unit, was actually run by the probation service (see Ely et al., 1983; 1987; Ralphs, 1986). Another 'alternative to custody' project in Middlesbrough which offered attendance for two sessions a week for 15 weeks, run by the probation service and described by its staff as offering friendship, advice and respect, found that field probation officers viewed it 'as being a form of control and surveillance which uses oppressive means by which to make people conform to conventional norms and values' and described the unit workers as 'fascists' (Middleton, 1995).

## **More positive views about juvenile justice policy and practice**

Some academics did see a link between youth justice practice and the 1991 Act. Roberts (1992), in a paper for ACOP, believed that the significant reductions in the use of custody for juveniles through diversion, the development of community sentences via LAC 83/3 and the statutory restrictions on custody in the 1982 and 1988 CJAs were 'fundamental' to the 1991 Act, as did Giller (1989b).

Cavadino et al. (1999: 183) claimed that the systems management approach to youth justice was 'an outstanding and successful example of managerialism being applied from the practitioner level' (ibid: 212). Hendrick (2006: 13) echoed this, referring to the years 1982 - 1992 as 'a remarkably progressive period in the treatment of juvenile delinquents'. Lord Bingham (1997: 5) noted that 'as recently as 1991 ... the system of juvenile justice was, I think, seen as a story of success'. Gibson et al. (1994b) referred to the 'success story' and 'remarkable decade' of juvenile justice, due to a 'range of initiatives by practitioners at local level and important steps taken by government from the centre'. Fionda (2005: 38) said that

'Towards the middle of the 1980s, an unprecedented decarceration occurred in youth justice ... all this happened without an increase in the extent of youth crime; indeed the number of known offenders ... dropped slightly'.

Loader (2010: 357), setting out the case for penal moderation, suggests that:

'one might...seek to bring to public consciousness some relatively recent but now politically forgotten episodes of English penal history such as the practitioner-led movement to reduce custody for juveniles in the 1980s and the coalition of officials, practitioners and criminologists who formulated a new approach to reducing prison use in the period from 1987 to 1993'.

Haines & Drakeford (1998), pointed out that 'much is to be learned from the success

of recent juvenile justice practice' and its 're-invigorated efforts aimed at the abolition of custody for children (ibid: xii) which became 'a remarkable criminal justice success story' (ibid: xv and 32). They suggested that the 1980s was 'a low point in cycles of concern about juvenile offending' and 'the heyday of juvenile justice' (ibid: 32). This, they argued, was part of a 'quiet consensus', and 'not the product of some grand government plan or policy', but 'a disparate group of academics, senior civil servants ... and practitioners were developing an alternative' (ibid: 32 - 33). They stressed the importance of 'an extremely active and influential practitioner-based movement', and 'an increasingly robust consensus formed between government departments and juvenile justice practitioners, underpinned by the belief in the harmful effect of intervention', based on diversion and 'the targeted provision of community-based treatment programmes' (ibid: 34).

They then said that 'In official policy terms, however, the government joined the quiet consensus' and the development and provision of alternatives to custody received support at the highest levels, while custody numbers fell and the prevalence of juvenile crime was also declining, which could not be linked to population changes (ibid: 34). Accordingly 'There is a great deal about the 1980s which was positive and even exceptional' (ibid: 35), and 'much of the credit for developments in the 1980s must go to those individuals working in the emerging local juvenile justice teams' (ibid: 47), where a 'remarkable ... unprecedented criminal justice success' was occurring as

'practitioners at the local level were able to make effective use of systems management techniques to change the decisions that were made in respect of individual young people and thus to manipulate the overall operation of the juvenile justice system' (ibid: 60).

Drakeford & Vanstone (1996: 21) said that ‘the most thorough-going attempts to affect individual offending patterns through system intervention are to be found in the field of youth justice’.

Brownlee (1998: 14 – 15) identified how the government’s reform of adult sentencing drew on ‘the dramatic reduction in the use of custody that *had* been effected for juvenile offenders since 1981’ (his italics), which he put down to

‘a coordinated multi-faceted strategy bringing together the activities of a range of agencies in pursuit of a common objective, bolstered by legislative restrictions on the use of custody and supported by additional government funding (through the DHSS Intermediate Treatment initiative) for a range of innovative alternative to custody disposals’ .

David Smith (Smith, 1999) believed that the aim of Home Office policy in the 1991 Act was to shift probation towards the successful model developed in youth justice:

‘as well as contributing to a genuine shift in penal practice away from custody, youth justice workers in the 1980s developed methods of face-to-face work with young people in trouble which were ... likely to be most effective in reducing offending ...(with) ... a confidence, clarity of purpose and coherence of thought which were unusual in social work’ (ibid: 153).

Michael Cavadino (*personal correspondence*) said that ‘*I think most credit*’ {for the decline in youth imprisonment} ‘*has to go to the Lancasterites and their associates/followers among practitioners around the country; also, and connectedly the AJJ*’. When asked about the influences behind the LAC 83/3 initiative, he referred to the 1979 IT Conference and the need for the new government to decide the line it was to take, a view echoed by John Pratt (*personal correspondence*). The AMA (1993: 10) claimed that

‘there are few areas of recent public policy and fewer in the area of criminal justice of which we can be proud. Juvenile justice is an exception. The 1980s have seen a revolution in the way the juvenile justice system operates’.

Raynor referred to 'one of the most remarkable practitioner-led changes in British social policy' (Raynor et al., 1994: 8), which 'transformed the official view of what social workers in the criminal justice system could achieve' (Raynor, 2002: 1176 - 1177).

### **Reappraisal: towards abolition of juvenile imprisonment**

Hanley and Nellis (2001) refer to the 'success' of juvenile justice in England and Wales in the 1980s, and attribute this to the influence of labelling theory; the notion that young people grow out of crime; and the way that practitioners 'distanced themselves from the liberal rhetoric of social work'. John Pratt (*personal communication*) also noted how important labelling theory was in the 1980s. Utting (1991: 40) referred to the fall in children in public care as

'one of the success stories of the last decade, owing much to the work of Local Authorities and voluntary organisations as well as to the extension of police cautioning and diversion from the penal system'.

Bottoms (1995a; 2002: 436) also suggested that the application of 'managerialist techniques from below' in youth justice in England and Wales showed that middle and lower level workers can have an impact on sentencing, adding that 'any serious account of the 1980s juvenile justice policy in England must give pride of place to a remarkable social movement, colloquially known as the juvenile justice movement', which was a creative partnership between academics, especially those at Lancaster, and juvenile justice practitioners (Bottoms, 2002: 444). Bottoms & Dignan (2004) also noted that the youth justice movement had had highly significant on-the-ground effects. The Director of the PRT could say that 'the approach to juvenile offending

has been the one unambiguous success' of the Government's law and order policies (Shaw, 1993). David Downes (1997) considered that the Conservative acceptance of the case against high imprisonment was 'one of the most remarkable developments of the 1980s' and attributed some of this to the importance of the 'practical demonstration ... that juvenile offenders could be dealt with more effectively' in the community.

By the mid-1980s, serious commentators started calling for the *abolition* of custody for juvenile offenders. Gibson (1986a) pointed out that the daily youth custody population now stood at just over a thousand, or the population of a medium-sized comprehensive school. Basingstoke had reduced its custodial sentencing from 18 in 1980 to zero in 1986, and was 'a custody-free zone' (Gibson, 1987), in which reconviction rates were also falling. He went on (Gibson, 1986b) to say 'if some "serious" and "persistent" offenders can be dealt with in the community, why not others', and suggested that the abolition of custody, together with 400 maximum secure places within the child welfare system, would be adequate. The Director of the CLC, Jenny Kuper, echoed this (Kuper, 1986). The PRT called for the abolition of DCs, which it claimed were 'a totally discredited part of the penal system' (PRT, 1986), and the Howard League for Penal Reform proposed the abolition of custody for all under 18s (Howard League, 1987).

Tutt and Giller (1987) offered a 'manifesto for management' which would eliminate custody by 1989, based on the fact that everyone expressed opposition to custody: the government, police, magistrates, social services and probation, so that with this will there must be a way. Even the fairly cautious and politically sensitive NACRO, most



of whose juvenile justice funding came from the Home Office, could call for the 'phasing out' of prison department custody for juveniles (NACRO, 1989a; Cooper, 1989).

Around the country local success stories and models of good practice were being disseminated as part of the 'evidence' that custody was no longer needed. In Surrey custody rates fell from 13 per cent of convicted juveniles to under six per cent (Featherstone, 1987), and care and custody rates combined from 16 per cent of all court sentences in 1982 to 2.5 per cent in 1987 (Curtis, 1989). In Knowsley they fell from 43 (17 per cent) to seven (five per cent) (Children's Society 1988b; Knowsley Alternatives to Custody, 1987). In Ebbw Vale custodial sentencing fell by 76 per cent in a year (Children's Society, 1988b); in Kirklees by 80 per cent (*ibid*), with CHE numbers falling from 74 to 21 between 1981 and 1986, and custodial sentences from 118 in 1983 to 26 in 1986 (Curtis, 1989: 113). In South Birmingham DC sentences fell by 88 per cent (Children's Society, 1988a: 15). Hillingdon Alternative to Custody Scheme claimed falls in care and custody from 20 in 1981 to eight in 1986 and three in 1987 (Barker & Hester, 1988), and was claiming a "custody free zone" in April 1988 (Hillingdon Alternatives to Custody, 1988; AJJUST, 1989: 5 - 7). Barnardos in North Liverpool claimed 'a nil custody rate' in 1989 (Ames, 1991). The CSV Kent schemes, who received some of the largest funding from the LAC 83/3 initiative, reduced care and custody sentences from 157 in 1983 to 62 in 1986, with court appearances falling from 649 to 299 over the same period (CSV Kent, 1987; Fielding & Fowles, 1988). In Wales, the Barnardos 175 project reported a fall in care and custody from 40 to 17 from 1985 to 1986 (Barnardos, 1987).

### *Juvenile crime rates*

There was a fall in the number of known juvenile offenders from 3,130 per 100,000 to 2,616 per 100,000 between 1980 and 1991. Whereas juveniles made up 32 per cent of known crime in 1980 this had fallen to 20 per cent in 1991 (Goldson, 1999: 6). This dramatic change has led to a belief that it may be a statistical aberration rather than a real phenomenon. However, a reduction in incarceration of juveniles may itself have led to a reduction in the 'contamination' effect of imprisoning people in situations where they can learn new criminal skills off other inmates, while the closure of the CHE's also put an end to the joint offending by groups of absconders who were then left living in hiding where crime was necessary for personal survival.

Overall crime rates actually increased by around 50% between 1988 and 1992, after which total recorded crime began to fall. In many ways the decline in juvenile crime rates was masked by this, and juvenile justice became an innocent casualty of the wider issue. While British Crime Survey data indicated a fall in victimisation experiences from 1995, this all happened as public concern about crime increased, due to what Green (2008) claims were media distortions and misconceptions and a growing lack of trust in government and the criminal justice system. The killing of two year old James Bulger in 1993 by two ten-year-old boys combined with the steep rise in the crime rate was taken to symbolise a rampant state of moral crisis and to justify a U-turn in penal policy that extended to all age groups (Downes, 2007; Newburn, 2007; Reiner, 2007).

## Some questions about critical criminology

In Massachusetts, Miller pointed out that

‘radical sociologists pretty much dismissed what we were doing. Only after we had finally closed the institutions did they pay much attention, and then it was to discount as basically irrelevant whatever we might have accomplished’ (Miller, 1998: 86).

This resembles the case put forward by Dean-Myrdal & Cullen (1998: 15) about liberals, who decided that it was

‘foolish ... to anticipate that prevailing realities would ever allow for humanistic and efficacious reforms outside the penitentiary walls ... and that well-intentioned criminal justice reforms unwittingly were “dangerous”’.

These liberals were therefore reduced to advising that nothing works and all reforms were doomed to failure. Heijder (1980: 3) noted the ‘persistent sniping ... by critics who have no concrete alternatives’.

As Francis Allen said, the idea that the criminal law served the interests of the state seems ‘hardly to warrant the excitement’ that it created in the theorists, and he accuses social control theorists of ‘often tendentious and reductive’ sweeping generalisations, suspecting all motives of those trying to reduce imprisonment (Allen, 1981), even though most reforms in institutions have been achieved by people with humanitarian impulses and rehabilitative aspirations. Diversion could be seen *either* as ‘an unacceptable extension of state control’ into juveniles’ lives or as beneficial provision of support (Frazier et al., 1983), and the failure to distinguish this in the critical literature has caused a great deal of confusion.

An interesting way of looking at the views of radical criminologists is to consider

their attitudes to community service. Pitts (1988: 30) pointed out that community service research in England and Wales showed that a half of its clients were diverted from prison, and the other half would not have been given custody anyway, so as a decarcerating strategy it must be viewed as a 'goalless draw'. (Not a 50 per cent success? See Pease et al., 1977 and Van Dyck, 1989). Yet a few pages later he said 'as we have seen, community service from its inception has tended to be imposed upon those who would otherwise have received a less serious non-custodial penalty' (ibid: 54). Stanley & Baginsky (1984: 163) had argued similarly: that any new alternatives to custody would 'probably' be the same as community service orders or suspended sentences, and would pull 50 per cent up-tariff. They had also dismissed the Massachusetts model as not credible (ibid: 48), as less easy to implement in the UK (ibid, 133), and felt that increases in police cautioning, though they 'can act as an alternative to custody' may have increased custody as courts think that they are only dealing with the more serious offenders (ibid: 30 - 31). Snacken et al. (1995: 34) said that non custodial sanctions were 'only' alternatives to custody in half of the cases in which they were imposed.

In many ways, some of the critical criminologists' comments on juvenile justice in England and Wales reflect Hirschman's (1991) concept of the 'perversity thesis', where those favouring this concept believe that 'any purposive action to improve some feature of the political, social or economic order only serves to exacerbate the condition one wishes to remedy'. He argued that advocates of this thesis embrace it 'for the express purpose of feeling good about themselves ... unduly arrogant ... portraying ordinary humans as groping in the dark' while they themselves claim a remarkable understanding. They will often focus on one simplistic outcome which is

the opposite of the intended one (ibid: 38).

Hirschman's second thesis is the 'futility thesis' (ibid: 7): a belief that any attempt at social transformation will be unavailing, and any alleged change merely cosmetic as the 'deep' structures of society remain untouched (ibid: 43). Accordingly, advocates 'deride ordinary efforts at ... change while ... perhaps celebrating the resilience of the status quo' (ibid: 44); oppose any idea that the social world might be open to progressive change; and believe that there is no hope, and that all motives are selfish (ibid: 72 – 75). He also argued that 'futility is proclaimed too soon', the first incidence of non-achievement is proclaimed in a rush to judgement, making no allowance for incremental and corrective policy making (ibid: 78).

In many ways, this has links with Turk's (1980) attack on radical criminology for its assertion, use of anecdotes and analogy, and putting forward dogmatic theories from a politically determined position, irrespective of the evidence. West (1985: 11) accused the 'new criminologists' of 'ideological intolerance of alternative opinions' and referred to their lack of concern for empirical evaluation, concluding that their critical stance towards treatment schemes for delinquents aided the new right agenda in favour of punishment and incarceration. Downes (1979) accused 'radicals' of dismissing other reformers as 'knaves', who actively supported the system, or 'fools', as they were indirectly re-enforcing the capitalist economy, as the radicals have equated proposals for change as 'mere' reformism, dismissing any idea of gradual change as contemptible and easily reversible: 'theorising may not have to end with what exists, but should at least take it into account'. Stanley Cohen had attacked the assumption of radicals that any sort of correctionalism, however liberal, must depend

upon theories of pathology (Cohen, 1979c: 25), and their rejection of ‘middle-range policy alternatives which do not compromise any overall design for social change’ (ibid: 49). He noted how, in the late 1960s, the radicals had attacked the welfare state as being repressive but then, with the economic crisis of the 1970s, started defending it against the cuts that they had encouraged (ibid: 51: footnote 15).

Binder & Geis (1984a: 309; 1984b) suggested that catchy words and phrases, such as ‘net-widening’ were used instead of logic to produce ‘polemical and ideological conclusions lacking firm anchorage in fact’, while ‘over the top’ words like ‘accelerated social control’ were used to refer to a counselling session or helping a young person find a job. Developers of programmes were put into a no-win situation: If they were offered to less of a group (such as black young people) they were discriminatory, and if offered to more of this group they were discriminatory. They suggested replacing ‘widen the net’ with ‘provides services to young people and their families where none were provided before’.

McMahon (1992) has offered one of the most thorough critiques of this careless thought. She notes that ‘the most striking feature of post-war penal trends has been a dramatic increase in alternatives to imprisonment’ (ibid: 4) and that this was subject to detailed analysis by ‘critical’ criminology in the 1970s and 1980s, who used concepts of ‘net-widening’ and ‘nothing works’ and made unfounded allegations, such as those of Scull that Massachusetts offered no support to those released from juvenile institutions, to undermine practice. The critics, she argued, ‘ignore the potential importance of ... proportionate declines in the use of imprisonment’ (ibid: 37), which ‘hinders recognition of any progressive accomplishments of penal reform’

(ibid: 45). Unintended consequences can also be desirable ones, she argues, and those who believed that all alternatives increased imprisonment ignored the facts, so 'the experience of those who have struggled for progressive changes within the penal realm have all too often been omitted from the critical criminology story' (ibid: 215).

This is further explored by Nelken (1990: 1 - 4), who claimed that the arguments against alternatives 'often say more about the hopes and fears of the various commentators than about the developments themselves', as some of the larger questions raised in the social control literature 'are either unanswerable or unmanageable' and were such that **no** alternative could ever have met the critics demands.

Young (1997) noted that critical criminology had been 'impossibilist', detecting net-widening in everything, and Van Swaaningen (1997: 6) that critical criminologists 'have largely confined themselves to a display of moral indignation about social inequality and exploitation' within 'academic dilettantism, with fuzzy morals and flaky politics', and 'analytical despair' (ibid: 170), while defining every police intervention as repressive, racist or class-biased. Criminologists 'tend to hop rather quickly from one academic fashion to another' and 'by simply discarding what has been done before, there is little accumulation of knowledge', and by judging alternatives to custody as either naïve or irresponsible, they have opened the door for the new right.

Garland (2001) used Hirschman's perversity thesis to explain the growth of the 'culture of control', noting that the new criminologists engaged in a critique of their

own academic discipline and ended up challenging the academic credentials that had been the basis of their own authority (ibid: 67), leaving the field free for a 'momentary alliance of the accumulated enemies' (ibid: 71). This academic 'hostile scepticism' towards community alternatives has given political support to those wishing to expand the prison system, according to Van Dyck.

If new initiatives are in danger of becoming bureaucratised and institutionalised, widening their net, and unwilling to close when their aims have been met, then so may criminological ideas be reluctant to acknowledge when they have become outdated, out of touch and need to change.

## **Summary**

I have shown, in this chapter, that many of the criticisms of juvenile justice practice in the 1980s and early 1990s were incorrect, often based on a failure to understand the actual reality of how the small juvenile justice projects actual operated. Some of the criticisms made by the main critics are inconsistent and they sometimes contradict themselves in their different publications. Instead, I have shown that most juvenile justice practice was coherent, well-planned, and that many practitioners often had a strong understanding of the academic debate and took steps to address possible pitfalls.

Some of the criticisms are based on misleading uses of untypical elements in a minority of juvenile justice projects, such as 'tracking' and the Northampton model, while there is a failure to make use of up to date research on the impact of, for



example, section 1(2) of the 1982 CJA, a failure to understand the links between LAC 83/3 and other intensive IT projects, and how a whole range of interventions, from appropriate adult and diversion schemes to alternative to custody provision, were part of the overall provision. I have also suggested that some of the criticism was made from an ideological position rather than on a real understanding of what was really happening in juvenile justice. This might explain why Hudson (see above: page 327) could claim that no prison has ever closed as a result of alternatives to custody, at a time when announcements of the closure of juvenile prisons was happening on a regular basis, with over half the DC's closing in 1987 (see above: pages 190 - 191).

Sadly, this lack of support from the academic world meant that attempts to promote the model politically, or to recommend changes to wider criminal justice policy based on the experience of juvenile justice, were continually undermined by the theoretical critiques. In Kingdon's terms, a 'policy stream' influence was lost, the window of opportunity closed, and a new 'problem stream' that supported a more punitive approach to juvenile offenders became dominant.

## Chapter 10

### **Conclusions: Conditions for Sustainable Decarceration Strategies**

I have tried in the above to indicate that a planned and co-ordinated decarceration strategy for young offenders in England and Wales achieved significant success between 1980 and 1993, that most of the existing academic interpretations of this period are incorrect, and that one of the most important elements of the decarceration was the result of creative work by a small group of juvenile justice practitioners. It is surprising that little academic attention has been given to a strategy that achieved a 90 per cent reduction in custody, and that it has been ignored in decarceration or abolitionist literature. In exploring theories of policy change, I chose to use that of Kingdon, and demonstrated that his notions of problem-streams, policy-streams, political-streams and policy windows of opportunity were all relevant to the development of juvenile justice policy in the 1980s, and were seized upon by policy entrepreneurs, in a manner that he suggests.

I have also considered other examples of decarceration initiatives in the adult mental health and learning difficulty fields, noting that both of these have been successful and more sustainable than the juvenile justice decarceration, which has been overturned since 1993. One possible reason for this is that the public and media have different perceptions of young offenders than they do of adults with mental health problems, and with learning difficulties in particular. There may be political and public perception constraints on the sustainability of decarceration in juvenile justice such that it was pushed to its limits by 1992 and could not be taken further, as there will always be case examples that can provoke the view that community sentencing

has gone too far. Thus the political streams and the window of opportunity were lost, and new windows of opportunity (such as that provided by the Bulger case) were seized by those wishing to overturn developments and return to a more punitive approach.

I have identified 16 features of a sustainable decarceration strategy which contributed to the youth justice and other decarceration initiatives, which may contribute towards a 'template of sustainability':

### **1. A 'Deep-end' or 'heavy end' strategy**

While it would seem to be common sense to develop alternative provision for those already incarcerated before starting to take them out of the institution, the evidence suggests that there is a real danger that the new places will become filled by a new client group rather than those for whom they were intended. It is also dangerous to start with those in the institution who are most easily discharged, as this can lead to the new facilities failing to develop the skills to cope with the most difficult (see Rutherford & Bengur, 1976). One of the strengths of the juvenile justice movement in England and Wales was that it targeted those already in institutions and developed services to return them to the community (in the CHE's) while also adopting strategies to prevent new entrants to CHEs (gatekeeping of reports) and sentences to custody (direct advocacy in court, specialist court officers, specialist reports, intensive programmes in the community). Bakal (1973a: 16) claimed that 'the radical alternatives to institutions began to emerge only after the decision to close the institutions' in Massachusetts, and Ramm (1985), writing about the mental health

reforms in Italy, said that it was crucial to empty and close the hospitals in order to forestall their gradual re-establishment by the opponents of deinstitutionalization. Williams et al. (1999) claimed that there was a conscious decision in the pioneer learning difficulty hospital closure strategy in Exeter to start with the most difficult inmates. The development of services in the community for those with challenging behaviours in the learning difficulty hospitals in the UK was also crucial to the ability to achieve hospital closures.

It is also important to retain existing low-tariff or community disposals in order to be able to continue to keep the clientele down-tariff. One of the crucial features of juvenile justice in England and Wales was the continued use of the discharges and supervision orders even when courts were only dealing with the most serious offenders. In contrast was the failure to provide sufficient mental health services in the community for *newly* diagnosed patients in both the UK and the USA.

Otherwise the **opposition** to decarceration will become organised. Johnson et al. (1981) noted how the notion of the 'hard core offender' developed when training school admissions were reduced, as the institutions searched for new admissions. They recommend a 'surgical strike' (ibid: 167), with the development of community based services **after** the closure of the institutions, as 'the alternative to radical correctional change will often be no change at all' (ibid: 170). In England and Wales, the government had to order DC and borstal governors not to visit courts to promote themselves. The CHE's in England and Wales ran a continuous campaign trying to convince everyone that they were dealing with very delinquent and difficult children and young people that no-one else could cope with.

Harris (1983) noted that many so-called alternatives to custody in the USA in the 1970s and 1980s simply gave sentencers more options, and few were explicit at being a substitute for incarceration, often having access criteria that almost guaranteed that they would not reach those who were bound for prison. As a result they indirectly suggested that ‘alternatives’ were not able to deal with serious offenders.

## **2. Complete closure of the institutions and re-use of the land or premises**

Institutions need to be closed, demolished or turned to other uses that prevent them being reopened if decarceration is to be sustainable. Most of the CHEs that were closed in the 1980s either became nursing homes for the elderly, special schools or were demolished and sold off for new housing. Most of the juvenile prisons were converted into adult prisons. The realisation of the assets and land of the former mental hospitals and learning difficulty hospitals, most of which were demolished and turned into housing estates, was both crucial to NHS funding and to the impossibility of similar institutions ever being rebuilt. When there were suggestions that there should be a return to CHEs in England (Hyland, 1993) it quickly became clear that the capital outlay to set up new provision would be impossible to realise.

## **3. A clear understanding of the group being targeted**

The juvenile justice movement had a very clear aim of reducing the sentencing of children to care and to custody. All other positions had to fit into this, in Mathiesen’s sense of being ‘negative’ reforms. This prevented net-widening, but attracted considerable criticism for not addressing wider youth problems. It also focused

practice on the most difficult clients. The deinstitutionalization of the mentally ill and people with learning difficulties in the UK, USA and Italy all had a clear target group in the institutions, though the development of community mental health centres in the USA did lead to net-widening and a reluctance to deal with the 'heavy end'.

#### **4. Models of good practice and campaign tools**

The availability of models of good practice and tools that new local initiatives can use appear in most decarceration strategies. In adult mental health and learning difficulty services it was the models of group homes in the community, notions of 'dowry' budgets attached to the service users, legal campaigns in the USA, and concepts such as social role valorisation, normalisation, an ordinary life and the five accomplishments. In juvenile justice, the systems analysis model of Lancaster, the notion of down-tariffing, the materials to support directly working with young offenders and the appeals strategy were all helpful tools. The intensive alternative to custody projects built upon the examples of the Woodlands and Junction projects, and the cautioning models from Exeter and Northampton were influential in the development of cautioning schemes. NACRO's JOT team promoted good practice models at every opportunity all over the country.

#### **5. Scandals**

Many, but not all, decarceration initiatives began following scandals in the institutions, such as the exposure of the abuse of children in the training schools in Massachusetts, the abuse of adults with mental health problems or learning difficulties

in state hospitals in the USA and the NHS hospitals in the UK. However, this does not seem an essential requirement. Few of my interviewees saw the scandals in DCs as significant. The dissemination of research into the ineffectiveness of DC, borstal, youth custody and the CHE's helped to undermine their use.

## **6. Independence of decarceration strategies from statutory services**

The role of the voluntary and independent sectors in all decarceration strategies is significant. This allows challenges to institutional bureaucracies and vested interests in the continuation of the institutions. The allocation of LAC 83/3 money to the voluntary sector was crucial in allowing projects to challenge social workers reports, submit their own alternatives to court, and co-opt magistrates and court clerks to their committees. In Massachusetts, the use of Federal funding allowed Miller to bypass state budgets and commission new services from the independent sector. The creation of joint financing for those in the institutions for learning difficulties and mental health hospitals in England and Wales forced the NHS to transfer funds to community care, while the development of the 'dowry' system attached funding to the client, not the agency. Most of the new services in the community for adults with learning disabilities were provided by housing associations and charities, who were also able to change the model of care away from a nursing/medical model and to a social caring model.

## **7. A small group of ideologically committed campaigners and charismatic leaders**

Ramon (1983) noted 'the value of a small group of professionals with a high degree of commitment' to the Italian mental health reforms, and the role of Franco Basaglia. The Massachusetts reforms in juvenile justice would never have occurred without Jerry Miller, and the work of people like Eric Emerson, Jim Mansell and David Felce who were crucial in showing that community care was feasible for all adults with learning difficulties in the UK. Wolfensberger performed a similar role in the USA. The low custody rate in the Netherlands was heavily influenced by the Utrecht School. The juvenile justice reforms in England and Wales were promoted and consolidated by the work of Andrew Rutherford, Norman Tutt and colleagues, while the achievement of Archie Pagan in producing the funding for LAC 83/3 was crucial. The support of NACRO and the development of the AJJ were also vital in supporting otherwise isolated practitioners in their small projects in local authority areas, generating a real sense of a national movement. Paul Cavadino (*personal interview*) talked about the culture of the time, that

*'cemented it all together – the strong practitioner movement promoted in the less academic journals, such as Social Work Today and Community Care, with a lot of networking excitement – an evangelical fervour – a belief that this was the right thing to do and a good time to do it'.*

However, problems of sustainability occur when these charismatic figures move on to other areas, retire or lose their influence.

## **8. The willingness to advocate for clients and directly challenge other agencies**

In juvenile justice, practitioners were prepared to directly challenge local authority



social workers and their managers, magistrates, police, probation officers, solicitors and barristers and judges, developing appeals strategies and pushing professional boundaries to the limit. This was often uncomfortable. SERs became a key campaigning tool, with authors using them as 'pleas of mitigation', aligning themselves with the defence (Smith, 1996a: 144, 153). In Massachusetts, Miller faced death threats for challenging the training schools, and in mental health services the campaigners faced regular personal and media attacks from those with vested interests, such as hospital psychiatrists and administrators. The notion that adults with mental health problems, adults with learning difficulties and juvenile offenders had 'rights' was important in all these areas.

### **9. Not a major challenge to staff or unions in the institution**

In England and Wales, due to overcrowding and stress in the prison system, and to the relatively marginal role of the youth prison estate, even the closure of establishments meant their transfer to the adult prison service, and no loss of jobs. This is in contrast to the decarceration movement in the US in the 1970s, which led to significant union opposition (see Rutherford, 1984a: 97). The closure of the CHEs did provoke hostility from headmasters, but recent scandals in these institutions reduced their ability to challenge change, and many closed down with surprisingly little fuss. The early developments in mental health and learning difficulties in the UK tried to transfer institutional staff to the new community services, though it was not always possible to re-train them to offer a more caring service, whereas in the USA the deinstitutionalization often occurred with little support and there was much stronger opposition to it from the more powerful trade unions. In some parts of the USA local

institutions are the main employers, and this increases opposition to closure. The most successful decarceration initiatives are those that bring new staff in rather than those that try to change the attitudes and values of institutional staff to work in new settings.

#### **10. Incorporation of key personnel who influence commitments to projects**

The involvement of magistrates and court clerks in the LAC 83/3 projects gave real credibility to them, which could also be used to gain wider public support and support from other agencies, such as the police, CPS and judges. Many projects arranged visits from their Member of Parliament and other local worthies so that they were in a position to speak with authority when allegations were made against the projects. Jerry Miller had important supporters to back him when under challenge, and the Kennedy family's commitment to learning difficulty deinstitutionalization was very important (see Braddock, 2010).

The 'gatekeepers' to services are crucial. In juvenile justice the prosecution service were influential in diverting children from court, while challenges to social workers' recommendations in local authorities and in court stopped many young people going into care or custody.

#### **11. Political support**

Many have noted the irony that the decarceration in juvenile justice was achieved with a Conservative government in power that had a strong 'law and order' agenda. The key Conservative politicians at that time, John Patten and Douglas Hurd, were

both sympathetic to attempts to reduce imprisonment, while Patten's period at the DHSS had convinced him that many juveniles need not be imprisoned and that the alternatives had merit. When they were replaced by less sympathetic politicians, such as Michael Howard, and other civil servants replaced David Faulkner, the movement failed to respond constructively and lost political support and influence. Miller had strong support from the State Governor in Massachusetts.

## **12. Challenges to transinstitutionalisation**

A decarceration strategy needs to be fully aware of the other institutional systems into which their targets can slip, and this **was** the case in juvenile justice in England and Wales, whereas there was little concern about what happened to deinstitutionalized mental health patients in the USA. Many ended up in atrocious board and lodging provision, and drifted into crime and the prison system, due to the lack of adequate welfare benefits in the USA for marginal individuals. There is some evidence that there is an inverse relationship between penal and welfare capital. Beckett & Western (2001), in a study of 33 states in the USA, found that those that provided more generous welfare benefits had lower incarceration rates, while those that spent less on welfare incarcerated a larger share of their population. Downes & Hansen (2006) and Downes (forthcoming) have found a similar relationship using data from 19 OECD countries.

## **13. Ability to deal with changing circumstances**

Stephen Shaw noted the surprising fragility of the 1991 Act, and the failure of those

who supported the Act to recognise this and defend it vigorously:

*'There was a collective failure by pressure groups to understand how fragile the consensus that we thought that we had put in place was. We had no strategies to defend the Act. We were in oppositional mode and did not know how to adjust. We thought we had won the argument'. He said that the period from 1982 to 1992 'was the high point of pressure group influence. We simply did not realise at the time that it was the high point of our influence and that it was based on such thin foundations and we had no thoughts or strategies as to what to do when the pendulum swung' (personal interview).*

At times, the idealism of some practitioners led them to forget that a lot of their rhetoric was strategic, and placed an extreme interpretation on their philosophy. While Ray Jones's criticisms of what he called 'the new orthodoxy' were more influential with academics than practitioners (Jones, R., 1984a: and see the letters in response by Jones, D (1984) and others in the same issue), there is some truth in Smith's (1995: 82) claim that 'some juvenile justice workers ... did in fact seem to assume that any face-to-face contact between worker and client was bound to be damaging'. This then put them into a situation which they were unable to defend when challenged about their lack of contact with children.

Helen Edwards considered that a *'false dichotomy'* had been created. The juvenile justice system was being 'managed', but *'we needed to be clearer what we were diverting young people to ... we talked a lot about diverting young people from custody but not enough about diverting them from crime'* (personal interview).

The result was that the Bulger case and a change of both government and opposition philosophy left juvenile justice in no position to defend its work, allowing the return to incarceration of juveniles as a main plank of penal policy.

## 14. Dealing with the media

Many of those I interviewed commented on how the role of the media changed in the 1990s. Stephen Shaw reflected that: *'pressure groups could guarantee a place for our news in at least two or sometimes all four of the broadsheet newspapers'*, and noted the decline of Home Affairs correspondents and stories as a major newspaper sector in the 1990s (*personal interview*). Paul Cavadino (*personal interview*) talked about how much of the work in the 1980s

*'happened below the radar of the media – detailed work by practitioners and assiduous lobbying work by those of us in a position to do so. What the media did do was give regular coverage to the case for reducing custody. This had shifted from the 1970s, when everybody thought that young people were being dealt with more leniently when the reverse was the case – we kept hammering away that we lock up more young people and adults than comparable European countries, high reconviction rates, and made a strong case for dealing with more young people in the community, which the broadsheets published'.*

Isralowitz (1979) had noted, when discussing the Massachusetts experiment, that a focus on serious and persistent juvenile offenders by the media can undermine the wider agenda. Juvenile justice campaigners in England and Wales were unable to respond constructively to a series of stories in the tabloid media criticising their practice, and lost credibility very quickly. Similar problems have occurred in mental health services whenever a mentally ill person, who may or may not have previously been incarcerated, commits murder or another serious offence. Learning difficulties has so far been sheltered from this exposure.

## **15. Maintaining the campaigning focus when the early practitioners and activists move on**

It is hard for new practitioners, arriving at the height of success, to replicate the ideological fervour of the pioneers. Their work will seem much more routine to them, not being aware of how things have changed. They will need new issues and concerns to enthuse them. In interview, Pauline Owen (*personal interview*) felt that the loss of key practitioners after 1992, as they made career moves, was crucial, and they were not replaced by people with the same vision and enthusiasm:

*'there is only so much time that you can work with young offenders before losing enthusiasm and imagination. We stopped marketing it, and it became old-hat, with no succession plan'.*

## **16. Avoiding becoming victims of success**

Once the institutions are closed, there is no need for a decarceration strategy. This point was well made by Roger Matthews (1995: 89), who pointed out that the decline in the juvenile population coming to the notice of local authorities for offending allowed them to de-prioritise youth justice, which had already been taken over in many areas by the voluntary sector running the LAC 83/3 projects. There is no longer any expertise in social work in England and Wales in working with offenders, or even in wider direct work with young people (Munro, 2011). Many of the LAC 83/3 projects folded at the end of their short-term funding, and while this can be seen as a positive outcome in not perpetuating bureaucracies, they could have been in a position to offer a different type of service to young people now living in the community.

## **And finally**

The election of New Labour in 1997, whose election campaign had contained strong pledges on criminal justice and law and order, including promises to be ‘tough on crime and tough on the causes of crime’, led to new legislation on juvenile justice which transformed the way that young offenders were responded to. I had described this as ‘tough on crime and nasty to children’ (Jones, D. W., 1996) in an analysis of early proposals. The Crime and Disorder Act 1998 (HMSO, 1998) also drew heavily on an Audit Commission report, *Misspent Youth* (Audit Commission, 1996) in which the Conservative government had not shown much interest. This was possibly because of its investigative weaknesses which I have identified elsewhere (Jones, D. W., 2001), including an over-simplification of the youth justice process, neglect of important research on re-offending rates, a cavalier use of crime statistics, an assumption that those found not guilty were really guilty and it is therefore safe to include them in offending statistics, and an assumption that if a case is adjourned it must be for non-attendance of the defendant. Many of the new sentencing orders and service structures created by the 1998 Act had a poor research base, such as the introduction of child curfew schemes, anti social behaviour orders (ASBO’s), and parenting orders (Jones, D. W., 2002). These dramatic changes produced a situation which led to the surge in youth imprisonment shown in Figure 1, which is only recently beginning to slow down.

Ironically, it does seem that, after years of neglect of the lessons from youth justice in the 1980s, they are being returned to again in the new century. Goldson (2005) has called for an abolitionist strategy and Bateman (2005) ‘a decarcerative strategy’

involving tariff widening, campaigns against custody by report authors, and a crusading zeal. In the USA abolition has been on the agenda at conferences organised by critical resistance ([www.criticalresistance.org](http://www.criticalresistance.org) accessed 18.05.11). It remains to be seen whether the financial crisis brought about by the latest recession will lead to the rediscovery of the lessons of juvenile justice in England and Wales in the 1980s and early 1990s and a reapplication of them to current circumstances, or whether yet another lesson from history will be ignored.



## Appendix 1: Statistical Tables

It is hard to be completely accurate with sentencing statistics in England and Wales over the period being covered, as the quality of data gathering improved over time, and the way in which they are published varied: several series were discontinued or merged following the review of government statistics in 1980 (Rayner, 1980). In particular, statistics gathered by the Home Office, the Department of Health and Social Security and the Prison Department do not always match, so for example the Home Office *Criminal Statistics* will give one figure for those **sentenced** to prison, but the *Prison Statistics* will give a different figure for those **received** under sentence. Those committed from magistrates' courts to higher courts for sentence may also change their age during this period, so attempts to track those committed as far as their final sentence will not be accurate. Many authors writing about juvenile justice have used the *Criminal Statistics* figures **only for those sentenced for indictable offences in magistrates' courts**, ignoring those sentenced for non-indictable/summary and motoring offences and those sentenced in the higher courts. Where possible, I have combined available figures to give the most accurate figure available for **all** those sentenced, and given the different figures where relevant from *Criminal Statistics* and *Prison Statistics*.

**Table 1: Sentencing of boys aged under 14\* (13 and under) in all courts for all offences 1963 – 1970: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	Prob	A S	FPO	Other	Total
1963	1919	10579	9863	1869	9420	1551	698	631	36530
1964	1134	7945	7929	2098	8157	1426	593	745	30027
1965	1096	7414	7908	2462	8105	1441	680	503	29609
1966	889	6666	7562	2589	7668	1521	594	479	27968
1967	830	7368	7009	2568	7293	1407	715	419	27609
1968	848	7738	6398	2902	7126	1479	729	431	27651
1969	802	7239	5919	2821	7174	1532	747	438	26672
1970	681	7100	5846	2968	6644	1558	841	357	25995

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 AS = Approved School

CD = Conditional Discharge  
 Prob = Probation Order  
 FPO = Fit Person Order

\*includes children aged 8 – 13 up to 1970

*Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b: various tables of sentencing in magistrates' courts and higher courts combined*

**Table 2: Sentencing of boys aged under 14\* (13 and under) in all courts for all offences 1963 – 1970: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	Prob	A S	FPO	Other
1963	5	29	27	5	26	4	2	2
1964	4	26	26	7	27	5	2	2
1965	4	25	27	8	27	5	2	2
1966	3	24	27	9	27	5	2	2
1967	3	27	25	9	26	5	3	2
1968	3	28	23	10	26	5	3	2
1969	3	27	22	11	27	6	3	2
1970	3	28	23	12	26	6	3	1

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 AS = Approved School

CD = Conditional Discharge  
 Prob = Probation Order  
 FPO = Fit Person Order

\*includes children aged 8 – 13 up to 1970

*Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b: various tables of sentencing in magistrates' courts and higher courts combined*

**Table 3: Cautions and sentencing of boys aged under 14\* (13 and under) 1963 – 1970: England and Wales: percentages when cautioning is added.**

Year	Caution	AD	CD	Fine	Att. C	Prob	A S	FPO	Other
1963	33	4	20	18	3	17	3	1	1
1964	33	3	18	18	5	18	3	1	1
1965	32	3	17	18	6	19	3	1	1
1966	35	2	16	18	6	18	4	1	1
1967	34	2	17	17	6	17	3	2	1
1968	37	2	18	15	7	16	3	2	1
1969	44	2	15	12	6	15	3	2	1
1970	49	1	14	12	6	13	3	2	1

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 AS = Approved School

CD = Conditional Discharge  
 Prob = Probation Order  
 FPO = Fit Person Order

\* includes children aged 8 – 13 up to 1970

Source: based on Tables 2 and 28

**Table 4: Sentencing of young men aged 14 and under 17 in all courts for all offences 1963 – 1970: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	Prob	A S	DC	B	FPO	Total*
1964	1694	9223	4968	2964	11553	3213	1376	266	278	81477
1965	1735	8992	51161	2988	11686	3149	1390	478	313	82932
1966	1439	7970	51307	3136	10834	3232	1443	478	304	81123
1967	1445	8828	47755	2817	10503	2996	1400	561	304	77545
1968	1632	10329	47351	3412	11239	2998	1887	751	391	80980
1969	1695	10667	48524	3352	11968	3292	2228	799	430	84191
1970	1542	10726	50314	3827	11920	3837	2516	1026	571	87728

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 AS = Approved School  
 B = Borstal

CD = Conditional Discharge  
 Prob = Probation Order  
 DC = Detention Centre  
 FPO = Fit Person Order

\* includes 'others' so line totals do not add up

Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b: various tables of sentencing in magistrates' courts and higher courts combined

Note: In this and similar tables I have deleted the figure for those committed from magistrates' courts to higher courts for sentence (Table 7), and added the figures for those sentenced in higher courts committed for sentence and those sentenced in higher courts who were not committed. For example, in 1964 598 young men were committed by magistrates' courts for sentence, but only 422 were sentenced by the higher courts following committal in that year, while an additional 736 were found guilty in higher courts and sentenced. Significantly, while the main reason for

*committal would be for a borstal sentence, only 266 of the 422 committed actually received this sentence, the remainder receiving less severe sentences (possibly because in most cases they would have been in custody on remand prior to higher court sentence, and this may have been taken into account).*

**Table 5: Sentencing of young men aged 14 and under 17 in all courts for all offences 1963 – 1970: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	Prob	A S	DC	B	FPO	Other
1964	2	11	61	4	14	4	2	-	-	2
1965	2	11	62	4	14	4	2	1	-	1
1966	2	10	63	4	13	4	2	1	-	1
1967	2	11	62	4	14	4	2	1	-	1
1968	2	13	58	4	14	4	2	1	-	1
1969	2	13	58	4	14	4	3	1	1	1
1970	2	12	57	4	14	4	3	1	1	2

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 AS = Approved School  
 B = Borstal

CD = Conditional Discharge  
 Prob = Probation Order  
 DC = Detention Centre  
 FPO = Fit Person Order

*Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b: various tables of sentencing in magistrates' courts and higher courts combined*

**Table 6: Cautioning and sentencing of young men aged 14 and under 17 for all offences 1963 – 1970: England and Wales: percentages when cautions are included.**

Year caution	AD	CD	Fine	Att. C	Prob	A S	DC	B	FPO	Other	
1964	14	2	10	52	3	12	3	1	-	-	1
1965	13	2	9	54	3	12	3	1	-	-	1
1966	12	2	9	55	3	12	3	2	1	-	1
1967	13	2	10	54	3	12	3	2	1	-	1
1968	13	2	11	51	4	12	3	2	1	-	1
1969	16	2	11	48	3	12	3	2	1	-	1
1970	18	1	10	47	4	11	4	2	1	1	1

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 AS = Approved School  
 B = Borstal

CD = Conditional Discharge  
 Prob = Probation Order  
 DC = Detention centre  
 FPO = Fit Person Order

*Source: calculated from data in Table 4 and Table 28*

**Table 7: Committals of young men aged 14 and under 17 from magistrates' courts to higher courts for sentencing for all offences (usually with a recommendation for borstal training): 1964 – 1970: England and Wales: actual numbers.**

Year	1964	1965	1966	1967	1968	1979	1970
committals	598	700	785	793	939	1139	1390

*Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b*

**Table 8: Sentencing of girls aged under 14\* (13 and under) in all courts for all offences 1963 – 1970: England and Wales: actual numbers.**

Year	AD	CD	Fine	Prob	A S	FPO	Other	Total
1963	193	1008	606	1068	59	104	15	3053
1964	126	951	675	1029	68	103	86	3038
1965	118	911	781	987	61	105	35	2998
1966	107	784	804	885	58	100	17	2755
1967	112	926	764	842	56	98	18	2816
1968	103	915	624	899	53	130	25	2749
1969	93	953	634	859	80	109	36	2764
1970	82	890	723	755	82	119	26	2677

AD = Absolute Discharge

CD = Conditional Discharge

Prob = Probation Order

AS = Approved School

FPO = Fit Person Order

\*includes children aged 8 – 13 up to 1970

*Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b: various tables of sentencing in magistrates' courts and higher courts combined*

**Table 9: Sentencing of girls aged under 14\* (13 and under) in all courts for all offences 1963 – 1970: England and Wales: percentages.**

Year	AD	CD	Fine	Prob	A S	FPO	Other
1963	6	33	20	35	2	3	-
1964	4	31	22	34	2	3	3
1965	4	30	26	33	2	4	1
1966	4	28	29	32	2	4	1
1967	4	33	27	30	2	3	1
1968	4	33	23	33	2	5	1
1969	3	34	23	31	3	4	1
1970	3	33	27	28	3	4	1

AD = Absolute Discharge

CD = Conditional Discharge

Prob = Probation Order

AS = Approved School

FPO = Fit Person Order

\*includes children aged 8 – 13 up to 1970

*Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b: various tables of sentencing in magistrates' courts and higher courts combined*

**Table 10: Sentencing of young women aged 14 and under 17 in all courts for all offences 1963 – 1970: England and Wales: actual numbers.**

Year	AD	CD	Fine	Prob	A S	DC/B*	FPO	Other	Total
1963	213	1237	2323	1624	184	31	81	35	5728
1964	184	1459	2509	1811	171	34	91	99	6358
1965	188	1397	2968	1861	174	20	98	81	6787
1966	149	1353	3116	1931	218	28	126	70	6991
1967	189	1394	2899	1728	229	28	124	89	6680
1968	183	1502	2863	1703	230	30	117	73	6701
1969	199	1530	2939	1750	239	19	138	130	6944
1970	192	1697	3237	1774	264	28	185	132	7509

AD = Absolute Discharge

CD = Conditional Discharge

Prob = Probation Order

AS = Approved School

FPO = Fit Person Order

DC/B = Detention Centre and Borstal

\* Detention Centre for young women abolished in 1968

*Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b: various tables of sentencing in magistrates' courts and higher courts combined*

**Table 11: Sentencing of young women aged 14 and under 17 in all courts for all offences 1963 – 1970: England and Wales: percentages.**

Year	AD	CD	Fine	Prob	A S	DC/B*	FPO	Other
1963	4	22	41	28	3	1	1	1
1964	3	23	39	28	3	1	1	2
1965	3	21	44	27	3	-	1	1
1966	2	19	45	28	3	-	2	1
1967	3	21	43	26	3	-	2	1
1968	3	22	43	25	3	-	2	1
1969	3	22	42	25	3	-	2	2
1970	3	23	43	24	4	-	2	2

AD = Absolute Discharge

CD = Conditional Discharge

Prob = Probation Order

AS = Approved School

FPO = Fit Person Order

DC/B = Detention Centre and Borstal

\* Detention Centre for young women abolished in 1968

*Source Home Office, 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b: various tables of sentencing in magistrates' courts and higher courts combined*

**Table 12: Admissions of offenders and non-offenders to approved schools in England and Wales: 1961 to 1970.**

Year	Offenders Admitted		Non Offenders admitted		Total	
	M	F	M	F	M	F
	1961	4077	266	285	539	4362
1962	4355	269	265	490	4620	759
1963	4411	302	233	466	4644	768
1964	4589	772	224	475	4783	1247
1965	4392	304	241	460	4633	764
1966	4355	360	244	476	4599	806
1967	4076	388	264	436	4340	824
1968	4284	788	204	471	4488	1259
1969	4548	845	232	467	4780	1312
1970	4655	827	206	412	5067	1236

*Source: HMSO: 1963; 1964a; 1964b; 1965; 1966; 1967; 1968a; 1969b; 1970c; 1972: all Table 2*

**Table 13: Children and young people in residence in Approved Schools on 30<sup>th</sup> June 1961 – 1970: England and Wales.**

Year	Male	Female
1961	7133	1244
1962	7319	1169
1963	7382	1153
1964	7560	1138
1965	7434	1123
1966	7323	1027
1967	7095	1118
1968	6309	1071
1969	6088	1086
1970	6198	1029

*Source: HMSO: 1963; 1964a; 1964b; 1965; 1966; 1967; 1968a; 1969b; 1970c;*

*1972: all Table 5*

**Table 14: Young men aged 16 and under admitted to Detention Centre and Borstal, 1964 to 1970: England and Wales.**

Year	Admissions
1964	1658
1965	1753
1966	1873
1967	1884
1968	2334
1969	2655
1970	2934

*Source: Tables D9, D15 and D16 in Home Office 1966c; 1966d; 1967d; 1968b; 1970f; 1970g; 1971c*

**Table 15A: Cautions given to young offenders 1963 to 1970 (excluding motoring offences): England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1963	17689	14278	2398	1665
1964	15030	13525	2128	1896
1965	13855	12412	2447	2107
1966	14080	11585	2600	2323
1967	14509	11136	2604	1908
1968	16292	12188	2954	2259
1969	21312	16569	3883	3234
1970	24794	19652	5043	3989

*Source: Home Office: 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b*



**Table 15B: Cautions given to young offenders 1963 to 1970 (excluding motoring offences) as a percentage of all those found guilty or cautioned for all offences except motoring offences: England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1963	33	18	44	23
1964	34	18	42	24
1965	32	17	45	25
1966	34	17	49	26
1967	35	17	48	23
1968	37	18	52	27
1969	45	17	59	32
1970	49	18	66	37

Source: Home Office: 1964b; 1965c; 1966b; 1967e; 1968d; 1969b; 1970e; 1971b

**Table 16: Children in Care in England and Wales on 31<sup>st</sup> March 1972 to 1976 resident in Community Homes with Education or Observation and Assessment Centres.**

	Year				
	1972	1973	1974	1975	1976
O & A	4200	4800	4800	5300	5000
CHE	6700	7100	6700	6200	6800
Total	10900	11900	11500	11500	11800

O & A = Observation and Assessment Centre

CHE = Community Home with Education on the premises

Source: HMSO, 1973; 1974a; 1975; 1976a; 1976b; 1977b; 1979a: all Table 2

**Table 17: Sentencing of boys aged over 10 and under 14 in all courts for all offences 1971 – 1976: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	Other	Total
1971	567	5678	5376	2421	5723	2481	264	22510
1972	594	5864	5249	2522	5210	2386	300	22125
1973	513	6024	5908	2573	5322	2535	69	22944
1974	513	7326	6368	2878	5776	2934	56	25851
1975	558	7154	5789	2763	5162	2635	67	24128
1976	431	6988	5594	2871	4579	2295	82	22840

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

Source: Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a: combined from

*various tables covering magistrates' courts and higher courts*

**Table 18: Sentencing of boys aged over 10 and under 14 in all courts for all offences 1971 – 1976: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	CO	Other
1971	3	25	24	11	25	11	1
1972	3	27	24	11	24	11	1
1973	2	26	26	11	23	11	-
1974	2	28	25	11	22	11	-
1975	2	30	24	11	21	11	-
1976	2	31	24	13	20	10	-

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

*Source: Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a: combined from various tables covering magistrates' courts and higher courts*

**Table 19: Cautioning and sentencing of boys aged over 10 and under 14 for all offences 1971 – 1976: England and Wales: percentages when cautions are included.**

Year	caution	AD	CD	Fine	Att. C	SO	CO
1971	58	1	11	10	5	11	5
1972	62	1	10	9	4	9	4
1973	62	1	10	10	4	9	4
1974	62	1	11	9	4	9	4
1975	62	1	11	9	4	8	4
1976	63	1	11	9	5	8	4

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

*Source: adapted from data in Tables 17 and 28*

**Table 20: Sentencing of young men aged 14 and under 17 in all courts for all offences 1971 – 1976: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	DC	B	Other	Total
1971	1542	10912	50949	3788	10373	4300	2475	1116	1363	86818
1972	1531	11429	47878	4233	9980	4005	3083	1255	1706	85100
1973	1377	12171	45921	4654	10643	4224	3694	1378	745	84807
1974	1538	14147	46036	5825	12076	4342	4451	1572	701	90688
1975	1815	14597	46389	5625	11037	3903	4793	1773	824	90756
1976	1862	15688	48298	6182	10631	3191	5388	1907	1253	94400

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 CO = Care Order  
 B = Borstal  
 CD = Conditional Discharge  
 SO = Supervision Order  
 DC = Detention Centre

Source: *Source: Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a: combined from various tables covering magistrates' courts and higher courts*

**Table 21: Sentencing of young men aged 14 and under 17 in all courts for all offences 1971 – 1976: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	CO	DC	B	Other
1971	2	13	59	4	12	5	3	1	2
1972	2	13	56	5	12	5	4	1	2
1973	2	14	54	5	13	5	4	2	1
1974	2	17	51	6	13	5	5	2	1
1975	2	16	51	6	12	4	5	2	1
1976	2	17	51	7	11	3	6	2	1

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 CO = Care Order  
 B = Borstal  
 CD = Conditional Discharge  
 SO = Supervision Order  
 DC = Detention Centre

Source: *Source: Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a: combined from various tables covering magistrates' courts and higher courts*

**Table 22: Cautioning and Sentencing of young men aged 14 and under 17 for all offences 1971 – 1976: England and Wales: percentages when cautions are included.**

Year	caution	AD	CD	Fine	Att. C	SO	CO	DC	B	Other
1971	23	1	10	45	3	9	4	2	1	1
1972	26	1	10	41	4	9	3	3	1	1
1973	27	1	10	39	4	9	4	3	1	1
1974	29	1	11	36	5	9	3	3	1	1
1975	26	1	12	38	5	9	3	4	1	1
1976	28	1	12	37	5	8	2	4	1	1

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

DC = Detention Centre

B = Borstal

Source: *Source: compiled from Tables 20 and 28 {Note: percentages in the cautions column do not match those in Table 29 due to exclusion in this table of motoring offences}*

**Table 23: Committals of young men aged 14 and under 17 from magistrates' courts to higher courts for sentencing (usually with a recommendation for borstal training): 1971 – 1976: England and Wales: actual numbers.**

Year	1971	1972	1973	1974	1975	1976
committals	1785	2075	2229	2348	2538	2582

Source: *Source: Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a*

**Table 24: Sentencing of girls aged over 10 and under 14 in all courts for all offences 1971 – 1976: England and Wales: actual numbers.**

Year	AD	CD	Fine	SO	CO	Other	Total
1971	60	603	512	587	182	24	1968
1972	56	589	516	658	194	24	2037
1973	63	626	587	617	218	8	2119
1974	49	840	613	787	267	3	2559
1975	50	845	603	751	304	22	2575
1976	45	994	666	664	232	5	2606

AD = Absolute Discharge

CD = Conditional Discharge

SO = Supervision Order

CO = Care Order

Source: *Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a: combined from various tables covering magistrates' courts and higher courts*

**Table 25: Sentencing of girls aged over 10 and under 14 in all courts for all offences 1971 – 1976: England and Wales: percentages.**

Year	AD	CD	Fine	SO	CO	Other
1971	3	31	26	30	9	1
1972	3	29	25	32	9	1
1973	3	29	28	29	10	-
1974	2	33	24	31	10	-
1975	2	33	23	29	12	1
1976	2	38	26	25	9	-

AD = Absolute Discharge

CD = Conditional Discharge

SO = Supervision Order

CO = Care Order

*Source: Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a: combined from various tables covering magistrates' courts and higher courts*

**Table 26: Sentencing of young women aged 14 and under 17 in all courts for all offences 1971 – 1976: England and Wales: actual numbers.**

Year	AD	CD	Fine	SO	CO	B	Other	Total
1971	207	1645	3345	1548	536	30	132	7443
1972	179	1532	3249	1498	541	40	148	7187
1973	153	1593	3311	1570	623	43	74	7367
1974	152	2088	3833	1882	696	50	65	8766
1975	174	2435	3785	2000	761	81	77	9313
1976	142	2527	4271	1847	735	76	66	9664

AD = Absolute Discharge

CD = Conditional Discharge

SO = Supervision Order

CO = Care Order

B = Borstal

*Source: Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a: combined from various tables covering magistrates' courts and higher courts*

**Table 27: Sentencing of young women aged 14 and under 17 in all courts for all offences 1971 – 1976: England and Wales: percentages.**

Year	AD	CD	Fine	SO	CO	B	Other
1971	3	22	45	21	7	-	2
1972	2	21	45	21	8	1	2
1973	2	22	45	21	8	1	1
1974	2	24	44	21	8	1	1
1975	2	26	41	21	8	1	1
1976	1	26	44	19	8	1	1

AD = Absolute Discharge

CD = Conditional Discharge

SO = Supervision Order

CO = Care Order

B = Borstal

*Source: Home Office, 1972a; 1973a; 1974a; 1975a; 1976b; 1977a: combined from various tables covering magistrates' courts and higher courts*

**Table 28: Cautions given to young offenders 1971 to 1976 (excluding motoring offences): England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1971	31129	26575	6891	6362
1972	35477	29738	9177	7707
1973	37069	32098	10008	8073
1974	41794	37395	12142	9904
1975	39701	32415	11932	9798
1976	38176	36698	10793	10068

*Source: Home Office: 1972a; 1973a; 1974a; 1975a; 1976b; 1977a*

**Table 29: Cautions given to young offenders 1971 to 1976 (excluding motoring offences) as a percentage of all those found guilty or cautioned for all offences except motoring offences: England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1971	59	30	78	57
1972	63	31	82	53
1973	63	35	83	54
1974	62	29	83	53
1975	62	25	82	50
1976	63	29	80	52

*Source: Home Office: 1972a; 1973a; 1974a; 1975a; 1976b; 1977a*

**Table 30: Young men aged 16 and under admitted to DC and Borstal, 1971 to 1976: England and Wales.**

Year	Admissions
1971	3037
1972	3607
1973	4270
1974	4953
1975	5916
1976	6599

*Source: Home Office: 1972b: Tables C12, D9, D15 and D16; 1973b Tables D 9, D15 and D16; 1974b Table 3; 1975b, Table 3; 1976c Table 3.1 and 3.5; 1977b, Tables 3.1 and 3.5. Note that figures in Tables 3.5 for earlier years vary slightly from the figures previously given in those years.*

**Table 31: Males under 17 sentenced to Care and Custody for Offences: England and Wales 1964 to 1976.**

Year	A.S /CO*	DC	B	Total
1964	4639	1376	266	6281
1965	4590	1390	478	6458
1966	4753	1443	478	6714
1967	4403	1400	561	6364
1968	4477	1887	751	7115
1969	4824	2228	799	7851
1970	5395	2516	1026	8937
1971	6781	2475	1116	10372
1972	6391	3083	1255	10729
1973	6759	3694	1378	11831
1974	7278	4421	1572	13271
1975	6538	4793	1773	13104
1976	5486	5388	1907	12781

\*Approved School Order 1964 – 1970 and Care Order from 1971

DC = Detention Centre

B = Borstal

*Sources: adapted from Tables 1, 4, 17 and 20 above*

**Table 32: Females under 17 sentenced to Care and Custody for Offences:  
England and Wales 1964 to 1976.**

Year	A.S /CO*	B	Total
1964	239	34	273
1965	212	20	232
1966	276	28	304
1967	285	28	313
1968	283	30	313
1969	319	19	338
1970	376	28	404
1971	718	30	748
1972	735	40	775
1973	841	43	884
1974	963	50	1013
1975	1065	81	1146
1976	967	76	1043

\*Approved School Order 1964 – 1970 and Care Order from 1971  
B = Borstal

*Sources: adapted from Tables 8, 10, 24 and 26 above.*

**Table 33: Sentencing of males aged over 10 and under 14 in all courts for all  
offences 1977 – 1981: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	Other	Total
1977	469	7584	5736	2833	4659	2102	64	23447
1978	414	7488	5773	2915	4335	1924	119	22968
1979	296	5681	4943	2971	3847	1568	74	19300
1980	270	6178	4891	3296	3884	1540	78	20137
1981	250	5811	3956	3081	3393	1220	36	17747

AD = Absolute Discharge  
Att. C = Attendance Centre  
CO = Care Order

CD = Conditional Discharge  
SO = Supervision Order

*Source: Home Office, 1978d; 1979a; 1980b; 1981a; 1981b; 1982b; 1982c: Tables for magistrates' courts and higher/crown courts combined*



**Table 34: Sentencing of males aged over 10 and under 14 in all courts for all offences 1977 – 1981: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	CO	Other	Total
1977	2	32	24	12	20	9	-	23447
1978	2	33	25	13	19	8	-	20868
1979	2	29	26	15	20	8	-	19300
1980	1	31	24	16	19	8	-	20137
1981	1	33	22	17	19	7	-	17747

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

*Source: Home Office, 1978d; 1979a; 1980b; 1981a; 1981b; 1982b; 1982c: Tables for magistrates' courts and higher/crown courts combined*

**Table 35: Cautioning and sentencing of males aged over 10 and under 14 for all offences 1977 – 1981: England and Wales: percentages when cautions are included.**

Year	caution	AD	CD	Fine	Att. C	SO	CO
1977	66	1	11	8	4	7	3
1978	63	1	12	9	5	7	3
1979	65	1	10	9	5	7	3
1980	65	-	11	8	6	7	3
1981	68	-	10	7	5	6	2

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

*Source: compiled from Tables 33 and 43.*

**Table 36: Sentencing of young men aged 14 and under 17 in all courts for all offences 1977 – 1981: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	DC	B	Other	Total
1977	1748	16448	50033	6863	10874	2975	5757	1859	1049	97606
1978	1727	16277	52743	7813	10118	2926	6303	2012	1207	101126
1979	1119	12137	44223	7826	9945	2321	5478	1617	657	85323
1980	1237	14118	47801	9929	11500	2407	6000	1637	779	95400
1981	1124	14665	40316	10607	11469	2132	6221	1683	657	88874

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 CO = Care Order  
 B = Borstal  
 CD = Conditional Discharge  
 SO = Supervision Order  
 DC = Detention Centre

*Source: Home Office, 1978d; 1979a; 1980b; 1981a; 1981b; 1982b; 1982c: Tables for magistrates' courts and higher/crown courts combined*

**Table 37: Sentencing of young men aged 14 and under 17 in all courts for all offences 1977 – 1981: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	CO	DC	B	Other
1977	2	17	51	7	11	3	6	2	1
1978	2	16	52	8	10	3	6	2	1
1979	1	14	52	9	12	3	6	2	1
1980	1	15	50	10	12	3	6	2	1
1981	1	17	45	12	13	2	7	2	1

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 CO = Care Order  
 B = Borstal  
 CD = Conditional Discharge  
 SO = Supervision Order  
 DC = Detention Centre

*Source: Home Office; 1978d; 1979a; 1980b; 1981a; 1981b; 1982b; 1982c: Tables for magistrates' courts and higher/crown courts combined*

**Table 38: Cautioning and sentencing of young men aged 14 and under 17 for all offences 1977 – 1981: England and Wales: percentages when cautions are included.**

Year	caution	AD	CD	Fine	Att. C	SO	CO	DC	B	Other
1977	29	1	12	36	5	8	2	4	1	1
1978	28	1	12	37	6	7	2	4	1	1
1979	31	1	10	36	6	8	2	4	1	1
1980	31	1	10	35	7	8	2	4	1	1
1981	34	1	11	30	8	9	2	5	1	-

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

DC = Detention Centre

B = Borstal

*Source: adapted from Tables 36 and 43*

**Table 39: Sentencing of females aged over 10 and under 14 in all courts for all offences 1977 – 1981: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	Other	Total
1977	50	986	686	-	671	250	4	2647
1978	37	899	740	-	612	235	8	2531
1979	32	759	704	6	553	177	5	2236
1980	34	847	614	23	542	172	5	2237
1981	37	714	476	33	482	143	5	1890

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

*Source: Home Office, 1978d; 1979a; 1980b; 1981a; 1981b; 1982b; 1982c: Tables for magistrates' courts and higher/crown courts combined*

**Table 40: Sentencing of females aged over 10 and under 14 in all courts for all offences 1977 – 1981: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	CO
1977	2	37	26	-	25	9
1978	1	36	29	-	24	9
1979	1	34	31	-	25	8
1980	2	38	27	1	24	8
1981	2	38	25	2	26	8

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 CO = Care Order

CD = Conditional Discharge  
 SO = Supervision Order

*Source: Home Office, 1978d; 1979a; 1980b; 1981a; 1981b; 1982b; 1982c: Tables for magistrates' courts and higher/crown courts combined*

**Table 41: Sentencing of young women aged 14 and under 17 in all courts for all offences 1977 – 1981: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	B	Other	Total
1977	158	2585	4424	*	1974	661	76	79	9957
1978	133	2714	4716	*	1940	659	105	79	10346
1979	91	2180	4312	105	1876	486	66	64	9180
1980	114	2527	4309	301	2117	517	71	84	10040
1981	101	2639	3514	427	2009	461	40	67	9258

AD = Absolute Discharge  
 Att. C = Attendance Centre  
 CO = Care Order

CD = Conditional Discharge  
 SO = Supervision Order  
 B = Borstal

*\*Note: Attendance Centre not available until 1979 for young women*

*Source: Home Office, 1978d; 1979a; 1980b; 1981a; 1981b; 1982b; 1982c: Tables for magistrates' courts and higher/crown courts combined*

**Table 42: Sentencing of young women aged 14 and under 17 in all courts for all offences 1977 – 1981: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	CO	B	Other
1977	2	26	44	*	20	7	1	1
1978	1	26	46	*	19	6	1	1
1979	1	24	47	1	20	5	1	1
1980	1	25	43	3	21	5	1	1
1981	1	29	38	5	22	5	-	1

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

B = Borstal

*\*Note: Attendance Centre not available until 1979 for young women*

*Source: Home Office, 1978d; 1979a; 1980b; 1981a; 1981b; 1982b; 1982c: Tables for magistrates' courts and higher/crown courts combined*

**Table 43: Cautions given to young offenders 1977 to 1981 (excluding motoring offences): England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1977	45369	40623	14462	11468
1978	38990	39693	13191	11530
1979	36296	38387	12315	11228
1980	37500	43100	11800	12000
1981	38500	45000	12000	12800

*Source: Home Office: 1978d; 1979a; 1980b; 1981c; 1982d. Note: figures are rounded up to nearest hundred from 1980 onwards*

**Table 44: Cautions given to young offenders 1977 to 1981 (excluding motoring offences) as a percentage of all those found guilty or cautioned for all offences except motoring offences: England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1977	66	29	85	53
1978	63	28	84	53
1979	65	31	85	55
1980	65	31	84	55
1981	68	34	86	58

*Source: Home Office: 1978d; 1979a; 1980b; 1981c; 1982d.*

**Table 45: Processing of Juvenile Offenders in the Metropolitan Police District:  
1975 – 1981: actual numbers.**

Disposal	Year						
	1975	1976	1977	1978	1979	1980	1981
Prosecute	23246	20615	22934	22058	20041	20880	21033
Caution	13195	11023	13786	12921	11629	11906	11655
N F A	3120	2820	3309	2677	2194	2419	2388
Totals	39561	34458	40049	37656	33864	35205	35076

*NFA = No Further Action*

*Source: HMSO, 1976c; 1977c; 1978a; 1979c; 1980b: 29; 1981: 28; 1982c; 1984b:  
Appendix 3i: 123*

**Table 46: Processing of Juvenile Offenders in the Metropolitan Police District:  
1975 – 1981: percentages.**

Disposal	Year						
	1975	1976	1977	1978	1979	1980	1981
Prosecute	59	60	57	59	59	59	60
Caution	33	32	34	34	34	34	33
N F A	8	8	8	7	6	7	7

*NFA = No Further Action*

*Source: HMSO, 1976c; 1977c; 1978; 1979c; 1980b: 29; 1981: 28; 1982c; 1984b:*

*Appendix 3i: 123*

**Table 47: Children in Care in England and Wales on 31<sup>st</sup> March 1977 to 1981  
resident in Community Homes with Education or Observation and Assessment  
Centres in England and Wales.**

	Year				
	1977	1978	1979	1980	1981
O & A	5000	5000	4800	5200	4900
CHE	6400	6100	5900	5600	5000
Total	11400	11100	10700	10800	9900

*Source, HMSO, 1979a; 1980a; 1982b: all table 3.4; DHSS, 1980b; 1981f; 1982b*

**Table 48: Young men aged 16 and under admitted to Detention Centre and Borstal, 1977 to 1981: England and Wales.**

Year	Admissions
1977	6987
1978	7251
1979	7020
1980	7339
1981	7535

*Source: Home Office, 1978e, Tables 3.1 and 3.5; 1979b, Tables 3b and 3c; 1980c, Table 3.3; 1981d, Table 3.3; 1982e, Table 3.3*

**Table 49: Males under 17 sentenced to Care and Custody for Offences: England and Wales 1977 – 1981.**

Year	A.S /CO*	DC	B	Total
1977	5077	5757	1859	12693
1978	4850	6303	2012	13165
1979	3889	5478	1617	10964
1980	3947	6000	1637	11584
1981	3352	6221	1683	11256

\*Approved School Order 1964 – 1970 and Care Order from 1971  
DC = Detention Centre                      B = Borstal

*Source: adapted from Tables 33 and 36 above*

**Table 50: Females under 17 sentenced to Care and Custody for Offences: England and Wales 1977 – 1981.**

Year	A.S /CO*	B	Total
1977	911	76	987
1978	894	105	999
1979	663	66	729
1980	689	71	760
1981	604	40	644

\*Approved School Order 1964 – 1970 and Care Order from 1971  
DC = Detention Centre                      B = Borstal

*Source: Tables 39 and 41 above*

**Table 51: Cautions given to young offenders 1982 to 1986 (excluding motoring offences): England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1982	37500	47400	13300	13600
1983	38300	49900	12600	14700
1984	39400	54600	11000	14800
1985	40500	61900	13000	19200
1986	30200	56800	9100	16500

*Source: Home Office: 1983a; 1984f; 1985f; 1986d; 1987c*

**Table 52: Cautions given to young offenders 1982 to 1986 (excluding motoring offences) as a percentage of all those found guilty or cautioned for all offences except motoring offences: England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1982	70	36	88	62
1983	74	39	90	66
1984	76	43	91	69
1985	79	49	93	76
1986	81	53	94	79

*Source: Home Office: 1983a; 1984f; 1985f; 1986d; 1987c*

**Table 53: Processing of Juvenile Offenders in the Metropolitan Police District: 1982 – 1984: actual numbers.**

Disposal	1982	1983	1984
Prosecute	19720	17440	14455
Instant caution			673
Caution	11960	11828	13167
N F A	2208	2566	2871
Totals	33888	31834	31166

*NFA = No Further Action*

*Source: HMSO, 1983; 1984b, 123; 1985b table 3i*



**Table 54: Processing of Juvenile Offenders in the Metropolitan Police District: 1982 – 1984: percentages.**

Disposal	1982	1983	1984
Prosecute	58	55	46
Instant caution	-	-	2
Caution	35	37	42
N F A	7	8	9

*NFA = No Further Action*

*Source: HMSO, 1983; 1984b, 123; 1985b table 3i*

**Table 55: Sentencing of boys aged over 10 and under 14 in all courts for all offences 1982 – 1986: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	s 53	Other	Total
1982	204	5261	3396	2942	2944	998		20	15765
1983	184	5032	2800	2593	2387	653	3	114	13766
1984	135	4877	2553	2365	2074	537		123	12664
1985	139	4130	1908	2142	1786	416	2	84	10607
1986	101	2917	1247	1377	1115	275	1	72	7105

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office: 1983d; 1983e; 1984d; 1984e; 1985d; 1985e; 1986b; 1986c; 1987a; 1987b: merger of tables*

**Table 56: Sentencing of boys aged over 10 and under 14 in all courts for all offences 1982 – 1986: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	CO	s. 53	Other
1982	1	33	22	19	19	6	-	-
1983	1	37	20	19	17	5	-	1
1984	1	39	20	19	16	4	-	1
1985	1	39	18	20	17	4	-	1
1986	1	41	18	19	16	4	-	1

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office: 1983d; 1983e; 1984d; 1984e; 1985d; 1985e; 1986b; 1986c; 1987a; 1987b: merger of tables*

**Table 57: Cautioning and sentencing of boys aged over 10 and under 14 for all offences 1982 – 1986: England and Wales: percentages with cautions included.**

Year	caution	AD	CD	Fine	Att. C	SO	CO	s 53	Other
1982	70	-	10	6	6	6	2	-	-
1983	74	-	10	5	5	5	1	-	-
1984	76	-	9	5	4	4	1		-
1985	79	-	8	4	4	3	1	-	-
1986	81	-	8	3	4	3	1	-	-

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: adapted from Tables 51 and 55*

**Table 58: Sentencing of young men aged 14 and under 17 in all courts for all offences 1982 – 1986: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	DC	B/YC/		Other	Total
								s.53	CSO		
1982	902	14609	36944	10801	10575	1954	5841	1463	----	595	83684
1983	864	14543	32996	10299	9725	1272	4946	1932	576	642	77795
1984	929	13868	28464	9431	9692	1045	4627	2281	1849	636	72822
1985	671	13116	24024	8466	8923	864	4185	2059	2046	638	64992
1986	509	11060	17823	6386	7400	603	2992	1605	1576	497	50451

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

DC = Detention Centre

B = Borstal

YC = Youth Custody

CSO = Community Service Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office: 1983d; 1983e; 1984d; 1984e; 1985d; 1985e; 1986b; 1986c; 1987a; 1987b: merger of tables*

**Table 59: Sentencing of young men aged 14 and under 17 in all courts for all offences 1982 – 1986: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	CO	DC	B/YC/		
								s.53	CSO	Other
1982	1	17	44	13	13	2	7	2	----	1
1983	1	19	42	13	13	2	6	2	1	1
1984	1	19	39	13	13	1	6	3	3	1
1985	1	20	37	13	14	1	6	3	3	1
1986	1	22	35	13	15	1	6	3	3	1

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

DC = Detention Centre

B = Borstal

YC = Youth Custody

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

CSO = Community Service Order

*Source: Home Office: 1983d; 1983e; 1984d; 1984e; 1985d; 1985e; 1986b; 1986c; 1987a; 1987b: merger of tables*

**Table 60: Cautioning and sentencing of young men aged 14 and under 17 for all offences 1982 – 1986: England and Wales: percentages with cautions included.**

Year	caution	AD	CD	Fine	Att. C	SO	CO	B/YC/			
								DC	s.53	CSO	other
1982	36	1	11	28	8	8	1	4	1	-	-
1983	39	1	11	26	8	7	1	4	2	-	1
1984	43	1	11	22	7	8	1	4	2	1	1
1985	49	1	10	19	7	7	1	3	2	2	1
1986	53	-	10	17	6	7	1	3	1	1	-

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

DC = Detention Centre

B = Borstal

YC = Youth Custody

CSO = Community Service Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: adapted from Tables 51 and 58*

**Table 61: Sentencing of girls aged over 10 and under 14 in all courts for all offences 1982 – 1986: England and Wales: actual numbers.**

<b>Year</b>	<b>AD</b>	<b>CD</b>	<b>Fine</b>	<b>Att. C</b>	<b>SO</b>	<b>CO</b>	<b>other</b>	<b>Total</b>
1982	19	740	452	47	449	89	6	1802
1983	21	648	346	56	291	53	6	1421
1984	22	496	257	49	250	38	15	1127
1985	9	513	185	46	164	27	2	946
1986	7	322	112	17	117	18	1	594

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

*Source: Home Office, 1983d; 1983e; 1984d; 1984e; 1985d; 1985e; 1986b; 1986c; 1987a; 1987b: Tables for magistrates' courts and higher/crown courts combined.*

**Table 62: Sentencing of girls aged over 10 and under 14 in all courts for all offences 1982 – 1986: England and Wales: percentages.**

<b>Year</b>	<b>AD</b>	<b>CD</b>	<b>Fine</b>	<b>Att. C</b>	<b>SO</b>	<b>CO</b>	<b>other</b>
1982	1	41	25	3	25	5	-
1983	1	46	24	4	20	4	-
1984	2	44	23	4	22	3	1
1985	1	54	20	5	17	3	-
1986	1	54	19	3	20	3	-

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

*Source: Home Office, 1983d; 1983e; 1984d; 1984e; 1985d; 1985e; 1986b; 1986c; 1987a; 1987b: Tables for magistrates' courts and higher/crown courts combined.*

**Table 63: Sentencing of young women aged 14 and under 17 in all courts for all offences 1982 – 1986: England and Wales: actual numbers.**

Year	B/YC/							CSO	Other	Total
	AD	CD	Fine	Att. C	SO	CO	s.53			
1982	95	2547	3215	415	1718	371	46	*	47	8454
1983	69	2389	2714	473	1357	244	73	18	84	7421
1984	110	2253	2261	404	1220	172	92	57	87	6656
1985	71	2228	1903	345	1395	130	110	93	61	6336
1986	50	1772	1339	251	752	87	70	66	49	4436

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

B = Borstal

YC = Youth Custody

CSO = Community Service Order {\* not available until 1982}

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office: 1983d; 1983e; 1984d; 1984e; 1985d; 1985e; 1986b; 1986c; 1987a; 1987b: merger of tables*

**Table 64: Sentencing of young women aged 14 and under 17 in all courts for all offences 1982 – 1986: England and Wales: percentages.**

Year	B/YC/							CSO	Other
	AD	CD	Fine	Att. C	SO	CO	s.53		
1982	1	30	38	5	20	4	1	*	`
1983	1	32	37	6	18	3	1	-	1
1984	2	34	34	6	18	3	1	1	1
1985	1	35	30	5	22	2	2	1	1
1986	1	40	30	6	17	2	2	1	1

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

B = Borstal

YC = Youth Custody

CSO = Community Service Order {\* not available until 1982}

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office: 1983d; 1983e; 1984d; 1984e; 1985d; 1985e; 1986b; 1986c; 1987a; 1987b: merger of tables*

**Table 65: Children in Care in England and Wales on 31<sup>st</sup> March 1982 to 1987 resident in Community Homes with Education or Observation and Assessment Centres.**

	Year					
	1982	1983	1984	1985	1986	1987
O & A	4600	3828	3276	3003	2995	2910
CHE	4200	3463	2831	2288	1977	1933
Total	8800	7291	6107	5291	4972	4843

*Source: DHSS 1983b; 1984; 1985d; 1986; 1987a; 1988; HMSO, 1985a; 1988a*

**Table 66: Young men aged 16 and under admitted to Detention Centre and Youth Custody, 1982 to 1986: England and Wales.**

Year	Admissions
1982	6961
1983	6544
1984	6360
1985	5681
1986	4206

*Source: Home Office, 1983b Table 3.3; 1984g, Table 3.3; 1985g, Table 3.3; 1986e, Table 3.1; 1987d*

**Table 67: Males under 17 sentenced to Care and Custody for Offences: England and Wales 1982 – 1986.**

Year	CO	DC	B/YC/S. 53	Total
1982	2952	5841	1463	10256
1983	1925	4946	1935	8806
1984	1582	4627	2281	8490
1985	1280	4185	2061	7526
1986	878	2992	1606	5476

CO = Care Order

DC = Detention Centre

B = Borstal

YC = Youth Custody

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: adapted from previous Tables 55 and 58*

**Table 68: Females under 17 sentenced to Care and Custody for Offences:  
England and Wales 1982 – 1986.**

Year	CO	B/YC/S. 53	Total
1982	460	46	506
1983	297	73	370
1984	210	92	302
1985	147	110	257
1986	105	70	175

CO = Care Order

B = Borstal

YC = Youth Custody

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: adapted from previous Tables 61 and 63*

**Table 69: Sentencing of boys aged over 10 and under 14 in all courts for all  
offences 1987 – 1992: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att C	SO	CO	s 53	Other	Total
1987	51	2078	821	986	776	195	-	53	4960
1988	52	1960	670	833	595	133	3	75	4321
1989	52	1791	470	679	518	97	-	77	3684
1990	56	1661	492	678	500	57	-	68	3512
1991	40	1529	339	608	508	37	-	39	3100
1992	35	1499	293	591	517	-	-	59	2994

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office, 1988e; 1988f; 1989a; 1989b; 1990d; 1990e; 1991b; 1991c;  
1992b; 1992c; 1993a; 1993b. Tables for magistrates' courts and higher/crown courts  
combined*

**Table 70: Sentencing of boys aged over 10 and under 14 in all courts for all offences 1987 – 1992: England and Wales: percentages.**

Year	AD	CD	Fine	Att C	SO	CO	s 53	Other
1987	1	45	16	19	14	3	-	2
1988	1	45	16	19	14	3	-	2
1989	1	49	13	18	14	3	-	2
1990	2	47	14	19	14	2	-	2
1991	1	49	11	20	16	1	-	1
1992	2	50	10	20	17	-	-	2

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office, 1988e; 1988f; 1989a, 1989b, 1990d, 1990e, 1991b, 1991c, 1992b, 1992c, 1993a, 1993b. Tables for magistrates' courts and higher/crown courts combined*

**Table 71: Sentencing of boys aged 14 and under 17 in all courts for all offences 1987 – 1992: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att C	SO	CO	YOI	s 53	CSO	Other	Total
1987	436	10210	14421	5810	6748	484	4029	155	1739	583	44615
1988	384	9055	12395	5126	5926	300	3331	167	1491	600	38755
1989	304	8905	9887	4365	5326	193	2324	117	1302	696	33419
1990	329	8875	7706	4197	5347	311	1705	126	1230	668	30494
1991	265	8271	4931	3959	4949	211	1817	104	1276	584	26367
1992	211	7927	3787	3498	4338	28	1644	81	1135	555	23204

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

YOI: Young Offender Institution

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

CSO: Community Service Order

*Source: Home Office, 1988e; 1988f; 1989a; 1989b; 1990d; 1990e; 1991b; 1991c; 1992b; 1992c; 1993a; 1993b. Tables for magistrates' courts and higher/crown courts combined*



**Table 72: Sentencing of boys aged 14 and under 17 in all courts for all offences  
1987 – 1992: England and Wales: percentages.**

Year	AD	CD	Fine	Att C	SO	CO	YOI	s 53	CSO	Other
1987	1	23	32	13	15	1	9	-	4	1
1988	1	23	32	13	15	1	9	-	4	2
1989	1	26	29	13	16	1	7	-	4	2
1990	1	29	23	14	18	1	6	-	4	2
1991	1	31	19	15	19	1	7	-	5	2
1992	1	34	16	15	19	-	7	-	5	2

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

YOI: Young Offender Institution

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

CSO: Community Service Order

*Source: Home Office, 1988e; 1988f; 1989a; 1989b; 1990d; 1990e; 1991b; 1991c; 1992b; 1992c; 1993a; 1993b. Tables for magistrates' courts and higher/crown courts combined*

**Table 73: Cautioning and sentencing of young men aged 14 and under 17 for all offences 1987 – 1992: England and Wales: percentages with cautions included.**

Year	caution	AD	CD	Fine	Att C	SO	CO	YOI	s 53	CSO	Other
1987	53	-	11	15	6	7	1	4	-	2	1
1988	59	-	10	13	5	6	-	4	-	2	1
1989	61	-	10	12	5	6	-	3	-	2	1
1990	67	-	10	8	5	6	-	2	-	1	1
1991	68	-	10	6	5	6	-	2	-	2	1
1992	71	-	10	5	4	5	-	2	-	1	1

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

YOI: Young Offender Institution

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

CSO: Community Service Order

*Source; compiled from Tables 71 and 77*

**Table 74: Sentencing of girls aged over 10 and under 14 in all courts for all offences 1987 – 1992: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	CO	other	Total
1987	6	206	67	10	45	4	3	341
1988	11	185	59	9	38	7	2	311
1989	5	166	32	12	35	11	9	270
1990	9	165	28	13	36	6	6	263
1991	4	143	28	16	46	3	2	242
1992	3	161	16	11	45	-	8	244

AD = Absolute Discharge                      CD = Conditional Discharge  
Att. C = Attendance Centre                  SO = Supervision Order  
CO = Care Order

*Source: Home Office, 1988e; 1988f; 1989a; 1989b; 1990d; 1990e; 1991b; 1991c; 1992b; 1992c; 1993a; 1993b. Tables for magistrates' courts and higher/crown courts combined*

**Table 75: Sentencing of young women aged 14 and under 17 in all courts for all offences 1987 – 1992: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att C	SO	CO	YOI/ s 53	CSO	Other	Total
1987	49	1486	1016	200	650	61	63	59	51	3635
1988	34	1576	846	169	549	60	59	70	49	3412
1989	45	1455	618	147	490	39	37	28	84	2943
1990	40	1507	547	132	534	49	30	40	75	2954
1991	33	1501	399	194	476	56	39	44	62	2804
1992	46	1397	306	149	477	2	29	47	73	2526

AD = Absolute Discharge                      CD = Conditional Discharge  
Att. C = Attendance Centre                  SO = Supervision Order  
CO = Care Order                                  YOI: Young Offender Institution  
s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA  
CSO: Community Service Order

*Source: Home Office, 1988e; 1988f; 1989a; 1989b; 1990d; 1990e; 1991b; 1991c; 1992b; 1992; 1993a; 1993b. Tables for magistrates' courts and higher/crown courts combined*

**Table 76: Sentencing of young women aged 14 and under 17 in all courts for all offences 1987 – 1992: England and Wales: percentages.**

Year	AD	CD	Fine	Att C	SO	CO	YOI/ s 53	CSO	Other
1987	1	41	28	6	18	2	2	2	1
1988	1	46	25	5	16	2	2	2	1
1989	2	49	21	5	17	1	1	1	3
1990	1	51	19	4	18	2	1	1	3
1991	1	54	14	7	17	2	1	2	2
1992	2	55	12	6	19	-	1	2	3

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

CO = Care Order

YOI: Young Offender Institution

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

CSO: Community Service Order

*Source: Home Office, 1988e; 1988f; 1989a; 1989b; 1990d; 1990e; 1991b; 1991c; 1992b; 1992c; 1993a; 1993b. Tables for magistrates' courts and higher/crown courts combined*

**Table 77: Cautions given to young offenders 1987 to 1993 (excluding motoring offences): England and Wales.**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1987	30100	49600	7900	15800
1988	26900	55500	5700	13500
1989	25600	51500	4900	12600
1990	28000	61400	6400	16300
1991	26200	55700	6800	17000
1992	28100	56500	8900	19500
1993	25600	NA*	8100	NA*

*Source: Home Office: 1988c; 1989c; 1990f; 1992a; 1993c; 1993d; 1994c*

**Table 78: Cautions given to young offenders 1987 to 1992 (excluding motoring offences) as a percentage of all those found guilty or cautioned for all offences except motoring offences: England and Wales**

Year	Males 10-13	Males 14-16	Females 10-13	Females 14-16
1987	86	53	96	81
1988	86	59	95	80
1989	87	61	96	81
1990	89	67	97	84
1991	89	68	97	86
1992	90	71	98	89
1993	90	*	98	*

*Source: Home Office: 1988c; 1989c; 1990f; 1992a; 1993c; 1993d; 1994c. Note that these figures differ slightly (never more than 1%) from those given in the annual Home Office Statistical Bulletin 'Cautions, Court Proceedings and Sentencing', Home Office: 1989d; 1990g; 1991d; 1992d; 1993e; 1994d.*

**Table 79: Processing of Juvenile Offenders in the Metropolitan Police District: 1985 – 1989: actual numbers.**

Disposal	Year				
	1985	1986	1987	1988	1989
Prosecute	13, 078	11, 953	12, 318	10, 583	10, 319
Instant Caution	5, 745	3, 730	3, 591	2, 926	2, 912
Caution	10, 626	8, 598	9, 244	8, 027	8, 737
No Further Action	2, 842	2, 481	2, 613	2, 709	3, 324
Totals	32, 291	26, 762	27, 766	24, 198	25, 292

*Source: HMSO, 1986; HMSO, 1990 Appendix 4*

**Table 80: Processing of Juvenile Offenders in the Metropolitan Police District: 1986 – 1989: percentages.**

Disposal	Year				
	1985	1986	1987	1988	1989
Prosecute	40	45	44	44	41
Instant Caution	18	14	13	12	12
Caution	33	32	33	33	35
No Further Action	9	9	9	11	13

*Source: HMSO, 1986; HMSO, 1990 Appendix 4*

**Table 81: Children in Care in England and Wales on 31<sup>st</sup> March 1988 to 1991 resident in Community Homes with Education or Observation and Assessment Centres.**

	Year			
	1988	1989	1990	1991
O & A	2665	2372	2266	2117
CHE	1682	1457	1255	1128
Total	4347	3829	3521	3245

Source: DHSS, 1989; 1990; HMSO, 1991a: Table 3.5

**Table 82: Young men aged 16 and under admitted to Young Offender Institutions, 1987 to 1992: England and Wales.**

Year	Admissions
1987	3826
1988	3120
1989	2131
1990	1483
1991	1656
1992	1479

Source: Home Office: 1988d, Table 3.11; 1989e, Table 3.11; 1990c, Table 3.8 and 3.10; 1992e, Table 3.8; 1993f; 1994e, Table 3.8

**Table 83: Males under 17 sentenced to Care and Custody for Offences: England and Wales 1987 – 1992.**

Year	CO	YOI/S. 53	Total
1987	679	4029	4708
1988	456	3498	3954
1989	290	2441	2731
1990	368	1831	2199
1991	248	1921	2169
1992	28	1725	1753

CO = Care Order

DC = Detention Centre

B = Borstal

YC = Youth Custody

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

Source: adapted from previous Tables 69 and 71

**Table 84: Females under 17 sentenced to Care and Custody for Offences:  
England and Wales 1987 – 1992.**

Year	CO	B/YC/S. 53	Total
1987	65	63	128
1988	67	59	126
1989	48	37	85
1990	55	30	85
1991	59	39	98
1992	2	29	31

CO = Care Order

B = Borstal

YC = Youth Custody

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: adapted from previous Tables 74 and 75*

**Table 85: Residents in long stay mental hospitals in the USA.**

Year	Numbers
<b>1955</b>	<b>560, 000</b>
<b>1975</b>	<b>191, 000</b>
<b>1980</b>	<b>154, 000</b>
<b>1990</b>	<b>90, 000</b>
<b>1995</b>	<b>77, 000</b>

*Source: Presidents Commission on Mental Health, 1978: 56; Kaiser Commission, 2007: 1; Stroup & Manderscheid, 1988; Senate, 1994; Bachrach, 1997.*

**Table 86: Residents in long stay mental hospitals in the UK.**

Year	Numbers
<b>1955</b>	<b>165, 000</b>
<b>1965</b>	<b>120, 000</b>
<b>1993</b>	<b>43, 000</b>
<b>2005</b>	<b>30, 000</b>

**Table 87: Residents in long stay mental retardation institutions in the USA.**

Year	Numbers
1967	194, 650
1970	186, 000
1975	167, 000
1982	117, 000
1986	100, 000
1988	91, 500
1992	75, 000
1998	50, 000

Source: Willer & Intagliata, 1984; Presidents' Committee on Mental Retardation, 1976; Switsky et al., 1988; Lakin et al., 1992; Lakin et al., 1999

**Table 88: Residents in long stay learning difficulty institutions in England and Wales.**

Year	Numbers
1970	190, 000
1995	70, 000
2011	none

Source: Ericsson & Mansell, 1996; HM Government, 2009

**Table 89: Sentencing of boys aged over 10 and under 14 in all courts for all offences 1993 – 1997: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	s. 53	other	Total
1993	28	1490	201	566	586	3	61	2935
1994	45	1967	222	641	767	2	81	3725
1995	43	2066	237	655	901	5	79	3986
1996	29	1888	192	584	778	13	53	3537
1997	35	2060	209	653	977	33	78	4045

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

Source: Home Office, 1994a; 1994b; 1995a; 1995b; 1996a; 1996b; 1997a; 1997b; 1998a; 1998b: Tables for magistrates' courts and higher/crown courts combined

**Table 90: Sentencing of boys aged over 10 and under 14 in all courts for all offences 1993 – 1997: England and Wales: percentages.**

Year	AD	CD	Fine	Att. C	SO	s. 53	other
1993	1	51	7	19	20	-	2
1994	1	53	6	17	21	-	2
1995	1	52	6	16	23	-	2
1996	1	53	5	17	22	-	1
1997	1	51	5	16	24	1	2

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office, 1994a; 1994b; 1995a; 1995b; 1996a; 1996b; 1997a; 1997b; 1998a; 1998b: Tables for magistrates' courts and higher/crown courts combined*

**Table 91: Sentencing of girls aged over 10 and under 14 in all courts for all offences 1993 – 1997: England and Wales: actual numbers.**

Year	AD	CD	Fine	Att. C	SO	s. 53	other	Total
1993	3	179	18	22	30		5	257
1994	6	244	24	22	66		2	364
1995	3	317	32	21	62		5	440
1996	2	256	27	35	33		8	361
1997	8	301	19	37	108	3	10	486

AD = Absolute Discharge

CD = Conditional Discharge

Att. C = Attendance Centre

SO = Supervision Order

s. 53 = detained for long period for grave crime under section 53 of 1933 CYPA

*Source: Home Office, 1994a; 1994b; 1995a; 1995b; 1996a; 1996b; 1997a; 1997b; 1998a; 1998b: Tables for magistrates' courts and higher/crown courts combined.*

*{After 1997 all the published statistics **include** 14 year olds with 10-13 year olds in the comparative table, so it is not possible to provide comparable data after this}*



**Table 92: Cautions given to boys and girls under 14: 1994 to 1997 (excluding motoring offences): England and Wales.**

Year	Boys 10 - 13	Girls 10 - 13
1994	26200	9800
1995	24000	9000
1996	21500	7400
1997	20100	6200

*Source: Table 5.2 in Home Office 1995c; 1996c; 1997c; 1998c*

**Table 93: Cautions given to young offenders under 14 from 1994 to 1997 (excluding motoring offences) as a percentage of all those found guilty or cautioned for all offences except motoring offences: England and Wales.**

Year	Boys 10 - 13	Girls 10 - 13
1994	88	96
1995	86	95
1996	86	95
1997	83	93

*Source: Table 5.2 in Home Office: 1995c; 1996c; 1997c; 1998c*

**Table 94: Males under 17 sentenced to immediate custody: England and Wales: 1993 – 2002 and received into custody during the year.**

Year	Sentenced to Custody	Received into Custody
1993	1603	1626
1994	2003	1933
1995	2282	2172
1996	2600	2387
1997	2810	2445
1998	2820	2436
1999	2904	2583
2000	3032	2736
2001	3331	2863
2002		2734

*Source: Table 7.15 in Home Office: 1994c; 1995c; 1996c; 1997c; 1998c; Table 7.16 in Home Office: 1999a; 2000a; 2001a; Table 3.9 in Home Office: 1995d; Table 3.10 in Home Office: 1996d, 1996e; 1997d; 1998d; 1999b; 2000b; 2001b; 2002a; 2003; Table 3.4 in Home Office 2002b*

## Appendix 2

### Ph, D Questionnaire: Youth Justice 1982 – 1996: Denis Jones

As part of my doctoral research in Social Policy at LSE, I am looking at developments in juvenile justice policy and practice in the 1980's and early 1990's.

**If you were a practitioner in juvenile justice between 1982 and 1996** I would like you to participate in this research by filling in the following questionnaire. The questionnaires are being distributed via the National Association for Youth Justice and the journal 'Youth Justice', and via direct mailings to YOT teams.

My aim is to explore some of the characteristics of juvenile justice in this period and what you think may have influenced policy at that time.

The following questions ask you to think back to your practice and experiences at that time and to try to remember what you and the projects that you worked in were trying to achieve, and what was influencing you in this practice.

#### Q1. YOUR CONTACT DETAILS

Name:

Current address:

e-mail:

Are you happy for me to contact you about your comments below (circle one)

**YES**

**NO**

#### Q2. ABOUT YOU

Current Age

gender: M/F

Ethnicity:

**Q 3: Where did you work in youth justice between 1982 and 1996** *(please list all)*

	Project name	Agency	Dates	Your Post
<i>Eg</i>	<i>Well Hall Project Greenwich</i>	<i>Rainer Foundation</i>	<i>1982-85</i>	<i>Director</i>

1.

2.

3.

4.

*If more than 4, please add below.*

#### Q4. THE JUVENILE JUSTICE SYSTEM

Which of the following services were offered by the projects that you worked for:

*please use the column corresponding to the projects you listed in Question 3 if you worked in more than one project. Please put a tick in every box that applies, and add DK for 'Don't know'. If you worked in more than 4 projects please add extra columns. If you worked for a specific project (eg bail support scheme) within a wider youth justice team please use a column for each.*

Service	Project			
	1	2	3	4
Cautioning strategy with the police				
Inter-agency cautioning panels				
Caution plus services				
Bail remand strategy				
Remand placement				
Court system monitoring				
Attempts to influence magistrates and court clerks in formal forums				
PSR/SER gatekeeping				
Directing juveniles to selected solicitors				
A dedicated professional court office from the social services department				
Court advocacy				
Alternative to custody programmes via specified activities				
Alternative to custody strategy via deferred sentences				
Crown Court strategy				
Appeals policy				
Wider PR strategies to explain the reality of juvenile crime via the media, local organizations etc.				
Other (please state)				

**Q5. What do you think were the main characteristics of juvenile justice between 1982 and 1996?**

**Q6. What was your over-riding concern as a manager/practitioner in juvenile justice at this time?**

**Q7. Please describe what you were trying to achieve in practice?**

**Q8. Please list and describe briefly what you think were the main reasons for the decline of young people in Community Homes with Education, and custody, between 1982 and 1992.**

**Q9. THE LAC 83/3 INITIATIVE**

**What views, if any, do/did you have about the LAC 83/3 (DHSS Circular) on 'Further Initiatives in Intermediate Treatment'?**

**Q 10. Do you think that youth justice policy changed in the early 1990's, and if so how?**

**Please add below any further comments that you wish to about this period of youth justice.**

**Are you happy for me to quote you by name in the thesis?      YES      NO**

*If you have any local juvenile justice studies from the period 1982 to 1996 that I could borrow I would be happy to cover postage etc*

Thank you for taking the time to complete this questionnaire. Please return it to Denis Jones, 8 Sandgate Close, Seaford, East Sussex, BN25 3LL or via e-mail to [deniswjones@hotmail.com](mailto:deniswjones@hotmail.com). If you wish to discuss it please call me on 01323-899452.



## REFERENCES

All places of publication are London unless otherwise stated

- Abolitionist (1979), 'editorial' in **The Abolitionist** (the magazine of Radical Alternative to Prison). no. 1 (January: p. 2)
- Abrams, L (2011), **Oral History Theory**, Abingdon, Routledge.
- ACOP (1988), **More Demanding Than Prison**, Association of Chief Officers of Probation.
- ACOP, CCPC & NAPO (1987), **Probation – the next five years**, Association of Chief Officers of Probation, Central Council of Probation Committees and National Association of Probation Officers.
- ACPO (1989), **Diversion of Juveniles from the Formal Criminal Justice System: Report of a Working Group**. Association of Chief Police Officers.
- Acres, D (1978), 'Intermediate Treatment', **Justice of the Peace** vol. 142 no. 34 (26.8.78) p. 508.
- Adams, R (1978), 'The Development of Policies for Social Work with Delinquents', in Thomas, J., ed., **National Intermediate Treatment Conference Papers 1977**, Leicester, National Youth Bureau, pp. 15 - 29
- Adams, R (1986), 'Juvenile Justice and Children's and Young People's Rights', in Franklin, B., ed. **The Rights of Children**, Oxford, Blackwell.
- Adams, R., Allard, S., Baldwin, J., & Thomas, J., eds (1981), **A Measure of Diversion? Case Studies in Intermediate Treatment**, Leicester, National Youth Bureau.
- Adams, R H (1960), 'Is Probation a "Let-Off"?'', **Approved Schools Gazette** vol. 54 no. 5 (1960) pp. 213-215.
- Addison, (1979), 'letter' to **Community Care** 265 (24.5.79) p. 10.
- AJJ (1990), 'The AJJ Response to "Crime, Justice and Protecting the Public"', **AJJUST** 24 (June) pp. 3 – 10 (Association for Juvenile Justice), {Note that the numbering of issues of AJJUST around this time is inconsistent, with 2 issues numbered 23!}.
- AJJUST (1984a), first issue of magazine of the Association for Juvenile Justice, **AJJUST** number 1 March.
- AJJUST (1984b), 'just welfare', **AJJUST** no. 1 March.
- AJJUST (1984c), number 2, July.
- AJJUST (1984d), number 3, September.
- AJJUST (1984e), number 4, December.
- AJJUST (1985a), number 5, March.
- AJJUST (1987), number 15, December.
- AJJUST (1989), number 20, May.
- AJJUST (1990), number 25, December.
- Alexander, A & Watkins, A (1970), **The Making of the Prime Minister**, Macdonald Unit paper 75.
- Alink, F., Boin, A & t'Hart, P (2001), 'Institutional crisis and reforms in policy sectors: the case of asylum policy in Europe', **Journal of European Public Policy** 8 pp. 286 – 306.
- Allan, R (1988), 'correct me if I'm wrong...', **Social Work Today** vol. 19 no. 41 (16.6.88) p. 20.
- Allan, R (1989), 'The Green Paper – Another View', **Justice of the Peace** vol. 153 no. 3 (21.1.89) pp. 38 – 39.
- Allard, S (1976), 'Intermediate Treatment: slow starter or missed opportunity?', **Youth Social Work Bulletin** vol.3. no. 4 (July-August), pp. 7 – 9.
- Allen, F (1981), **The Decline of the Rehabilitative Ideal: Penal Policy and Social Purpose**, Newhaven, Massachusetts, Yale University Press.
- Allen, M (1974), 'crisis in confidence', **Community Care**, 25 (18.9.74) pp. 14 – 16.
- Allen, R (1991a), 'Out of Jail: The Reduction in the use of Penal Custody for Male Juveniles 1981 – 88', **Howard Journal** 30 pp. 30 – 52.
- Allen, R (1991b), 'Custody for Juveniles – from Elimination to Abolition?', **Youth and Policy** 32 (March) pp. 10 – 18.
- Alper, B S (1978), 'Abolition – The most fitting tribute for John Howard's Bicentennial', **Howard Journal** 17 pp. 71 – 77.
- AMA (1993), **Children in Trouble: A Study of Juvenile Justice Issues for Local Government**, Association of Metropolitan Authorities.
- AMA, ACC & Magistrates Association (1978), **Joint Working Party Report on CYP Act**, Association of Metropolitan Authorities, Association of County Councils and the Magistrates'

- Association.
- American Friends Service Committee, **Struggle For Justice**, New York , Hill and Wang, 1971.
- Ames, J (1991), **Just Deserts or Just Growing Up? Community Initiatives with Young People in Trouble**, Barnado's/National Children's Bureau.
- Anderson, J., Dayson, D., Wills, W., Gooch, C., Margolius, O., O'Driscoll, C. & Leff, J (1993), 'The TAPS Project 13: Clinical and Social Outcomes of Long-Stay Psychiatric Patients After One Year in the Community', **British Journal of Psychiatry** 162: supplement 19 pp. 45 – 56.
- Anderson, J E (1994), **Public Policy Making: An Introduction**, 2<sup>nd</sup> edition, Geneva, Illinois, Houghton Mifflin,
- Andrews, C (1976), 'Comment: Act now on Intermediate Treatment', **Social Work Today** vol. 8 no. 6 (9.11.76) p. 1.
- Andrews, C (1977), 'Getting Intermediate Treatment Going', **Social Work Today** vol. 8 no. 19 (15.2.77) p. 1
- Annesley, C., Gains, F & Runnery, K (2010), 'Engendering politics and policy: the legacy of New Labour', **Policy and Politics** 38 pp. 389 – 406.
- Aplin G & Bamber, R (1973), 'Groupwork counselling; the case for a special provision in intermediate treatment', **Social Work Today** vol. 3 no. 22 (8.2.73) pp. 5 – 9.
- Approved Schools Gazette (1967a), 'Statement from Midlands branch Headmasters, Headmistresses and Matrons Association', vol. 61 no. 6 (September) p. 288.
- Approved Schools Gazette (1967b), 'Court Lees staff meeting: Press Release', vol. 61 no. 6 (September) pp. 289 – 290.
- Approved Schools Gazette (1967c), 'Association of Managers of Approved Schools: press release on Court Lees', vol. 61 no. 7 (October) pp. 334 – 336.
- Approved Schools Gazette (1967d), 'Official Statement Issued for Publication by the staff of Court Lees', and other statements', vol. 61 no. 6 (September) pp. 281 – 288.
- Arnold, J (1980), 'Decarceration in Sefton', **North West Intermediate Treatment Association News**, pp. 22 - 25.
- Arnaud, J A & Mack, T C (1982), 'The Deinstitutionalization of Status Offenders in Massachusetts: The Role of the Private Sector', in Handler J F & Zatz, J eds., **Neither Angels Nor Thieves: Studies in Deinstitutionalization of Status Offenders**, Washington DC, National Academic Press, pp. 335 - 371
- Aronowitz, S (1997), 'Alan Sokel's Transgression"', **Dissent** Winter pp. 107 – 110.
- Ashworth, A (1989), **Custody Reconsidered**, Centre for Policy Studies.
- Ashworth, A (2001), 'The Decline of English Sentencing and Other Stories', in Tonry, M & Frase, R S., eds., **Sentencing and Sanctions in Western Countries**, Oxford, Oxford University Press, pp. 62 – 91.
- Ashworth, A & Fionda, J (1994), 'The New Code for Crown Prosecution: (1) Prosecution, Accountability and the Public Interest', **Criminal Law Review** December pp. 894 – 903.
- Asquith, S (1983), **Children and Justice: Decision-Making in Children's Hearings and Juvenile Courts**, Edinburgh University Press.
- Asquith, S (1996), 'When Children Kill Children: the search for justice', **Childhood** 3 pp. 99 – 116.
- Association of Head Masters/Head Mistresses and Matrons of Approved Schools (1969), **Approved Schools 1969: A Study of Development**, Technical sub-committee, Monograph no. 9.
- Aubrey, M (1965), 'The future of juvenile courts', **Criminal Law Review**, pp. 641 – 650.
- Audit Commission (1986), **Making A Reality of Community Care**, HMSO.
- Audit Commission (1987), **Community Care: Developing services for people with a mental handicap**, Occasional Paper 4.
- Audit Commission (1989a), **The Probation Service: Promoting Value for Money**, HMSO.
- Audit Commission (1989b), **Developing Community Care for Adults with a Mental Handicap**, Occasional Paper 9.
- Audit Commission (1992), **Community Care: Managing The Cascade of Change**, National Health Service Report no. 6, HMSO.
- Audit Commission (1996), **Misspent Youth**.
- Austin, J and Krisberg, B (1981), 'Wider, Stronger and Different Nets: The Dialectics of Criminal Justice Reform', **Journal of Research in Crime and Delinquency** 18 pp. 165 – 196.
- Austin, J and Krisberg, B (1982), 'The Unmet Promise of Alternatives to Incarceration', **Crime and Delinquency** 28 pp. 374 – 409.
- Austin, J., Elms, W., Krisberg, B. & Steele, P A (1991), **Juvenile Corrections: Evaluating The Massachusetts Department of Youth Services**, San Francisco, National Council on Crime and Delinquency.

- Aymer, C., Gittens, J., Hill, D., McLeod, I., Pitts, J., Rytovaata, M., Sturdivant, E., Wright, L. & Walker, M (1991), 'The hard core – taking young people out of secure institutions', in Dennington, J & Pitts, J., eds., **Developing Services for Young People in Crisis**, Longman, pp. 92 – 112.
- Bachrach, L L (1976), **Deinstitutionalization: An Analytical Review and Sociological Perspective**, Washington DC, Department of Health, Education and Welfare publication No (ADM)76 – 351, US Government Printing Office.
- Bachrach, L L (1978), 'A Conceptual Approach to Deinstitutionalization', **Hospital and Community Psychiatry** 29 pp. 573 – 578.
- Bachrach, L L (1981), 'Deinstitutionalization: Development and Theoretical Perspective', in Rutman, J D ed., **Planning For Deinstitutionalization: A Review of Principles, Methods and Applications**, Department of Health and Human Services, Project Share, Human Services Monographs Series no 28, Washington DC, US Government Printing Office, pp 5 - 22.
- Bachrach, L L (1985), 'General Hospital Psychiatry and Deinstitutionalization: A Systems View', **General Hospital Psychiatry** 7 pp. 239 – 248.
- Bachrach, L L (1986), 'Deinstitutionalization in the United States: Promises and Prospects', paper at the 100<sup>th</sup> anniversary symposium on the deinstitutionalisation of the mentally handicapped, Voorburg Psychiatric Hospital, Netherlands 23 May 1986 and reprinted in Bachrach, L L, (1987) **Leona Bachrach Speaks: Selected Speeches and Lectures**, New Directions for Mental Health Services 35, San Francisco, Jossey Bass, pp. 75 - 90
- Bachrach, L L (1995), 'Recurring Themes and a Tribute', **Psychiatric Services** 46 pp. 553 – 554 and 557.
- Bachrach, L L (1996), 'Promises, problems and prospects', in Knudsen H C & Thornicroft, G eds, **Mental Health Service Evaluation**, Cambridge University Press, pp. 3 – 18.
- Bachrach, L L (1997), 'Lessons from the American Experience in Providing Community-Based Services', in Leff, J ed., **Care in the Community: Illusion or Reality**, Chichester, Wiley, pp.21 – 36.
- Baddeley, F (1955), 'The Liverpool Juvenile Liaison Scheme', **Approved School Gazette** vol. 49 no. 7 pp. 226 – 229.
- Baddeley, F (1960), 'The Liverpool Police Juvenile Liaison Scheme', **Approved School Gazette** vol. 54 no. 8 (November) pp. 356 – 361.
- Baddeley, F (1962), 'The Liverpool Police Juvenile Liaison Scheme', **Approved School Gazette** vol. 56 no. 4 (July) pp. 194 - 197.
- Baddeley, F (1968), 'whither headmasters?', **Approved School Gazette** vol. 61 no. 11 (February) pp. 549 – 550.
- Baddeley, F (1969), 'The Children and Young Person's Bill – 1969: Approved Schools and Intermediate Treatment', **Approved Schools Gazette** vol. 63 no. 4 (July) pp. 164 – 167.
- Baddeley, F (1970), 'salary, status and structure of the social services', **Approved Schools Gazette** vol. 63 no. 11 (February) pp. 491 – 494.
- Baddeley, F (1974), 'Intermediate Treatment in Total Disarray', **Community Schools Gazette** vol. 68 no. 2 (May) pp. 87 - 89.
- Baerveldt, C & Bunkers, H (1996), 'Limits to Growth: The case of Dutch prison capacity', **Crime, Law and Social Change** 25 pp. 153 – 172.
- Bagot, J H (1941), **Juvenile Delinquency: A comparative study of the position in Liverpool and England and Wales**, Jonathan Cape.
- Bailey, M and 17 others (1981), Letter to **Social Work Today** vol. 12 no. 46 (4.8.81) p. 10.
- Bailey, V (1987), **Delinquency and Citizenship: Reclaiming the Young Offender 1914 – 1948**, Oxford, Clarendon.
- Bakal, Y (1973a), **Strategies for restructuring the State department of Youth Services**, Maryland, US Department of Health, Education and Welfare, Office of Human Development, Office of Youth Development, US Government Printing Office.
- Bakal, Y (1973b), 'Introduction', in Bakal, Y ed. **Closing Correctional Institutions: New Strategies for Youth Services**, Lexington, Massachusetts, DC Heath, pp. xii – xv.
- Bakal, Y (1973c), 'Closing Massachusetts' Institutions: A Case Study' in Bakal, Y ed. **Closing Correctional Institutions: New strategies for Youth Services**, Lexington, Massachusetts, DC Heath, pp. 151 – 180.
- Bakal, Y & Polsky, H (1979), **Reforming Corrections For Juvenile Offenders: Alternatives and Strategies**, Lexington, Massachusetts, Lexington Books.

- Baker, A A (1961), 'Pulling Down The Old Mental Hospital', **The Lancet**, 25.3.61, pp. 656 – 657.
- Ball, C (1981), 'The use and significance of school reports in juvenile court criminal proceedings: a research note', **British Journal of Social Work** 11 pp. 479 – 483.
- Ball, C (1983a), 'School Reports in the Juvenile Court', **Justice of the Peace** vol. 147 no. 51 (17.12.83) pp. 808 – 811.
- Ball, C (1983b), "'Secret Justice": The Use Made of School Reports in the Juvenile Court', **British Journal of Social Work** 13 pp. 197 – 206.
- Ball, C (1994), 'Cautioning: A radical shift in policy', **New Law Journal** vol. 144 no. 6643 (15.4.94) pp. 495 – 496.
- Ball, K (1988), **Diverting Young Adults from Custody**, Chichester, West Sussex Institute of Higher Education.
- Ball, L & Sowa, T (1985), **Groupwork and IT – A Practical Handbook**, London Intermediate Treatment Association (LITA).
- Ball L & Sowa, T (1989), 'Groupwork in Intermediate Treatment', in Brown, A & Clough, R eds., **Groups and Groupings: Life and Work in Day and Residential Centres**, Routledge, pp. 135 – 148.
- Bamford, T., Brookes, B., & Richards, J (1972), 'Intermediate Treatment: fieldworkers look at the practical issues; **Social Work Today** vol. 3 no. 4 (18.5.72), pp. 6 - 7.
- Banks, C (1964), 'Reconvictions of Young Offenders', **Current Legal Problems** 17 pp. 61 – 79.
- Banks, C (1965), 'Boys in Detention Centre', in Banks, C & Broadhurst P I eds., **Stephanos: Studies in Psychology**, University of London Press, pp. 173 – 203.
- Banks, C (1966), 'Borstal, Prison and Detention Centre', in Klare, H J ed., **Changing Concepts of Crime and its Treatment**, Pergamon, pp. 117 – 138.
- Bann, G (1977), 'NAP Not A Cop Out', **Christian Action Journal** (Summer) pp. 8 – 9.
- Bannink, D & Resodihardjo, S (2006), 'The Myths of Reform', in Heyse, L., Resodihardjo, S., Lantink, T. & Lettinga, B., eds., **Reform in Europe: Breaking The Barriers in Government**, Aldershot, Ashgate, pp. 1 – 20.
- Baple, W H (1969), "'sloppy" treatment doomed to failure', **Approved Schools Gazette** vol. 63 no. 7 (October) pp. 293 – 295.
- Barclay, G C (1990), 'The peak age of known offending by males', **Home Office Research Bulletin** 28 pp. 20 – 23.
- Barclay, G C & Turner, D (1991), 'Recent Trends in Official Statistics on Juvenile Offending in England and Wales', in Booth, T., ed., **Juvenile Justice in the New Europe**, Sheffield, Joint Unit for Social Services Research, pp. 75 – 85.
- Bardach, F (2006), 'Policy Dynamics', in Moran, M., Rein, M., & Gordon, R E., eds., **The Oxford Handbook of Public Policy**, Oxford, Oxford University Press, pp. 336 – 366.
- Baring, J (1976), 'The Recent Trend Towards Reducing the Prison Population in the Netherlands: An English Viewpoint', **International Journal of Offender Therapy and Comparative Criminology** 20 pp. 89 – 96.
- Barker J & Hester, R (1988), **Hillingdon Alternative to Custody Scheme: The Juvenile Justice Process Jan 1987 – Jan 1988**, Rainer Foundation.
- Barker, V (2011), 'Decarceration: political possibility, social sentiment and structural reality', **Criminology and Public Policy** 10 pp. 283 – 286.
- Barlow, G (1978), 'Security: a dirty word?', **Journal of Adolescence** 1 pp. 345 – 51.
- Barnard, T J & Katkin, D (1986), 'Introduction', **Law and Policy** pp. 391 – 395.
- Barnardo's (1987), **175 Project: Alternatives to Custody and Care in Newport, Gwent: Report on the First Year of Operation**, Newport, Wales.
- Barnett, M (1970), 'People Not Psychiatry', **New Society** vol. 16 no. 431 (31.12.70) pp. 1159 – 1160.
- Barnett, M (1973), **People Not Psychiatry**, Allen & Unwin.
- Bartollas, C., Miller, S J., & Dinitz, S (1976a), **Juvenile Victimization: The Institutional Paradox**, New York, Sage.
- Basaglia, F (1981), 'Breaking The Cycle of Control', in Ingleby, D ed., **Critical Psychiatry: The Politics of Mental Health**, Penguin, pp. 184 – 192.
- Basaglia, O F (1985), 'Italy's Aborted Psychiatric Reform', **International Journal of Mental Health** 14 pp. 9 – 21.
- BASW (1978), **Children and Young Person's Act 1969: Some implications for practice** (a British Association of Social Workers Working Party Report), Birmingham.
- Bateman, T (1987), letter to **Community Care** 659 (7.5.87) p. 11.
- Bateman, T (2005), 'Reducing Child Imprisonment: A Systemic Challenge', **Youth Justice** 5 pp. 91 – 105.

- Baumgartner, F R (2006), 'Epilogue: Friction, Resistance and Breakthrough', in Heyse, L., Resodihardjo, S., Lantink, T. & Lettinga, B., eds., **Reform in Europe: Breaking The Barriers in Government**, Aldershot, Ashgate, pp. 193 – 200.
- Baumgartner, F R & Jones, B D (1991), 'Agenda Dynamics and Policy Sub-systems', **Journal of Politics** 53 pp. 1044 – 1074.
- Baumgartner, F R & Jones, B D (1994), 'Attention, Boundary Effects and Large-scale Policy Change in Air-Transportation Policy', in Rochefort, D A & Cobb, R W., eds., **The Politics of Problem Definition: Shaping The Policy Agenda**, Lawrence, Kansas, University Press of Kansas, pp. 50 – 66.
- Baumgartner, F R & Jones, B D (2009), **Agendas and Instability in American Politics**, 2<sup>nd</sup> edition, Chicago, University of Chicago Press.
- Beadle-Brown, J & Forrester-Jones, R (2003), 'Social Impairment and the "Care in the Community" Cohort: the effect of deinstitutionalisation and changes over time in the community', **Research in Developmental Disabilities** 24 pp. 33 – 43.
- Beaumont, B (1985), in National Intermediate Treatment Federation, **Sheffield Conference, 1985**.
- Beaumont, B (1988a), 'A tough heart and a troubled mind', **Social Work Today** vol. 19 no. 42 (23.6.88) p. 24.
- Beaumont, B (1988b), 'Punishment in the Community' **NAPO News** 1 (July) pp. 6 – 7.
- Beaumont, B (1990), 'A Quick Play on Words', **Social Work Today** vol. 21 no. 21 (1.2.90) p. 19.
- Beck, U (1992), **Risk Society: Towards a New Modernity**, Sage.
- Becker, H (1967), 'Whose side are we on?', **Social Problems** 14 pp. 239 – 247.
- Beckett, K & Western, B (2001), 'Governing social marginality: welfare incarceration and the transformation of state policy', in Garland, D., ed., **Mass Imprisonment: Social Causes and Consequences**, Sage pp. 35 - 50
- Beecham, J., Hallam, A., Knapp, M., Baines, B M., Fenyo, A. & Asbury, M (1997), 'Costing Care in Hospital and in the Community', in Leff, J ed., **Care in the Community: Illusion or Reality**, Chichester, Wiley, pp.93 – 108.
- Behan, D (1983), 'letter' to **Community Care** 452 (3.3.83) p. 10.
- Behn, R D (1976), 'Closing the Massachusetts Public Training Schools', **Policy Sciences** 7 pp. 151 – 171.
- Behn, R D (1978), 'Closing a Government Facility', **Public Administration Review** 38 pp. 332 – 338.
- Bell, A & Gibson, P (1991), 'Tackling The Dilemmas for Policy and Practice in Justice Systems Divided by Age', in Booth, T ed., **Juvenile Justice in the New Europe**, Sheffield, Joint Unit for Social Services Research, pp. 97 – 104.
- Bell, C (1990), 'Social Inquiry Reports Concerning Young Offenders: A radical strategy for policy and practice', **AJJUST** 25 pp. 36 – 53.
- Bell, C & Haines, K (1991), 'Managing the Transition: Implications of the Introduction of a Youth Court in England and Wales', in Booth, T ed., **Juvenile Justice in the New Europe**, Sheffield, Joint Unit for Social Services Research, pp. 118 - 132
- Bell, S (1980), cartoon: 'cases', **Social Work Today** vol. 11 no. 33 (29.4.80) p. 9.
- Benaim, S (1983), 'The Italian Experience', **Bulletin of the Royal College of Psychiatrists** 7 pp. 7 - 10.
- Bendor, J (1995), 'A Model of Muddling Through', **American Political Science Review**, 89 pp. 819-840.
- Benger, D (1969), 'When is an approved school a children's home?', **Child Care Quarterly Review** 23 pp. 8 – 11.
- Benn, T (1988), **Office Without Power: Diaries 1968 – 72**, Arrow.
- Benn, T (1989), **Against The Tide: Diaries 1973 – 76**, Arrow.
- Benn, T (1990), **Conflicts of Interest: Diaries 1977 – 80**, Arrow.
- Bennett, C J & Howlett, M (1992), 'The Lessons of Learning: Reconciling theories of policy learning and policy change', **Policy Sciences** 25 pp. 275 – 294.
- Bennett, D & Morris, I (1983), 'Deinstitutionalisation in the United Kingdom', **International Journal of Mental Health** 11:4 pp. 5 – 23.
- Bennett, T (1979), 'The social distribution of criminal labels', **British Journal of Criminology** 19 pp. 134 – 45.
- Benson, D & Jordan, A (2011), 'What have we learned from Policy Transfer research? Dolowitz and Marsh revisited', **Policy Studies Review** 9 pp. 366 – 378.
- Beresford, P (1979), 'Is IT missing the point?' **Community Care** 269 (21.6.79) pp. 19 – 21.
- Beresford, P & Beresford, S (1980), 'Delinquents have problems too', **Community Care** 318 (17.7.80) pp. 29 – 31.

- Beresford, P & Croft, S (1981), 'Intermediate Treatment, special education and the personalisation or urban problems', in Swann, W ed., **The Practice of Special Education**, Oxford/Milton Keynes, Blackwell/Open University Press, pp. 187 – 207.
- Beresford P and Croft, S (1982), **Intermediate Treatment – radical alternative, palliative or extension of social control?**, Battersea Community Action.
- Beresford P and Croft, S (1983), 'We never hear anything about what young people want', **Community Care** 449 (10.2.83) pp. 20 – 22.
- Berlins M & Wansell, G (1972a), 'The loophole in British law that any child can get through', **The Times**, 8.11.72 p. 16.
- Berlins M & Wansell, G (1972b), 'Overloading the care circuit', **The Times**, 10.11.72 p. 16.
- Berlins M & Wansell, G (1972c), 'The persistent offender: discipline and therapy may provide the answer', **The Times**, 13.11.72 p. 10.
- Berlins, M & Wansell, G (1974a), **Caught in the Act: Children, Society and the Law**, Harmondsworth, Penguin.
- Bernstein, D M., Erdfelder, E., Meltzoff, A N., Peria, W & Loftus, G R (2011), 'Hindsight bias from 3 to 95 years of age', **Journal of Experimental Psychology: Learning, Memory and Cognition**, 37 pp. 378 – 391.
- Berry, C R., Burden, B C & Howells, W G (2010), 'After Enactment: The Lives and Deaths of Federal Programs', **American Journal of Political Science** 54 pp. 1-17.
- Berry, F S & Berry, W D (1999), Innovation and Diffusion Models in Policy Research', in Sabatier, P A., ed., **Theories of the Policy Process**, Boulder, Colorado, Westview Press, pp. 169 – 200.
- Bevir, M (1999), 'Foucault and Critique: Deploying Agency Against Autonomy', **Political Theory** 27 pp. 65 – 84.
- Bewley, T., Bland, J M., Mechen, D & Walch, E (1975), 'Census of Mental Hospital Patients and Life Expectancy of Those Unlikely to be Discharged', **British Medical Journal** vol. 5998 (20.12.75) pp. 671 – 675.
- Bianchi, H (1975), 'Social Control and Deviance in the Netherlands', in Bianchi, H., Simondi, M & Taylor, I eds., **Deviance and Control in Europe: Papers from the European Group for the Study of Deviance and Social Control**, Chichester, Wiley, pp. 51 – 57.
- Bianchi, H (1989), 'Abolitionism in the Past, Present and Future', in Lasocik, L., Platek, M & Rzeplinska, I eds., **Abolitionism in History: On Another Way of Thinking**, Warsaw, Institute of Social Prevention and Resocialization, pp. 9 – 15.
- Biggins, S J (1987), 'A Patchwork Quilt System – Juvenile and Young Offenders', **Justice of the Peace**, vol. 151 no. 49 (5.12.87) pp. 819 – 820.
- Biklen, D (1979), 'The Case for Deinstitutionalization', **Social Policy** 10 (May/June) pp. 48 – 54.
- Billis, D (1976), 'In Search of a Policy', **Social Work Service** 11 pp. 11 – 16 (also published as 'Intermediate Treatment: In Search of a Policy', in Billis D., Bromley, G., Hey A & Rowbottom, R., **Organizing Social Services Departments**, Heinemann, 1980, pp. 186 - 195.
- Bilson, A (1986), 'A counter-productive strategy?', **Community Care** 623 (7.8.86), pp. 16 – 17.
- Bilson, A & Thorpe, D (1988), **Child Care Careers and Their Management: A Systems Perspective**, Fife Social Work Department, Fife, Scotland.
- Bilton, K (1969), 'Children and Justice', **Justice of the Peace** vol. 133 no. 16 (19.4.69) pp. 256 – 257.
- Binder A & Binder, V L (1994), 'The Incarceration of Juveniles: from the era of *Crouse* to that of Freud and Skinner', **Legal Studies Forum** 18 pp. 349 – 368.
- Binder, A & Geis, G (1984a), '*Ad populem* Argumentation in Criminology: Juvenile Diversion as Rhetoric: I', **Crime and Delinquency** 30 pp. 309 – 333.
- Binder, A & Geis, G (1984b), '*Ad populem* Argumentation in Criminology: Juvenile Diversion as Rhetoric: II', **Crime and Delinquency** 30 pp. 624 - 647.
- Binder, A., Geis, G & Bruce (1988), **Juvenile Delinquency: Historical, Cultural, Legal Perspectives**, New York, Macmillan.
- Binder, A., Geis, G & Bruce (1997), **Juvenile Delinquency: Historical, Cultural, Legal Perspectives: 2<sup>nd</sup> edition**, Cincinnati, Anderson.
- Bingham, Lord (1997), **Justice For The Young**, Prison Reform Trust.
- Bird, M (1961), 'Group Counselling at Pollington', **Prison Service Journal** 2 pp. 33 – 35.
- Bishop, N (1988), **Non-Custodial Alternatives in Europe**, Helsinki, HEUNI.
- Blackmore, J., Brown, M & Krisberg, B (1988), **Juvenile Justice Reform: The Bellweather States**, Philadelphia, Center for the Study of Youth Policy.
- Blackwell, G (1986), 'Let justice be done', **Community Care** 612 (22.5.86), pp. 24 – 26.
- Blagg, H (1985), 'Reparation and Justice for Juveniles: The Corby Experience', **British Journal of Criminology** 25 pp. 267 – 279.

- Blagg, H & Smith, D (1989), **Crime, Penal Policy and Social Work**, Harlow, Essex, Longman.
- Blatt, B (1969), 'Purgatory', in Kugel R B & Wolfensberger, W eds., **Changing Patterns in Residential Services for the Mentally Retarded**, Presidents Commission on Mental Retardation, Washington DC, US Government Printing Office, pp. 35 – 49.
- Blatt, B (1970), **Exodus From Pandemonium: Human Abuse and a Reformation of Public Policy**, Boston, Allyn & Bacon.
- Blatt, B & Kaplan, F (1966), **Christmas in Purgatory: A Photographic Essay on Mental Retardation**, Allyn & Bacon.
- Blatt, B & Kaplan, F (1976), **Christmas in Purgatory: A Photographic Essay on Mental Retardation**, reissue, Syracuse, Human Policy Press, {available on line at [www.disabilitymuseum.org/lub/docs/1782card.htm](http://www.disabilitymuseum.org/lub/docs/1782card.htm) }
- Bloche, M G & Cournos, F (1990), 'Mental Health Policy for the 1990's: Tinkering in the Interstices', **Journal of Health Politics, Policy and Law** 15 pp. 387 – 411.
- Block, B P (1989), 'Juvenile Diversion – From Court or from Justice?', **Justice of the Peace** vol. 153 No. 36 (9.9.89) pp. 534 – 537.
- Blomberg, T G (1980), 'Widening The Net: An Anomaly in the Evaluation of Diversion Programs', in Klein, M W & Teilman, K S eds., **Handbook of Criminal Justice Evaluation**, Beverley Hills, Sage, pp. 572 – 592.
- Blumenthal, G J (1985), **Development of Secure Units in Child Care**, Aldershot, Gower.
- Blumstein, A & Cohen, J (1973), 'A Theory of the Stability of Punishment', **Journal of Criminal Law and Criminology** 64 pp. 198 – 207.
- Blunden R & Allen, D eds., (1987), **Facing The Challenge: An ordinary life for people with learning difficulties and challenging behaviour**, King's Fund Project Paper 74.
- Bochel, D (1976), **Probation and After-Care: Its Development in England and Wales**, Edinburgh, Scottish Academic Press.
- Bohnstedt, M (1978), 'Answers to Three Questions About Juvenile Diversion', **Journal of Research in Crime and Delinquency** 15 pp. 109 - 123
- Boin, R A & Otten, M H P (1996), 'Beyond The Crisis Window for Reform: Some Ramifications for Implementation', **Journal of Contingencies and Crisis Management** 4 pp. 149 – 161.
- Boisvert, M J., Kenney, H J & Kvaraceus, W C (1976), "'Massachusetts" Deinstitutionalization: Data on One Community-Based Answer', **Juvenile Justice** 27: 2 (May) pp. 35 – 40.
- Bollina P & Mollica, R F (1989), 'Surviving Without The Asylum: An Overview of the Studies on the Italian Reform Movement', **Journal of Nervous and Mental Disease** 177 pp. 607 – 615.
- Bollina, P., Reich, M & Muscettola, G (1988), 'Revision of the Italian Psychiatric Reform: North/South Differences and Future Strategies', **Social Science and Medicine** 297 pp. 1327 – 1335.
- Bolt, Rev. Dr. (1972), 'Is Imprisonment Obsolete', **Justice of the Peace** vol. 136 no. 33 (12.8.72) pp. 521 – 522.
- Booth, W J (1966), 'The Institutional Treatment of Delinquents', **Prison Service Journal** 18 pp. 2 – 12.
- Borland, D K (2006), "'That's Not What I said": Interpretative Conflict in Oral Narrative Research', in Perks, R & Thomson, A, eds., **The Oral History Reader**, 2<sup>nd</sup> edition pp. 310 – 321.
- Boswell, G (1996), **Young and Dangerous: The backgrounds and careers of Section 53 offenders**, Aldershot, Avebury.
- Bosworth, M (2011), 'Penal Moderation in the United States? Yes we can', **Criminology and Public Policy** 10 pp. 335 – 343.
- Bottomley, A K (1985), 'The cautioning of juvenile offenders', **Justice of the Peace** vol. 149 no. 20 (18.5.85) p. 312.
- Bottomley, K & Fielding, N (1986), 'Penal Policy File No. 23', **Howard Journal** 25 pp. 279 – 285.
- Bottomley, K & Pease, K (1985), 'Penal Policy File No. 18', **Howard Journal** 24 pp. 229 – 236.
- Bottomley, A K & Pease, K (1986), **Crime and Punishment: Interpreting The Data**, Milton Keynes, Open University Press.
- Bottoms, A E (1974), 'On the Decriminalization of the English Juvenile Courts', in Hood, R ed, **Crime, Criminology and Public Policy: Essays in Honour of Sir Leon Radzinowicz**, Heinemann. pp. 319 – 45.
- Bottoms, A E (1987), 'Limiting Prison Use: Experience in England and Wales', **Howard Journal** 26 pp. 177 – 202.
- Bottoms, A (1995a), 'The Philosophy and Politics of Punishment and Sentencing', in Morgan, R & Clarkson, C eds, **The Politics of Sentencing Reform**, Oxford, Clarendon, pp. 17 – 49.
- Bottoms, A (1995b), **Intensive Community Supervision for Young Offenders: Outcomes**,

- Processes and Costs**, Cambridge, Institute of Criminology.
- Bottoms, A (2002), 'The Divergent Development of Juvenile Justice Policy and Practice in England and Scotland', in Rosenheim, M. K., Zimring, F. E., Tanenhaus, D. S & Dohrn, B eds, **A Century of Juvenile Justice**, Chicago, University of Chicago Press, pp. 413 – 504.
- Bottoms, A., Brown, P., McWilliams, B., McWilliams, W., Nellis, M & Pratt, J (1990), **Intermediate Treatment and Juvenile Justice: Key Findings and Implications from a National Survey of Intermediate Treatment Policy and Practice**, HMSO.
- Bottoms, A., Haines, K & O'Mahoney, D (1998), 'England and Wales' in Mehlbye, T & Walgrave, L eds., **Confronting Youth in Europe – Juvenile Crime and Juvenile Justice**, Copenhagen, AKF, pp. 139 – 215.
- Bottoms, A & Dignan, J (2004), 'Youth Justice in Great Britain', in Tonry, M & Doob, A N eds., **Youth Crime and Youth Justice: Comparative and Cross-National Perspectives**, Crime and Justice: A Review of Research vol. 31, Chicago, University of Chicago Press, pp. 21 – 183.
- Bottoms, A E & McClintock, F H (1973), **Criminals Coming of Age: A Study of Institutional Adaptation in the Treatment of Adolescent Offenders**, Heinemann.
- Bottoms A E & Stelman, A (1988), **Social Inquiry Reports**, Aldershot, Wildwood House.
- Bottoms, A & Stevenson, S (1992), 'What Went Wrong?: Criminal Justice Policy in England and Wales, 1945 –70' in Downes, D. ed., (1992), **Unravelling Criminal Justice**, Macmillan.
- Bourne, H (1984), 'Letter', to **New Society** vol. 70 no. 1139 (18.10.84) p. 121.
- Bourne, H (1985), 'Letter', to **British Journal of Psychiatry** 147 p. 452.
- Bowden J & Stevens M (1986a), 'Justice for Juveniles – A Corporate Strategy in Northampton', **Justice of the Peace** vol 150 no 21 (24.5.86) pp. 326 – 329.
- Bowden J & Stevens M (1986b), 'Justice for Juveniles – A Corporate Strategy in Northampton', **Justice of the Peace** vol 150 no 22 (31.5.86) pp. 345 – 347.
- Bowden J & Stevens, M (1986c), 'Justice for Juveniles: A corporate strategy in Northampton', **Prison Service Journal** 64 pp. 15 – 19.
- Boyle, J (1977), **A Sense of Freedom**, Pan.
- Bradden, E (1983), 'Survey of Youngsters Sentenced to DC During 1980', **Clearing House for Social Services Research** 9 pp. 55 – 89.
- Braddock, D (2010), 'Honoring Eunice Kennedy Shriver's Legacy in Intellectual Disability', **Intellectual and Developmental Disability** 48 pp. 63 – 72.
- Braddock, D & Heller, T (1985a), 'The Closure of Mental Retardation Institutions I: Trends in the United States', **Mental Retardation** 23 pp. 168 – 176.
- Braddock, D & Heller, T (1985b), 'The Closure of Mental Retardation Institutions II: Implications', **Mental Retardation** 23 pp. 222 – 229.
- Braithwaite, J (2003), 'What's wrong with the sociology of punishment?', **Theoretical Criminology** 7 pp. 5 – 28.
- Braithwaite, R M (1952), 'Attendance Centres for Young Offenders', **British Journal of Delinquency** 2 pp. 242 - 248.
- Brand, D (2008), **Nick Stacey and Kent Social Services**, Faversham, Kent, Brand Books.
- Brewer, G D (1974), 'Editorial: The Policy Sciences Emerge: To Nurture and Structure and Discipline', **Policy Sciences** 5 pp. 239 – 244.
- Brewer G D & De Leon, P (1983), **The Foundations of Policy Analysis**, Homewood, Illinois, Dorsey press.
- Brierley, H (1963), **A Study of Absconding in an Approved School**, unpublished: abstract in **Bulletin of the British Psychological Society** vol. 16 no. 50 p. 4A.
- Bright, J (1993), **Youth Crime Prevention: A Framework for Local Action**, Swindon, Crime Concern.
- Brigg, M (2007), 'Governance and Susceptibility in Conflict Resolution: Possibilities beyond control', **Social and Legal Studies** 16 pp. 27 – 47.
- Briggs, D (1975), **In Place of Prison**, Temple Smith/New Society.
- British Journal of Delinquency (1951), 'The Police Juvenile Liaison Officer Scheme in Liverpool', **British Journal of Delinquency** 2 pp. 160 – 161.
- Brittan, L (1979), address to conference on Intermediate Treatment (DHSS, 1980).
- Brittan, L (1985), 'short sharp shocks: A new sense of purpose', **Community Care** 2.5.85 pp. 16 – 18.
- Broadley, G (1974), **Daily Express** 7.8.74, reprinted in **The Magistrate** 30 (1974) pp. 168 – 169.
- Brodeur, J-P (2007), 'Comparative Penology in Perspective', in Tonry, M ed., **Crime, Punishment and Politics in Comparative Perspective: Crime and Justice: A Review of Research** vol. 36 pp. 49 – 91.



- Brooks, S L & Bowler, D M (1995), 'Community adjustment of mobile people with learning difficulties after total hospital closure: A preliminary report', **Journal of Intellectual Disability Research** 39 pp. 177 – 185.
- Brown, B J (1986), 'Services for Adolescents', in Koch, H C H ed., **Community Clinical Psychology**, Croom Helm pp. 22 – 45.
- Brown, B.J., Druce, N R & Sawyer, C E (1978), 'Individual differences and absconding behaviour', **British Journal of Criminology**, 18 pp. 62 – 70.
- Brown, B J & Sawyer, C E (1978), 'Uses and abuses of psychologists – some alternatives for psychologists in social services departments', **Bulletin of the British Psychological Society** 31 pp. 218 – 222.
- Brown, D (1997), **PACE Ten Years On: A review of the research**, Home Office Research Study 104, HMSO.
- Brown, D., Ellis, T & Larcombe, K (1992), **Changing The Code: Police Detention Under the Revised PACE Codes of Practice**, Home Office Research Study 109, HMSO.
- Brown, G (1971), **In My Way: The Political Memoirs of Lord George-Brown**, Gollancz.
- Brown, H & Smith, H eds. (1992), **Normalisation: A Reader for the 1990's**, Tavistock/Routledge.
- Brown, L (1974), 'Recipe for failure?', **Community Care** 25 (18.9.74) pp. 12 – 13.
- Brown, S (1991), **Magistrates at Work**, Buckingham, Open University Press.
- Brown, S (1998), **Understanding Youth and Crime: Listening to Youth?**, Milton Keynes, Open University Press.
- Browning, P (1987), 'The Elimination of Custody – Another Point of View', **Justice of the Peace** vol. 151 no. 14 (4.4.87) pp. 215 – 216.
- Brownlee, I (1998), **Community Punishment: A critical introduction**, Harlow, Essex, Longman.
- Brownlie, K., Jarman, M & Miles, L (1983), 'The Yniscedwyn Intermediate Treatment Project', **International Journal of Offender Therapy and Comparative Criminology** 27 pp. 84 – 94.
- Bucke T & Brown, D (1997), **In Police Custody: Police Powers and Suspects' Rights Under The Revised PACE Codes of Practice**, Home Office Research Study 174, HMSO.
- Buikhuisen, W (1989), 'Imprisonment in Holland: Some Comments', **International Journal of Offender Therapy and Comparative Criminology** 33 pp. 154 – 158.
- Bullington, B., Sprowls, J., Katkin, D & Lowell, H (1986), 'The Politics of Policy: Deinstitutionalization in Massachusetts: 1970 – 1985', **Law and Policy** 8 pp. 507 – 524.
- Bullock, R (1979), **Secure Provision for Children in Care**, Justice for Children (available in Dartington Social Research Unit archives).
- Bullock, R., Hosie, K., Little, M & Millham, S (1985a), **The Careers and Experiences of Delinquents in the Care of a Local Authority**, University of Bristol, Dartington Social Research Unit.
- Bullock, R., Hosie, K., Little, M & Millham, S (1985b), 'The characteristics of young people in youth treatment centres: a study based on leavers from St Charles and Glenthorne between 1982 and 1985', **Journal of Forensic Psychiatry** 1 pp. 329 – 350.
- Bullock R., Little, M & Millham, S (1998), **Secure Treatment Outcomes: The Care Careers of Very Difficult Adolescents**, Aldershot, Ashgate.
- Burbidge, J (1979), "'Intermediate Treatment" in England', **International Journal of Offender Therapy and Comparative Criminology** 23 pp. 244 – 248.
- Burchell, G (1979), 'A note on juvenile justice', **Ideology and Consciousness** 5 pp. 125 – 135.
- Burgin Y & Anderson, B (1988), 'Caution for cautions: a response', **Justice of the Peace** vol. 152 no. 21 (21.5.88), pp. 327 – 329.
- Burney, E (1984), **Sentencing Juveniles**, Hutchinson,
- Burney, E, (1985), 'Sentencing young people', **New Society** vol 72, no 1163 (11.4.85) pp. 59 - 60.
- Burney, E, (1986), 'When to lock up teenagers', **New Society** vol 75, no 1202, (10.1.86) pp. 58 - 59.
- Burns, D (1975), 'Community Home Schools and the Future', **Youth in Society** 10 (March/April) pp. 4 – 6 (also in **Community Schools Gazette** March 1975).
- Burns, J L (1969), 'When is a classifying school an observation centre?', **Child Care Quarterly Review** 23 pp. 13 – 15.
- Burns, J L (1973), 'Problems of the Community Homes', in Becke, S., Goodman, L., Cooper, J D & Burns, J L, **Children Still In Trouble?**, Institute for the Study and Treatment of Delinquency (ISTD) pp. 29 – 40.
- Burns, J L (1976), 'letter' to **New Society** vol. 36 no. 715 (17.6.76) p. 653.
- Burt, R A (1985), 'Pennhurst: A Parable', in Mnookin, R H ed., **In The Interests of Children: Advocacy, Law Reform, and Public Policy**, New York, Freeman, pp. 265 – 363.

- Burti, L (2001), 'Italian Psychiatric Reform 20 plus years after', **Acta Psychiatrica Scandinavica**, 104, Supplement 410, pp. 41 – 46.
- Buruna, Y (2007), 'Dutch Tolerance: on Drugs, Prostitution and Euthanasia', in Tonry M & Bijleveld, C, **Crime and Justice in the Netherlands: Crime and Justice: A Review of Research Volume 35** pp. 73 – 113.
- Bushway, S D (2011), 'So policy makers drive incarceration – now what?', **Criminology and Public Policy** 10 pp.327 – 333.
- Butchard, R E (2011), 'What's Foucault Got To Do With It? History, Theory and Becoming Subjected', **History of Education Quarterly** 51 pp. 239 – 246.
- Calhoun, J A (1979), 'Foreword' to Bakal, Y & Polsky, H, **Reforming Corrections For Juvenile Offenders: Alternatives and Strategies**, Lexington, Massachusetts, Lexington Books, pp. xiii – xv.
- Calhoun, J A & Wayne, S (1981), 'Can The Massachusetts Juvenile System Survive The Eighties', **Crime & Delinquency** 27 pp. 522 – 533.
- Callaghan, J (1983), 'Cumber and Variableness', in Royal Institute of Public Administration, **The Home Office: Perspectives on Policy and Administration**, pp. 9 – 22.
- Callaghan, J (1987), **Time and Change**, Collins.
- Cambridge, P & Knapp, M eds., (1988), **Demonstrating Successful Care in the Community**, Canterbury, Personal Social Service Research Unit, University of Kent.
- Cambridge, P., Hayes, L., Knapp, M., Gould, E & Fenyo, A (1994), **Care in the Community: Five Years On: Life in the Community for People with Learning Disabilities**, Arena, Aldershot.
- Cameron, J (1988), 'More Demanding than Prison – two responses', **NAPO News** no. 2 (August) pp. 10 - 11
- Cameron, J (1991), 'soapbox', **Social Work Today** vol. 23 no. 10 (31.10.91) p. 24.
- Campbell, J (1993), **Edward Heath: A Biography**, Pimlico.
- Carlebach, J (1970), **Caring For Children In Trouble**, Routledge & Kegan Paul.
- Carpenter M and Gibbens, F (1971), 'Combined Operations (Intermediate Treatment)', **Probation** 19 pp. 84 – 87.
- Carson, J., Shaw, L & Wills, W (1989), 'Which Patients First: A study from the closure of a large psychiatric hospital', **Health Trends** 21 pp. 117 – 120.
- Carter, D (1973), 'The role of the Social Services in working with young people', **Youth in Society** 2 (November/December), pp. 11 – 14.
- Carter, J O (1963), 'Absconding at Dover Borstal', **Prison Service Journal** 8 pp. 25 – 32.
- Castellani, P (1996), 'Closing Institutions in New York State', in Mansell J & Ericsson, K eds., **Deinstitutionalization and Community Living: Intellectual Disability Services in Britain, Scandinavia and the USA**, Chapman & Hall, pp. 31 – 48.
- Castle, B (1980), **The Castle Diaries 1974-76**, Weidenfeld & Nicholson.
- Cavadino, M (1991), 'The Effect of Statutory Criteria for Custody', **Justice of the Peace** vol. 155 (2.2.91) pp. 74 – 76.
- Cavadino, M, Crow, I and Dignan, J (1999), **Criminal Justice 2000: Strategies for a New Century**, Winchester, Waterside Press.
- Cavadino, M & Dignan, J (1992), **The Penal System: An Introduction**, Sage.
- Cavadino, M & Dignan, J (1997), **The Penal System: An Introduction**, 2<sup>nd</sup> edition, Sage.
- Cavadino, P (1980), 'Personal View', **Youth in Society**, 41 p. 24.
- Cavadino, P (1982), 'A pragmatic compromise', **Community Care** 437 (11.11.82) pp. 26 – 28.
- Cavadino, P (1985), 'Two Cheers for Cautioning Circular', **Justice of the Peace** vol. 149 no. 20 (18.5.85) pp. 310 – 311.
- Cavalier, A R & McCarver, R B (1981), 'Wyatt v Stickney and Mentally Retarded Individuals', **Mental Retardation** 19 pp. 209 - 214
- Cavenagh, W E (1966), 'What Kind of Court or Committee?', **British Journal of Criminology** 6 pp. 123 – 138.
- Cawson, P (1981), **Young Offenders in Care**, DHSS.
- Cawson, P (1984), 'Young Offenders and Residential Care', **Research, Policy and Planning** 2 :1 pp. 7 – 12.
- Cawson P and Martell, M (1979), **Children Referred To Closed Units**, DHSS Statistics and Research Division, Research Report no. 5, HMSO.
- Celnick, A (1988), 'Punishment in the Community: Will it reduce the prison population?', **Justice of**

- the Peace** vol. 152 no. 48 (26.11.88) pp. 765 – 766.
- Challis, D & Shepherd, R (1983), 'An Assessment of the Potential for Community Living of Mentally Handicapped Patients in Hospital', **British Journal of Social Work** 13 pp. 501 – 520.
- Chan J L B & Ericson, R V (1981), **Decarceration and the Economy of Penal Reform**, Toronto, Centre of Criminology, University of Toronto.
- Chapman, J B (1970), 'Intermediate Treatments', **New Society** vol. 16 no. 410 (6.8.70) pp. 246 - 247.
- Chappell, H (1981), 'Ideological Gulf', **New Society** vol. 56 no 961 (16.4.81) p. 113.
- Chard, A (1985a), 'letter' to **Justice of the Peace** vol. 149 no 33 (17.8.85) p. 524.
- Chard, A (1985b), 'letter' to **Community Care** 576 (22.8.85) p. 9.
- Cheetham, J (1986), 'Introduction' in Ahmed, S, Cheetham J & Small J eds., **Social Work with Black Children and their Families**, Batsford pp. 1 – 38.
- Cheltenham & District HA (1988), **Where Have All The Patients Gone? A survey of long-stay mentally ill patients discharged into the community in Gloucester**, Cheltenham, Cheltenham & District Health Authority, Gloucester Health Authority, Cheltenham & District Community Health Council & Gloucester District Community Health Council.
- Chesney-Lind, M & Matsuo, W (1995), **Juvenile Crime and Juvenile Justice in Hawaii**, Philadelphia, Centre for the Study of Youth Policy.
- Child Care (1968), 'Children in Trouble', **Child Care** 22 pp. 49 – 51.
- Children's Society (1988a), **Penal Custody for Juveniles – The Line of Least Resistance**, Children's Society Advisory Committee on Penal Custody and its Alternatives for Juveniles.
- Children's Society (1988b), **Knowsley Alternatives to Custody Project**, Children's Society.
- Childright (1984a), 'Spyway – where rights are used as rewards', **Childright** 8 (June) pp. 4 – 6.
- Childright (1984b), 'Mr. Brittan's blind confidence', **Childright** 10 (September) p. 2.
- Childright (1984c), 'News', **Childright** 12 (November/December) p. 2.
- Childright (1985a), 'A brutal, brutalising and pointless regime', **Childright** 19 (July/August) pp. 8 – 11.
- Childright (1986a), 'Short sharp shock regimes', **Childright** 29 (July/August) pp. 10 – 13.
- Childright (1986b), 'News', **Childright** 31 (October) pp. 4 – 6.
- Childright (1986c), 'News', **Childright** 32 (November/December) pp. 10 – 11.
- Childright (1988), 'Young offender complaints – CLC pressure continues', **Childright** 52 (November/December) pp. 15 – 16.
- Choppen, V (1970), 'The origins of the philosophy of detention centres', **British Journal of Criminology** 10 pp. 158 – 68.
- Christian Action Journal (1976), 'RAP campaign on prison control units', **Christian Action Journal** (Autumn) p. 30 and (Spring, 1977) pp. 27 – 28.
- Christian Action Journal (1977), 'RAP: Children Out of Trouble', **Christian Action Journal** (Summer) pp. 14 – 17.
- Christian Action Journal (1979), 'RAP', **Christian Action Journal** (Summer) pp. 12 – 13.
- Christians, C G (2005), 'Ethics and Politics in Qualitative Research', in Denzin, N. K., & Lincoln, Y. S., eds., **The Sage Handbook of Qualitative Research**, 3<sup>rd</sup> edition, pp. 139 – 164.
- Christie, N (1994), **Crime Control as Industry: Towards Gulags, Western Style**, 2<sup>nd</sup> edition, Routledge
- Clagborn, J L & Kinross -Wright, J (1971), 'Reduction in Hospitalization of Schizophrenia', **American Journal of Psychiatry** 128 pp. 344 – 347.
- Clarke, J (1980), 'Social Democratic Delinquents and Fabian Families: A background to the 1969 Children and Young Persons Act', in National Deviancy Conference, eds., **Permissiveness and Control: The fate of the sixties legislation**, Macmillan, pp. 72 – 95.
- Clarke, R V G (1966), 'Approved School Boy Absconders and Corporal Punishment', **British Journal of Criminology** 6 pp. 364 – 375.
- Clarke, R V G (1967), 'Seasonal and other environmental aspects of absconding by approved school boys', **British Journal of Criminology** 7 pp. 195 – 202.
- Clarke, R V G (1968), 'Absconding and adjustment to the training school', **British Journal of Criminology** 8 pp. 285 – 295.
- Clarke, R (1980), 'Absconding from Residential Institutions for Young Offenders', in Hersov, L., & Berg, I eds., **Out of School: Modern Perspectives in Truancy and School Refusal**, Chichester, Wiley, pp. 111-136.
- Clarke, R V G & Martin, D N (1971), **Absconding From Approved Schools**, Home Office Research Study 12, HMSO.
- Clarke, R V G & Martin, D N (1975), 'A study of absconding and its implications for the residential treatment of delinquents', in Tizard, J., Sinclair, I & Clarke, R V G eds., **Varieties of**

- Residential Experience**, Routledge & Kegan Paul, pp. 249 – 274.
- Clayden, D., McPhillips, S & Newens, M (1987), 'Weighing Up The Alternatives', **Community Care** vol. 666 (25.6.87) pp. 21 – 23.
- CLC (1982), **Locked Up In Care: A report on the use of secure accommodation for young people in care.**
- CLC (1983), **Children in Care – The Need for Change** (Evidence to the House of Commons Inquiry into Children in Care).
- Cliffe, D & Berridge, D (1991) **Closing Children's Homes: An End to Residential Child Care?**, National Children's Bureau.
- Clifford, P., Charman, A., Webb, Y & Best, S (1991), 'Planning For Community Care: Long-Stay Populations of Hospitals Scheduled for Rundown or Closure', **British Journal of Psychiatry** 158 pp. 190 – 196.
- Coates R B & Miller, A D (1973), 'Neutralisation of Community Resistance to Group Homes', in Bakal, Y ed., **Closing Correctional Institutions: New Strategies for Youth Services**, Lexington, Massachusetts, DC Heath, pp. 67 – 84.
- Coates R B & Miller, A D (1977), 'Neutralisation of Community Resistance to Group Homes', in Ohlin, L E., Miller, A D & Coates, R B eds., **Juvenile Correctional Reform in Massachusetts: A Preliminary Report of the Center for Criminal Justice of the Harvard Law School**, Washington DC, National Institute of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U S Department of Justice, U S Government Printing Office, pp. 81 – 91.
- Coates, R. B., Miller, A D & Ohlin, L E (1973), 'A Strategic Innovation in the Process of Deinstitutionalisation: The University of Massachusetts Conference', in Bakal, Y ed. **Closing Correctional Institutions: New Strategies for Youth Services**, Lexington, Massachusetts, DC Heath pp. 127 – 148.
- Coates, R. B., Miller, A. D. & Ohlin, L E (1975), 'The Labelling Perspective and Innovation in Juvenile Correctional Systems', in Hobbs, N ed., **Issues in the Classification of Children Vol. 2**, San Francisco, Jossey-Bass, pp. 123 – 149.
- Coates, R. B., Miller, A D & Ohlin, L E (1978), **Diversity in a Youth Correctional System: Handling Delinquents in Massachusetts**, Ballinger, Cambridge, Massachusetts.
- Cockett, R (1967), 'Borstal training: A Follow-up Study', **British Journal of Criminology** 7 pp. 150 – 183.
- Cohen, M D & March, J G (1978), **Leadership and Ambiguity**, Boston, Harvard Business School Press.
- Cohen, S (1973), 'Prisoners', **New Society** vol. 23 no. 546 (22.3.73) p. 648.
- Cohen S (1977a), 'Prisons and the future of control systems: from concentration to dispersal', in Fitzgerald, M., Halmos, P., Muncie, J & Zeldin, D eds., **Welfare in Action**, Routledge & Kegan Paul/Open University Press, pp. 217 – 228.
- Cohen, S (1977b), 'The Official Secrets Act and Prisons', **Christian Action Journal** (Summer) p. 13.
- Cohen, S (1979a), 'The Punitive City', **Contemporary Crises** 3 pp. 339 – 363.
- Cohen, S (1979b), 'Review of "Decarceration: Community Treatment and the Deviant – A Radical View, by A Scull', **British Journal of Sociology** 30 pp. 250 – 251.
- Cohen, S (1979c), 'Guilt, Justice and Tolerance: Some Old Concepts for a New Criminology', in Downes, D & Rock, P eds., **Deviant Interpretations: Problems in Criminological Theory**, Oxford, Martin Robertson, pp. 17 – 51.
- Cohen, S (1979d), **Crime and Punishment: Some Thoughts on Theories and Policies**, Radical Alternatives to Prison.
- Cohen, S (1980b), 'Introduction', to Dronfield, L., **Outside Chance: The Story Of The Newham Alternatives Project**, Radical Alternatives to Prison, pp. 2 – 6.
- Cohen, S (1983), 'Social-Control Talk: Telling Stories About Correctional Change', in Garland D & Young, P eds., **The Power To Punish: Contemporary Penalty and Social Analysis**, Aldershot, Gower, pp. 101 – 29.
- Cohen, S (1985), **Visions of Social Control**, Cambridge, Polity Press.
- Cohen, S (1989), 'The Critical Discourse on "Social Control": Notes on the Concept as a Hammer', **International Journal of the Sociology of Law** 17 pp. 347 – 357.
- Cohen, S & Scull, A (1983), 'Introduction: Social Control in History and Sociology', in Cohen S & Scull, A eds., **Social Control and the State: Historical and Comparative Essays**, Oxford, Robertson. pp. 1 – 14.
- Coles, G (1977), 'RAP Past Present Future', **Christian Action Journal** (Summer) pp. 4 – 5.

- Collier, P (1996), **Police Disposals of Notifiable Offences Cleared Up, Following Arrest or Report by Age, Gender and Offence**, Home Office Statistical Findings 2/96.
- Coloma, R S (2011), 'Who's Afraid of Foucault: History, Theory and Becoming Subjects', **History of Education Quarterly** 51 pp. 184 – 210.
- Community Alternatives to Young Offenders (1982), **Final Report**, NACRO.
- Community Care (1978), 'News', **Community Care** 225 (9.8.78) pp 1 and 5.
- Community Care (1979a), 'News', **Community Care** 286 (11.10.79) p. 4.
- Community Care (1979b), editorial: 'IT, action, not talk needed', **Community Care** 272 (12.7.79) p. 1.
- Community Care (1980), 'News', **Community Care** 298 (17.1.80) p. 8.
- Community Care (1981), 'News', **Community Care** 368 (9.7.81) p. 2.
- Community Care (1981b), 'News', **Community Care** 373 (13.8.81) p. 6.
- Community Care (1982), 'News', **Community Care** 438 (18.11.82) p. 4.
- Community Care (1984a), 'News', **Community Care** 501 (1.3.84) p. 5.
- Community Care (1984b), 'News', **Community Care** 540 (29.11.84) p. 4.
- Community Care (1987), 'News', **Community Care** 666 (25.6.87) p. 2.
- Community Care (1988), 'News', **Community Care** 740 (1.12.88) p. 2.
- Conneally, S., Boyle, G & Smyth, F (1992), 'An evaluation of the use of small group homes for adults with a severe and profound mental handicap', **Mental Handicap Research** 5 pp. 146 – 168.
- Conroy, J (1996), 'Results of deinstitutionalization in Connecticut', in Mansell J & Ericsson, K eds., **Deinstitutionalization and Community Living: Intellectual Disability Services in Britain, Scandinavia and the USA**, Chapman & Hall, pp. 149 – 168.
- Conroy, J W & Elks, M (1999), 'Tracking Quality of Life during Deinstitutionalization: A Covariance Study', **Education & Training in Mental Retardation and Developmental Disabilities**, 34 pp. 212 – 222.
- Conservative Political Centre (1977), **The Proper Use of Prisons**, Publication 609.
- Cooper, J (1968a), 'Living in Groups', **Approved Schools Gazette** vol. 61 no. 10 (January) pp. 486 – 493.
- Cooper, J (1968b), 'The Team Approach', **Approved Schools Gazette** vol. 62 no. 2 (May) pp. 84 – 86.
- Cooper, J D (1969), 'Social Care and Social Control', **Child Care Quarterly Review** 23 pp. 125 – 130.
- Cooper, J (1970), 'The Responsible Society', **Community Schools Gazette** vol. 64 no. 5 (August) pp. 253 – 260.
- Cooper, J (1973), 'The Role of the Social Services', **Community Schools Gazette** vol. 67 no. 9 (December) pp. 487 – 491.
- Cooper, J (1976), 'The closing of the Training Schools in Massachusetts', **Social Work Service** 9 pp. 29 – 30 (also reprinted in **Community Schools Gazette** vol. 70 no. 5 (August) pp. 221 – 224.
- Cooper, J (1977), 'Retrospect and Prospect', **Community Schools Gazette** vol. 71 no. 3 (June) pp. 86 – 91.
- Cooper, J (1983), **The Creation of the British Personal Social Services 1962 – 1974**, Heinemann,
- Cooper, J (1989), 'Out of Custody: A Strategy for Juveniles', **Social Work Today** vol 21 no 1 (31.8.89) p. 17.
- Coopey, R., Fielding, S & Tiratsoo, N eds., (1993), **The Wilson Governments 1964 – 1970**, Pinter.
- Coppock, V (1996), 'Mad, Bad or Misunderstood? A critical analysis of state responses to children and young people whose behaviour is defined as "disturbed" or "disturbing"', **Youth and Policy** 53 pp. 53 – 65.
- Cornish, D B & Clarke, R V G (1975), **Residential Treatment and its Effect on Delinquency**, Home Office Research Study 32, HMSO.
- Cortell A P & Peterson, S (1999), 'Altered States: Explaining Domestic Institutional Change', **British Journal of Political Science** 29 pp. 177 – 203.
- Coultard, R (1959), 'President's Notes', **Approved School Gazette** vol. 53 no. 6 (September) pp. 210 – 212.
- Coultard, R (1960), 'President's Notes', **Approved School Gazette** vol. 53 no. 11 (February) pp. 414 – 415.
- Coultard, R (1967), 'editorial', **Approved Schools Gazette** vol. 61 no. 6 (September) pp. 62 – 63.
- Coultard, R (1968a), 'editorial', **Approved Schools Gazette** vol. 61 no. 11 (February) pp. 531 – 532.
- Coultard, R (1968b), 'editorial', **Approved Schools Gazette** vol. 62 no. 2 (May) p. 279.
- Covington, C (1980), **The Hammersmith Teenage Project: Social Policy and Practice in an Experimental Community-Based Delinquency Project 1975 – 1978**, unpublished Ph. D Thesis, London School of Economics.
- Cowan, R (1955), 'Open Prisons and Borstals', **Criminal Law Review**, March, pp. 169 – 72.

- Cowperthwaite, D J (1988), **The Emergence of the Scottish Children's Hearing System**, Institute of Criminal Justice, Southampton.
- CPS (1988), **Annual Report of the Crown Prosecution Service: April 1987 – March 1988**, HC 563: 1987 – 88, HMSO {Parliamentary Papers 1987 - 88}.
- CPS (1989), **Report on Juvenile Proceedings**.
- CPS (1990), **Annual Report of the Crown Prosecution Service, April 1989 – March 1990**, HC 305: 1989 – 90, HMSO, {Parliamentary Papers 1989-90}.
- CPS (1992), **Annual Report of the Crown Prosecution Service: April 1991 – March 1992**, HC 48: 1992- 93, HMSO {Parliamentary Papers 1992-93}.
- CPS (1994a), **Annual Report of the Crown Prosecution Service: April 1993 – March 1994**, HC 444: 1993- 94, HMSO {Parliamentary Papers 1993-94 vol. xl}.
- CPS (1994b), **The Code for Crown Prosecutors**, June, Crown Prosecution Service.
- CRE (1990), **Juvenile Cautioning and Ethnic Monitoring**, Commission for Racial Equality.
- CRE (1992), **Cautions v Prosecutions: Ethnic monitoring of juveniles by seven police forces**, Commission for Racial Equality.
- Crepet, P & de Plato, G (1983), 'Psychiatry Without Asylums: Origins and Prospects in Italy', **International Journal of Health Services** 13 pp. 119 – 129.
- Crepet, P & Pirella, A (1985), 'The Transformation of Psychiatric Care in Italy: Methodological Premises, Current Status and Future Prospects', **International Journal of Mental Health** 14 pp. 155 – 173.
- Crime Concern (1992), **Family, Schools and Community: Towards A Social Crime Prevention Agenda**, Swindon.
- Criminal Law Review (1985), 'editorial', May 1985 pp. 257 – 259.
- Crine, A (1983), 'A Lifeline for Young People', **Community Care** vol. 449 (10.2.83) pp. 17 – 19.
- Croft, J (2002), 'The Home Office Children's Department Inspectorate 1948 – 1970', **Prison Service Journal** 142 pp. 29 – 33.
- Croft, J (2005), 'The Hunting of the Snark: Reflections on a Half Century of Crime', **Political Quarterly** 114 – 123.
- Crook, J (1985a), 'A note of caution', **Youth in Society** 105 (August) pp. 14 – 15.
- Crook J (1985b), 'Was The Home Secretary Nudged into Diversion?', **Community Care** vol. 570 (11.7.85) p. 10.
- Crook, J (1987), 'To be treated with caution', **Community Care** 645 (29.1.87) p. 10.
- Crook J & Dolan, M (1986), 'Out of Court', **Social Work Today** vol 17 no 29 (24.3.86) p. 22.
- Crossley, N (2006), **Contesting Psychiatry: Social Movements in Mental Health**, Routledge.
- Crow, I (1979), **The Detention Centre Experiment**, NACRO.
- CSV Kent (1987), **Summary of All DHSS Funded CSV Kent Schemes: Final Report**, Community Service Volunteers.
- Culham, A & Nind, M (2003), 'Deconstructing Normalisation: clearing the way for inclusion', **Journal of Intellectual and Developmental Disability** 28 pp. 65 – 78.
- Cummings, R., Emerson, E., Barrett, S., McCool, C., Toogood, A & Hughes, H (1989), 'Challenging Behaviour and Community Services: 4: Establishing Services', **Mental Handicap** 17 pp 13 – 19.
- Curtis, S (1989), **Juvenile Offending: Prevention Through Intermediate Treatment**, Batsford.
- Cutler, W (1970), 'Accuracy in Oral History Interviewing', **Historical Methods Newsletter** 3 pp. 1 – 7.
- Darling, E S (1964), 'Another look at group counselling', **Prison Service Journal** 10 pp. 10 – 13.
- Darien-Smith, K & Hamilton, P., eds., (1994), **Memory and History in Twentieth Century Australia**, Melbourne, Oxford University Press,
- Dartington (no date), 'Some Comments In Defence of the 1969 Act', Dartington Social Research Unit unpublished manuscript in the archives.
- Darbyshire, M., Barrow, S., & Jordan, M (1980), 'Care and Control for Boys in CH(E)'s: the Scope for Transferring Resources', **Social Work Service** 24 pp. 1 – 6.
- Darbyshire, M., Barrow, S., & Jordan, M (1981), 'Alternatives to CH(E)'s: divergence and agreement in a Lancashire study', **Social Work Service** 27 pp. 1 – 4.
- Davidson, L., Hoge, M A., Merrill, M E., Rakfeldt, J & Griffiths, E E H (1995), 'The Experience of Long-Stay Patients Returning to the Community', **Psychiatry** 58 pp. 122 – 132.
- Davies, B (1978) 'Youth: Getting IT', **New Society** vol. 44 no 811 (20.4.78) pp. 136 – 137.
- Davies, B (1979), 'Young Offenders: Goods delivery', **New Society** vol. 47 no. 850 (18.1.79) p. 140.

- Davies, B (1982), 'Juvenile Justice in Confusion', **Youth and Policy** 1:2 pp. 33 – 35.
- Davies, C & Trevisas, E (1986), 'Tactics of Legal Reform: Learning From The Recent Past', **Howard Journal** 25 pp. 25 – 32.
- Davies, L., Felce, D., Lowe, K & de Paiva, S (1991), 'The Evaluation of NIMROD: A community-based service for people with mental handicap: Revenue costs', **Health Services Management Research** 4 pp. 170 – 180.
- Davies, M (1974), 'Social Inquiry for the Courts: An examination of the current position in England and Wales', **British Journal of Criminology** 14 pp. 18 – 33.
- Davies, M (1989), 'An Alternate View: "square deal" punishment in the community: it is cheaper but who will buy it', in Rees, H and Hall Williams, E eds., **Punishment, Custody and the Community. Reflections and Comments on the Green Paper**, London School of Economics, pp. 19 – 33.
- Davies, M., Takala, J-P .& Tyrer, J (1996), **Penological Esperanto and Sentencing Parochialism**, Aldershot, Dartmouth Press.
- Davis, A J (2003), **Are Prisons Obsolete?**, New York, Seven Stories Press.
- Davis G., Boucherat, J & Watson, D (1989), 'Pre-Court Decision-Making in Juvenile Justice', **British Journal of Criminology** 29 pp. 219 – 235.
- Dawtry, F (1965), 'letter' to **New Society** 149 (5.8.65) p. 30.
- Dawtry, F (1968), 'Children In – And Out of – Trouble', **Justice of the Peace** vol. 132 no. 22 (1.6.68) pp. 355 – 356.
- Dayson, D (1993), 'The TAPS Project 12: Crime, Vagrancy, Death and Readmission of the Long-Term Mentally Ill During Their First Year of Local Reprovision', **British Journal of Psychiatry** 162: supplement 19 pp. 40 – 44.
- Dayson, D., Gooch, C. & Thornicroft, G (1992), 'The TAPS Project 16: Difficult to place long-term psychiatric patients: risk factors for failure to resettle long-stay patients in community facilities', **British Medical Journal** 305 pp. 993 – 995.
- De Girolamo (1985), 'letter' to **British Journal of Psychiatry** 147 pp. 451 – 452.
- De Girolamo, G (1989), 'Italian Psychiatry and Reform Law: A Review of the International Literature', **International Journal of Social Psychiatry** 35 pp. 21 – 37.
- De Girolamo, G & Cozza, M (2000), 'The Italian Psychiatric Reform: A 20-Year Perspective', **International Journal of Law and Psychiatry** 23 pp. 197 – 214.
- De Haan (1987), 'Abolitionism and the Politics of "Bad Conscience"', **Howard Journal** 28 pp. 15 – 32.
- De Haan (1988), 'The Necessity of Punishment in a Just Social Order: a critical appraisal', **International Journal of the Sociology of Law** 16 pp. 433 – 453.
- De Haan (1989), 'The Necessity of Punishment in a Just Social Order: a critical appraisal', in Rolston, B & Tomlinson, M eds., **Justice and Ideology: Strategies For the 1990s**, European Group For The Study of Deviance and Social Control: Working Papers No. 9, Belfast, pp.33 – 52.
- De Haan, W (1990), **The Politics of Redress: Crime, Punishment and Penal Abolition**, Unwin Hyman.
- De Haan, W (1991), 'Abolitionism and Crime Control: A contradiction in terms', in Stenson, K and Cowell D eds., **The Politics of Crime Control**, Sage, pp. 203-17 {also in Duff, A., Marshall, S., Dobash, R E & Dobash, R P eds., (1994), **Penal Theory and Practice: Tradition and Innovation in Criminal Justice**, Manchester, Manchester University Press/Fulbright Commission, 1994}.
- De Kock, U., Saxby, H., Thomas, M & Felce, D (1988), 'Community and family contact: an evaluation of small community homes for adults', **Mental Handicap Research** 1 pp. 127 - 140.
- De Leon, P (1999), 'The Stages Approach to the Policy Process: What has it done? Where is it going?' in Sabatier, P A., ed., **Theories of the Policy Process**, Boulder, Colorado, Westview Press, pp. 19 – 32.
- De Lint, W (2006), 'Governmentality, Critical Criminology, and the Absent Norm', **Canadian Journal of Criminology and Criminal Justice** 48 pp. 721 – 734.
- De Plato, G & Minguzzi, G F (1981), 'A short history of psychiatric renewal in Italy', **Psychiatry and Social Science** 1 pp. 71 – 77.
- De Salvia, D & Barbato, A (1993), 'Recent Trends in Mental Health Services in Italy: An Analysis of National and Local Data', **Canadian Journal of Psychiatry** 38 pp 195 – 202.
- Deakins, E (1978), 'Young People in Trouble: The Government's View', **Youth in Society** 31 (October) pp. 4 – 5.
- Dean, M (1999), **Governmentality: Power and Rule in Modern Society**, Sage.
- Dean-Myrda, M C & Cullen, F T (1998), 'The Panacea Pendulum: An account of community as a

- response to crime', in Petersilia, J ed., **Community Corrections: Probation, Parole and Intermediate Sanctions**, New York, Oxford University Press, pp. 3 – 18.
- De'Ath, E (1988), 'The Challenge of Diversion', **Youth in Society** 141 (August) pp. 14 – 17 (also published as a Children's Society briefing paper).
- Deleuze, G (1980), 'Foreward' to Donzelot, J, **The Policing of Families**, Hutchinson, pp. ix – xvii.
- Dell, E (2000), **A Strange and Eventful History: Democratic Socialism in Britain**, Harper Collins.
- Denman, G (1982), **Intensive Intermediate Treatment for Juvenile Offenders: A Handbook of Assessment and Groupwork Practice**, Lancaster, Centre of Youth, Crime and Community.
- Denne, J (1983a), 'Community Care is Possible', **Community Care** 453 (10.3.83) pp. 18 – 21.
- Denne, J (1983b), 'letter' to **Community Care** 452 (3.3.83) p. 10.
- Denne, J (1986), 'Widening The System's Approach', **AJJUST** 9 April/May p. 9
- Denne, J & Peel, R (1983), 'Does IT work?', **Community Care** 454 (17.3.83) pp. 20 – 21.
- Dennington, J and Gildersleeve, G (1982a), 'Community-Based Assessment: A Scheme in Action', **Social Work Service** 31 pp. 36 – 43.
- Dennington, J and Gildersleeve, G (1982b), 'No need for residence', **Community Care** 436 (4.11.82) pp. 20 – 22.
- Department of Education and Science (1980), **Community Homes with Education: A survey of educational provision in 21 Community Homes with Education on the premises (CHE's) in England and Wales 1978: A discussion paper by some members of HM Inspectorate of Schools**, Department of Education and Science, HMI series: Matters for Discussion 10, HMSO.
- Derbyshire J D & Derbyshire, I (1990), **Politics in Britain from Callaghan to Thatcher**, 2<sup>nd</sup> ed, Edinburgh, Chambers.
- DHSS (1970), **Care and Treatment in a Planned Environment: A Report on the Community Home Project**, HMSO.
- DHSS (1971a), **Development of Secure Provision in Community Homes: a Discussion Paper**.
- DHSS (1971b), **Better Services for the Mentally Handicapped**, Cmnd 4683, HMSO.
- DHSS (1972), **Intermediate Treatment: A Guide for the Regional Planning of New Forms of Treatment for Children in Trouble**, HMSO.
- DHSS (1973a), **Approved School to Community Home: St. Christopher's, Hillingdon: Report of a Development Group seminar, October 4-6, 1973**, Social Work Service Development Group, HMSO.
- DHSS (1973b), **Approved School to Community Home: A Development Group Exercise 15-17 October, 1973 at Eastmore House, Isle of Wight**, Social Work Service Development Group, HMSO.
- DHSS (1973c), **Intermediate Treatment Project: An Account of a Project set up to demonstrate some ways of providing intermediate treatment**, Social Work Service Development Group, HMSO.
- DHSS (1975a), **Approved School to Community Home: Eastmore House: Report of a Follow-Up Exercise on 7.1.75**, Social Work Service Development Group, HMSO.
- DHSS (1975b), **Approved School to Community Home: Report of a seminar on Community Homes at Digby Hall, Leicester on June 30 – July 2, 1975**, Social Work Service Development Group, HMSO.
- DHSS (1976a), **Approved School to Community Home: report of an exercise held in conjunction with Liverpool Catholic Children's Society and Social Services at St. Vincent's, Formby, Lancashire**, Social Work Service Development Group (ed B Kahan), HMSO.
- DHSS (1976b), **Developments at Risley Hall Community Home: Report of the Working Party, June 1974 – December 1975; Report of a Day Conference 12<sup>th</sup> January 1976**, Social Work Service Development Group and East Midlands Region; Nottinghamshire SSD, ed B Kahan.
- DHSS (1976c), **Priorities for Health and Personal Social Services in England: A Consultative Document**, HMSO.
- DHSS (1976d), **Intermediate Treatment: Report of a residential conference held at Birmingham 2-5 December 1974**, Social Work Service Development Group.
- DHSS (1977a), **Joint Planning and Joint Financing**, Local Authority Circular LAC 77/10.
- DHSS (1977b), **Intermediate Treatment – Planning for Action**, Social Work Service Development Group.
- DHSS (1977c), **Management of Community Homes with Education on the Premises**, Social Work Service Development Group.
- DHSS (1977d), **Local Authority Circular LAC (77) 1: Children and Young Person's Act: Intermediate Treatment**.



- DHSS (1977e), **Priorities in the Health and Social Services: The Way Forward.**
- DHSS (1977f), **Intermediate Treatment: 28 Choices.**
- DHSS, (1978a), **Management of Community Homes with Education on the Premises.**
- DHSS (1978b), **Development Team For The Mentally Handicapped: First Report: 1976 – 1977,** HMSO.
- DHSS (1979), **Management of Community Homes with Education on the Premises: 4 seminars** Social Work Service Development Group.
- DHSS (1980a), **Getting on with Intermediate Treatment: A report of the plenary sessions of the conference held at the City Hall, Sheffield 9-11 July, 1979.**
- DHSS (1980b), **Children In Care in England and Wales 1979.**
- DHSS (1980c), **Mental Handicap: Progress, Problems and Priorities.**
- DHSS (1980d), **Development Team For The Mentally Handicapped: Second Report: 1978 - 1979,** HMSO.
- DHSS (1981a), **Offending by Young People: A Survey of Recent Trends.**
- DHSS (1981b), **Care in the Community: A Consultative Document on Moving Resources for Care in England.**
- DHSS (1981c), **Community Provision for Young Offenders: A Seminar at the Dalmeny Hotel, St Anne's-On-Sea, 28-30 April,** Social Work Service: North West Region Development Group.
- DHSS (1981d), **Care in Action: A Handbook of Policies and Priorities for the Health and Personal Social Services in England,** HMSO.
- DHSS (1981e), **Observation and Assessment: Report of a Working Party.**
- DHSS (1981f), **Children In Care in England and Wales 1980.**
- DHSS (1982a), **Criminal Justice Act 1982 Part 1 – Treatment of Young Offenders,** Local Authority Circular LAC 83/6.
- DHSS (1982b), **Children In Care in England and Wales 1981**
- DHSS (1982c), **Development Team For The Mentally Handicapped: Third Report: 1979 – 1981,** HMSO.
- DHSS (1983a), **Further Developments of Intermediate Treatment:.** Local Authority Circular LAC 83/3.
- DHSS (1983b), **Children In Care in England and Wales 1982.**
- DHSS (1983c), **Health Service Development: Care in the Community and Joint Finance,** Joint Circular LAC 83/5 and HC (83) 6.
- DHSS (1984), **Children In Care in England and Wales 1983.**
- DHSS (1985a), **Use of Custody: Leeds,** Social Services Inspectorate (J B Woods).
- DHSS (1985b), **Use of Custody: Kirklees,** Social Services Inspectorate (I W Milner).
- DHSS, (1985c), **Inspection of Community Homes,** Social Services Inspectorate.
- DHSS (1985d), **Children In Care in England and Wales 1984.**
- DHSS (1985e), **Government Response to the Second Report From the Social Services Committee 1984-85 Session: Community Care: with special reference to adult mentally ill and mentally handicapped people,** Cmnd 9674, HMSO {Parliamentary Papers 1985-86 vol xli}.
- DHSS (1985f), **Mental Illness: Policies for Prevention, Treatment, Rehabilitation and Care.**
- DHSS (1985g), **Development Team For The Mentally Handicapped: Fourth Report: 1981 – 1984,** HMSO.
- DHSS (1985h), **Progress in Partnership.**
- DHSS (1986), **Children In Care in England and Wales 1985.**
- DHSS (1987a), **Children In Care in England and Wales 1986.**
- DHSS (1987b), **Reports to Court.**
- DHSS (1988), **Children In Care in England and Wales 1987.**
- DHSS (1989), **Children In Care in England and Wales 1988.**
- DHSS (1990), **Children In Care in England and Wales 1989.**
- DHSS, Scottish Home and Health Department & Welsh Office (1972), **Report of the Committee on Nursing (Chairman: Professor Asa Briggs),** Cmnd 5115, HMSO.
- Dickinson, D (1994), **Crime and Unemployment,** mimeo, Cambridge.
- Dieppe, M (1973), 'Intermediate Treatment: A comparison of experimental projects', **Youth Social Work Bulletin** vol.1 no. 1 (November-December) pp. 3 – 6.
- Dingwall, G S & Davenport, A (1995), 'The Evolution of Criminal Justice Policy in the UK', in Fennell, P, Harding, C, Jorg, N & Swart, B eds., **Criminal Justice in Europe; A Comparative Study,** Oxford University Press, pp. 21 – 39.
- Dinitz, S (1979), 'Home care treatment as a substitute for hospitalization: the Louisville Experiment', in Lamb, H R ed., **Alternatives to Acute Hospitalization,** New Directions for Mental

- Health Services no. 1, San Francisco, Jossey Bass, pp. 1 – 13.
- Ditchfield, J A (1976), **Police Cautioning in England and Wales**, Home Office Research Study 37, HMSO.
- Dixon, D., Bottomley, K., Coleman, C., Gill, M. & Wall, D (1990), ‘Safeguarding the Rights of Suspects in Police Custody’, **Policing and Society** 1 pp. 115 – 150.
- Dodds, M N (1986), ‘The restrictions on imposing youth custody and detention centre sentences’, **Justice of the Peace** vol. 150 no. 23 (7.6.86) pp. 359 – 362.
- Dodds, M N (1987), ‘The restrictions on imposing youth custody and detention centre sentences – some recent cases’, **Justice of the Peace** vol. 151 no 38. (19.9.87) pp. 597 – 600.
- Dodge, C R (1979), **A World Without Prisons: Alternatives to Incarceration throughout the World**, Lexington, Massachusetts.
- Dolowitz, D & Marsh, D (1996), ‘Who learns what from whom: A review of the policy transfer literature’, **Political Studies** 44 pp. 343 – 357.
- Dolowitz, D & Marsh, D (2000), ‘Learning from abroad: the role of policy transfer in contemporary policy making’, **Governance** 13 pp. 5 – 24.
- Dolowitz, D P with Hulme, R., Nellis, M & O’Neill, F (2000), **Policy Transfer and British Social Policy: Learning from the USA**, Buckingham,, Open University Press.
- Donnison, D & Stewart, M (1958), **The Child and the Social Services**, Fabian Research Series 196, Fabian Society.
- Donnison, D, Jay, P & Stewart, M (1962), **The Ingleby Report: Three Critical Essays**, Fabian Society.
- Donoughue, B (1987), **Prime Minister: The Conduct of Policy under Harold Wilson and James Callaghan**, Cape.
- Donoughue, B (2004), **Downing Street Diary: With Harold Wilson in No. 10**, Cape
- Donoughue, B (2008), **Downing Street Diary Volume 2: With James Callaghan in No. 10**, Cape
- Donzelot, J (1980), **The Policing of Families**, Hutchinson.
- Doob, A N & Webster, C M (2006), ‘Countering Punitiveness: Understanding Stability in Canada’s Imprisonment Rate’, **Law and Society Review** 40 pp. 325 – 367.
- Dorey, P ed., (2006), **The Labour Governments 1960-1970**, Routledge.
- Dove, R (1974), ‘Putting Theory into Practice’, **Social Work Today** vol. 5 no. 15 (31.10.74) pp. 465 – 468.
- Downes, D (1979), ‘Praxis Makes Perfect: A Critique of Critical Criminology’, in Downes, D & Rock, P eds., **Deviant Interpretations: Problems in Criminological Theory**, Oxford, Martin Robertson, pp. 1 – 16.
- Downes, D (1980), ‘Abolition: Possibilities and Pitfalls’ in Bottoms, A E and Preston, R H eds., **The Coming Penal Crisis: A criminological and theoretical exploration**, Edinburgh, Scottish Academic Press, pp.71 – 83.
- Downes, D (1982), ‘The Origins and Consequences of Dutch Penal Policy since 1945: A preliminary Analysis’, **British Journal of Criminology** 22 pp. 325 – 62.
- Downes, D (1988), **Contrasts in Tolerance: Post-war Penal Policy in The Netherlands and England and Wales**, Oxford, Clarendon..
- Downes, D (1997), ‘What The Next Government Should Do About Crime’, **Howard Journal** 36 pp. 1 – 13.
- Downes, D (1998), ‘The Buckling of the Shields: Dutch Penal Policy 1985 – 1995’, in Weiss, R P & South, N eds., **Comparing Prison Systems: Towards a comparative and international penology**, Amsterdam, Gordon & Breach, pp. 143 – 174.
- Downes, D (2007), ‘Visions of Penal Control in the Netherlands’, in Tonry, M., ed., **Crime and Justice: An Annual Review of Research**, Chicago, University of Chicago Press Volume 36 pp. 93 - 125
- Downes, D (forthcoming), ‘Political Economy, Welfare and Punishment in Comparative Perspective’.
- Downes, D & Hansen (2006), ‘Welfare and Punishment in Comparative Perspective’, in Armstrong, S & McAra, L., eds., **Perspectives on Punishment**, Oxford, Oxford University Press, pp. 133 – 154.
- Downes, D & Rock, P., eds (2011), **Understanding Deviance** 6<sup>th</sup> edition, Oxford, Oxford University Press.
- Downes, D & van Swaaningen, R (2007), ‘The Road to Dystopia? Changes in the Penal Climate of the Netherlands’, in Tonry, M & Byleveld, D eds, **Crime and Justice: An Annual Review of Research**, Chicago, Chicago University Press, Volume 37, pp. 31 – 71.
- Downey, D V (1966), ‘White Paper: The Child, The Family and The Young Offender’, **Modern Law Review** 29 pp. 409 – 13.

- Downey, R (1992), 'Steady as she sinks', **Social Work Today** vol. 24 no. 1 (27.8.92) p. 13.
- Downie, J & Ames, J (1981), **Intermediate Treatment Research**, Sheffield, University of Sheffield Joint Unit for Social Services Research: Social Services Monographs: Research in Practice.
- Drakeford, M (1983), 'Probation: containment or liberty', **Probation Journal** 30 pp. 7 – 10.
- Drakeford, M (1988), reported in Wales Intermediate Treatment Forum: Conference 1988: **The Politics, Policy and Practice of Intermediate Treatment**, Cardiff.
- Drakeford, M & Vanstone, M (1996), 'Editors Commentary', in Drakeford, M & Vanstone, M eds., **Beyond Offending Behaviour**, pp. 21 – 28.
- Draper, J (1979), 'Getting a fair cop?', **Community Care** 280 (6.9.79) pp. 19 – 20.
- Drew, P (1992), 'The Probation Service: A Few Valedictory Comments', **Probation Journal** 39 pp. 92 – 94.
- Dulai, D & Greenhorn, M (1995), 'The Criminal Histories of Those Cautioned in 1985, 1988 and 1991', **Home Office Research Bulletin** 37 pp. 71 – 76.
- Dunbar, I & Langdon, A (1998), **Tough Justice: Sentencing and Penal Policies in the 1990s**, Blackstone.
- Dunford, F W (1977), 'Police Diversion: An Illusion?', **Criminology** 15 pp. 335 – 352.
- Dunlop, A B (1975), **The Approved School Experience**, Home Office Research Study 25, HMSO.
- Dunlop, A B (1980a), **Junior Attendance Centres**, Home Office Research Study 60, HMSO.
- Dunlop, A B (1980b), 'The Success of Attendance Centre Orders for Juveniles', **Justice of the Peace** vol. 144 no. 31 (2.8.80) pp. 458 – 459.
- Dunlop, A B and McCabe, S (1965), **Young Men in Detention Centres**, Routledge and Kegan Paul.
- Dunn, J (1985), 'School Reports in Juvenile Courts', in Yorkshire and Humberside Intermediate Treatment Association, **Training Anthology**, pp. 29 – 32.
- Dupont, D & Pierce, F (2001), 'Foucault contra Foucault: Re-reading the "Governmentality" Papers', **Theoretical Criminology** 5 pp. 123 – 158.
- Durant, R F & Diehl, P F (1989), 'Agenda's, Alternatives and Public Policy: Lessons from the United States Foreign Policy Arena', **Journal of Public Policy** 9 pp. 179 – 205.
- Ebert, F (1967), 'Injustice at Court Lees', **Approved Schools Gazette** vol. 61 no. 8 (November) pp. 380 – 385.
- Ede (1947), in **Hansard** (House of Commons), vol 444: cols 2135 – 9.
- Edwards, R (1983), 'Travelling the Rocky Road', **Social Work Today** vol. 14 no. 32 (26.4.83) pp. 6 – 8.
- Eidelman, S M (2005), 'Foreword' to Stancliffe, R J & Lakin, K C eds., **Costs and Outcomes of Community Services for People With Intellectual Disabilities**, Baltimore, Paul H Brookes, pp. xix – xxviii.
- Eisner, E W (1991), **The Enlightened Eye: Qualitative Enquiry and the Enhancement of Educational Practice**, Macmillan.
- Elliott, D (1981a), 'Juvenile Justice' in Jones, H ed., **Society Against Crime: Penal Theory Now**, Penguin, pp. 44 – 72.
- Elliott, D (1981b), 'Dealing with Delinquents', in Jones, H. ed, **Society Against Crime: Penal Theory Now**. Penguin. pp. 73 – 105.
- Ellis, M (1978), 'Delinquent drug takers: a study of the social profile and drug taking habits of a sample of borstal trainees', **Journal of Adolescence** 1 pp. 229 – 241.
- Ely, P (1985), 'Delinquency and Disillusion', in Manning, N ed., **Social Problems and Welfare Ideology**, Aldershot, Gower, pp. 106 – 136.
- Ely, P, Swift, A and Sutherland, A (1983), 'The Medway Close Support Unit: an alternative to custody for juveniles', **Home Office Research Bulletin** 16 pp. 42 – 44.
- Ely, P, Swift, A and Sutherland, A (1987), **Control Without Custody: Non-custodial control of juvenile offenders**, Edinburgh, Scottish Academic Press.
- Emerson, E (1990), 'Designing Individual Community-Based Placements as an Alternative to Institutions for People with a Severe Mental Handicap and Severe Problem Behaviour', in Fraser, W I ed., **Key Issues in Mental Retardation Research**, Routledge, pp. 395 – 404.
- Emerson, E (1992), 'What is Normalisation', in Brown, H & Smith, H eds., **Normalisation: A Reader for the 1990's**, Tavistock/Routledge, pp. 1 – 18.
- Emerson, E (2001), **Challenging Behaviour: Analysis and Intervention in People with Severe Intellectual Disabilities**, Cambridge University Press, 2<sup>nd</sup> ed.
- Emerson, E & Bromley, J (1995), 'The form and function of challenging behaviour', **Journal of Intellectual Disability Research** 39 pp. 388 – 398.

- Emerson E & Hatton, C (1994), **Moving Out: Relocation from Hospital to Community**, HMSO.
- Emerson, E & Hatton, C (1996a), 'Impact of deinstitutionalization on service users in Britain', in Mansell J & Ericsson, K eds., **Deinstitutionalization and Community Living: Intellectual disability services in Britain, Scandinavia and the USA**, Chapman & Hall, pp. 169 – 184.
- Emerson, E & Hatton, C (1996b), 'Deinstitutionalisation in the UK and Ireland: Outcomes for Service Users', **Journal of Intellectual and Developmental Disability** 21 pp. 17 – 37.
- Emerson, E., Toogood, A., Mansell, J., Barrett, S., Bell, C., Cummings, R & McCool, C (1987a), 'Challenging Behaviour and Community Services: 1: Introduction and Overview', **Mental Handicap** 15 pp. 166 – 169.
- Emerson, E., Barrett, S., Bell, C., Cummings, R., Hughes, H., McCool, C., Toogood, A & Mansell, J (1987b), **The Special Development Team: Developing Services for People with Severe Learning Difficulties and Challenging Behaviours**, Canterbury, Institute of Social and Applied Psychology, University of Kent.
- Emerson, E., Cummings, R., Barrett, S., Hughes, H., McCool, C & Toogood, A (1988) 'Challenging Behaviour and Community Services: 2: Who Are The People Who Challenge Services', **Mental Handicap** 16 pp. 16 – 19.
- Emerson, E., Robertson, J., Gregory, N., Kessissoglou, S., Hatton, C., Hallam, A., Knapp, M., Jarbrink, K., Netten, A & Linehan, C (2000), 'The Quality and Costs of Community-Based Residential Supports and Residential Campuses for People with Severe and Complex Disabilities', **Journal of Intellectual and Developmental Disability** 25 pp. 263 – 279.
- Emerton, A (1981), 'A Joint Health and Social Services Exercise in Planning for Hospital Closure', in MIND, **The Future of Mental Hospitals: A Report of MIND's 1980 Annual Conference**, MIND pp. 32 – 36.
- Ennis, B (1975), 'The Impact of Litigation on the Future of State Hospitals', in Zusman, J & Bertsch, E F eds., **The Future Role of the State Hospital**, Lexington, Massachusetts, Lexington Books, pp. 83 – 89.
- Epstein, B (1997), 'Postmodernism and the left', **New Politics** 6:2 Winter pp. 130 – 144.
- Ericsson, K & Mansell, J (1996), 'Introduction: towards deinstitutionalization', in Mansell J & Ericsson, K eds., **Deinstitutionalization and Community Living: Intellectual disability services in Britain, Scandinavia and the USA**, Chapman & Hall, pp. 1 – 16.
- Etzioni, A (1967), 'Mixed-Scanning: A "Third" Approach to Decision-Making', **Public Administration Review** 27 pp. 385 – 392.
- Evans, G., Todd, S., Blunden, R., Porterfield, J & Ager, A (1987), 'Evaluating The Impact of a Move to Ordinary Housing', **British Journal of Subnormality** 33 pp. 10 – 18.
- Evans, R (1991), 'Police Cautioning and the Young Adult Offender', **Criminal Law Review**, August pp. 598 – 609.
- Evans, R (1993), **The Conduct of Police Interviews with Juveniles**, Royal Commission on Criminal Justice, Research Study no. 8, HMSO.
- Evans, R (1994), 'Cautioning: Counting The Cost of Retrenchment', **Criminal Law Review**, August pp. 566 – 575.
- Evans R & Ellis R (1997), **Police Cautioning in the 1990s**, Home Office Research Findings no. 52.
- Evans, R & Rawsthorne, S (1997), 'Appropriate Behaviour', **Community Care** vol. 1181 pp. 30 – 31.
- Evans, R & Wilkinson, C (1990), 'Variations in Police Cautioning Policy and Practice in England and Wales', **Howard Journal** 29 pp. 155 – 176.
- Evans, R T (1968), 'White Paper – Children in Trouble', **Justice of the Peace** vol. 132 no. 44 (2.11.68) pp. 132 – 133.
- Exworthy, M., Berney, L & Powell, M (2002), "'How great expectations in Westminster may be dashed locally": The implementation of national policy on health inequalities', **Policy and Politics** 30 pp. 79 – 96.
- Fabricant, M (1980), **Deinstitutionalizing Delinquent Youth**, Cambridge, Massachusetts, Schenkman.
- Faden, V B & Goldman, H H (1979), **Appropriateness of Placements of Patients in State and County Mental Hospitals**, Mental Health Statistical Note number 152, July, Department of Health, Education and Welfare, US Government.
- Falkingham, P & McCarthy, V (1988), 'NAPO's views on Tracking', **NAPO News** 278 (May/June) p. 6.
- Farrell, M (1985), **The Junction Project: The First Four Years**, Save the Children Fund.
- Farrington D P (1984), 'England and Wales', in Klein, M W ed., **Western Systems of Juvenile**

- Justice**, Sage, pp. 71 – 95.
- Farrington, D P (1992a), 'Juvenile Offending', in Coleman, J C ed., (1992), **The School Years: Current Issues in the Socialization of Young People**, 2<sup>nd</sup> edition, Routledge, pp. 123 – 163.
- Farrington, D P (1992b), 'Trends in English Juvenile Delinquency and Their Explanation', **International Journal of Comparative and Applied Criminal Justice** 16 pp. 151 – 163.
- Farrington, D P (1993), 'letter' to **The Independent** 10.2.93 (also submitted to the House of Commons Home Affairs Committee enquiry into juvenile offending and in their unpublished memoranda in the House of Lords library).
- Farrington, D P (1999), 'Predicting Persistent Young Offenders', in McDowell, G L & Smith, J S eds., **Juvenile Delinquency in the United States and the United Kingdom**, Macmillan, pp. 3 – 21.
- Farrington D P & Burrows, J N (1993), 'Did Shoplifting Really Decrease?', **British Journal of Criminology** 33 pp. 57 – 69.
- Farrington, D P & Langan, P A (1992), 'Changes in Crime and Punishment in England and America in the 1980s', **Justice Quarterly** 9 pp. 5 – 46.
- Farrington, D P., Langan, P A & Wikstrom, P-O H (1994), 'Changes in Crime and Punishment in America, England and Sweden Between the 1980s and the 1990s', **Studies in Crime and Crime Prevention**, 4 pp. 104 – 131 {reprinted in Matthews, R ed., (1999), **Imprisonment**, Aldershot, Ashgate, pp. 105 - 132
- Farrington, D P & Wikstrom, P-O H (1992), 'Changes in Crime and Punishment in England and Sweden in the 1980s', **Studies in Crime and Crime Prevention** 2 pp. 142 – 170.
- Faulkner, D (1986), 'Juvenile Justice', **The Magistrate** vol. 42 no. 9 (September) pp. 142 – 143.
- Faulkner, D (1987), 'Crime and the Courts', **The Magistrate** vol. 43 no. 11 (November) pp. 206 – 208.
- Faulkner, D (1993), 'In Defence of the 1991 Criminal Justice Act', **Prison Report** 23 (Summer) pp. 8 – 9.
- Faulkner, D (1995), 'The Criminal Justice Act 1991: Policy, legislation and practice', in Ward, D & Lacey, M eds., **Probation: Working for Justice**, Whiting and Birch, pp. 51 – 72.
- Fears, D (1977), 'Communication in an English Juvenile Court', **Sociological Review** 25 pp. 131 – 45.
- Featherstone, B (1987), **There is an Alternative**, Prison Reform Trust.
- Feeley, M & sSmon, J (1992), 'The new penology: Notes on the emerging strategy of corrections and its implications', **Criminology** 30, pp. 449 – 474.
- Feeny S M & Wiggin, P (1990), 'Partnership in Action', in NACRO, **Reducing Custody for Juveniles: The DHSS Intermediate Treatment Initiative: Report of a Conference held on 3<sup>rd</sup> February 1989**, pp. 24 – 26.
- Felce, D (1991), 'Using Behavioural Principles in the Development of Effective Housing Services for Adults with Severe or Profound Mental Handicap', in Remington, B ed., **The Challenge of Severe Mental Handicap: A Behaviour Analytic Approach**, Chichester, Wiley, pp. 285 – 316.
- Felce, D & Emerson, E (1996), 'Challenging Behaviour and the Need for Evidence-Based Services', **Journal of Applied Research in Intellectual Disabilities** 9 pp. 177 – 180.
- Felce, D., Kushlick, A & Smith, J (1980a), 'An Overview of the Research on Alternative Residential Facilities for the Severely Mentally Handicapped in Wessex', **Advances in Behaviour Research and Therapy** 3 pp. 1 – 4.
- Felce, D., Kushlick, A & Mansell, J (1980b), 'Evaluation of Alternative Residential Facilities for the Severely Mentally Handicapped in Wessex: client engagement', **Advances in Behaviour Research and Therapy** 3 pp. 13 – 18.
- Felce, D., Perry, J., Romeo, R., Robertson, J., Meek, A., Emerson, E & Knapp, M (2008), 'Outcomes and Costs of Community Living: Semi-independent Living and Fully Staffed Group Homes', **American Journal on Mental Retardation** 111 pp. 87 – 101.
- Felce, D., Saxby, H., De Kock, U., Repp, A., Ager, A & Blunden, R (1987), 'To what behaviors do attending adults respond? A replication', **American Journal of Mental Deficiency** 91 pp. 496 – 504.
- Felce, D., Thomas, M., De Kock, U., Saxby, H & Repp, A (1985), 'An ecological comparison of small community-based houses and traditional institutions – II: Physical setting and use of opportunities', **Behaviour Research and Therapy** 23 pp. 337 – 348.
- Felce, D & Toogood, S (1988), **Close To Home: A local housing service and its impact on the lives of nine adults with severe and profound mental handicaps**, Kidderminster, British Institute of Mental Handicap.
- Feld, B (1977), **Neutralizing Inmate Violence: Juvenile Offenders in Institutions**, Cambridge, Massachusetts, Bollinger.

- Feldman, S (1982), 'The Deinstitutionalization of Status Offenders in Pennsylvania', in Handler J F & Zatz, J eds., **Neither Angels Nor Thieves: Studies in Deinstitutionalization of Status Offenders**, Washington DC, National Academic Press, pp. 372 – 418.
- Fells, J R (1971), 'Assessment: Home or Away?', **Social Work Today** vol. 2 no. 4 (20.5.71) pp. 21 – 23.
- Fennell, P (1992), 'Informal Compulsion: The Psychiatric Treatment of Juveniles Under Common Law', **Journal of Social Welfare and Family Law** pp. 311 - 333.
- Ferdinand, T N (1991), 'History Overtakes the Juvenile Justice System', **Crime and Delinquency** 37 pp. 204 – 24.
- Fergus, P (1967), 'staff associations', **Approved Schools Gazette** vol. 61 no. 7 (October) pp. 360 – 361.
- Ferleger, D (1973), 'Loosing The Chains: In-Hospital Civil Liberties of Mental Patients', **Santa Clara Law Review** 13 pp. 447 - 500
- Ferleger, D & Boyd, P A (1979), 'Anti-Institutionalization: The Promise of the *Pennhurst* Case', **Stanford Law Review** 31 pp. 717 – 752.
- Fernald, W (1975), 'What is practical in the way of prevention of mental defect', **Proceedings of the National Conference on Charities and Corrections**, Chicago, Haldemann printing, pp. 289 – 290.
- Field, E (1969), 'Research into Detention Centres', **British Journal of Criminology** 9 pp. 62 – 71.
- Field, E, Hammond, W H & Tizard, J (1973), **Thirteen-year-old Approved School Boys in 1962**, HMSO.
- Fielding N & Fowles, T (1988), 'Penal Policy File No. 28', **Howard Journal** 27 pp. 58 – 69.
- Fielding N & Fowles, T (1991a), 'Penal Policy File No. 40', **Howard Journal** 30 pp. 76 ff.
- Fielding N & Fowles, T (1991b), 'Penal Policy File No. 41', **Howard Journal** 30 pp. 161 – 171.
- Fielding N & Fowles, T (1991c), 'Penal Policy File No. 43', **Howard Journal** 30 pp. 328 - 340.
- Fielding N & Fowles, T (1992), 'Penal Policy File No. 47', **Howard Journal** 31 pp. 337 - 347.
- Figlio K & Jordanova, L (1979), 'Review of A. Scull: *Decarceration: Community Treatment and the Deviant – A Radical View*', **Radical Science Journal** pp. 99 – 104.
- Findlay, J., Bright, J & Gill, K (1990), **Youth Crime Prevention – A Handbook of Good Practice**, Swindon, Crime Concern.
- Fine, B (1979), 'Struggles Against Discipline: The Theory and Politics of Michel Foucault', **Capital and Class** 9 pp. 75 – 96.
- Fionda, J (1998), **Juvenile Justice in England and Wales**, Institute for the Study and Treatment of Delinquency.
- Fionda, J (2005), **Devils and Angels: Youth Policy and Crime**, Oxford, Hart.
- Fisher C J and Mawby, R I (1982), 'Juvenile Delinquency and Police Discretion in an Inner City Area', **British Journal of Criminology** 22 pp. 63 – 75.
- Fischer, F (1995), **Evaluating Public Policy**, Chicago, Nelson-Hall.
- Fischhoff, B (1975), 'The silly certainty of hindsight', **Psychology Today** (April), pp. 71 – 76.
- Fitzgerald, M (1975a), 'The British Prisoners' Movement: Its Aims and Methods', in Bianchi, H., Simondi, M & Taylor, I eds., **Deviance and Control in Europe: Papers from the European Group for the Study of Deviance and Social Control**, Chichester, Wiley, pp. 97 – 107.
- Fitzgerald, M (1975b), 'The Power of the Definers and the Powerlessness of the Defined', **New Era** 56 pp. 126 – 131.
- Fitzgerald, M (1977), **Prisoners in Revolt**, Penguin.
- Fitzgerald, M & Sim, J (1982), **British Prisons**, Oxford, Blackwell.
- Fitzgerald, P J (1966), 'The Child, the White Paper and the Criminal Law: some reflections', **Criminal Law Review**, November pp. 607 – 12.
- Fleming I & Kroese, B F (1990), 'Evaluation of a community care project for people with learning difficulties', **Journal of Mental Deficiency Research** 34 pp. 451 – 464.
- Fleschner, F N (1974), 'Constitutional Requirements in the Committal of the Mentally Ill in the USA: Rights to Liberty and Therapy', **International Journal of Offender Therapy and Comparative Criminology** 18 pp. 283 – 301.
- Fleschner, F N (1975), 'Constitutional Requirements in Commitment of the Mentally Ill: Rights to Liberty and Therapy', in Zusman, J & Bertsch, E F eds., **The Future Role of the State Hospital**, Lexington, Massachusetts, Lexington Books, pp. 65 – 81.
- Fletcher, H (1988), in **The Times** 18.8.88 p. 4.
- Fletcher, H (1989), 'Hands off the probation service', **NAPO News** 15 (November) pp. 1 & 12.
- Fletcher, H (1990), 'Just deserts and probation', **NAPO News** 18 (March) pp. 1 - 2.
- Fletcher, H (1993), in **NAPO News** 47 (February).

- Fludger, N L (1976), **A comparison of young prisoners serving six months or less with senior detention centre trainees**, Home Office Young Offender Psychology Unit, unpublished.
- Fludger, N L (1977), **A survey of the characteristics of junior detention centre trainees whose home areas are in the prison department south-west region or adjoining counties**, Home Office Young Offender Psychology Unit, unpublished
- Fogarty, M (1981), 'Home or Away', **Social Work Today** vol. 13 no. 4 (29.9.81) pp. 8 – 10.
- Fontana, A & Frey, J H (2005), 'The Interview: From neutral stance to political involvement', in Denzin, N. K., & Lincoln, Y. S., eds., **The Sage Handbook of Qualitative Research**, 3<sup>rd</sup> edition, pp. 695 – 727.
- Foot, P (1968), **The Politics of Harold Wilson**, Penguin.
- Ford, D (1975), **Children, Courts and Caring: a Study of the Children and Young Person's Act 1969**, Constable.
- Ford, M., Goddard, C & Lansdall-Welfare, R (1987), 'The Dismantling of the Mental Hospital - Glenside Hospital Surveys 1960 – 1985', **British Journal of Psychiatry** 151 pp. 479 – 485.
- Forrester-Jones, R., Carpenter, J., Cambridge, P., Tate, A., Hallam, A., Knapp, M & Beecham, J (2002), 'The Quality of Life of People 12 Years after Resettlement from Long Stay Hospitals: Users' views on their living environment, daily activities and future aspirations', **Disability and Society** 17 pp, 741 – 758.
- Fottrell, E., Peermohamed, R & Kothari, R (1975), 'Identification and Definition of Long-Stay Mental Hospital Population', **British Medical Journal** 4 vol. 5998 (20.12.75) pp. 675 – 677.
- Foucault, M (1977), **Discipline and Punish**, Harmondsworth, Penguin.
- Foucault, M (1979), 'On Governmentality', **Ideology and Consciousness** 6 pp. 5 – 22, Also published in Burchal, C., Gordon, C & Miller, P., eds., **The Foucault Effect: Studies in Governmentality**, Chicago, University of Chicago Press, 1991, pp. 87 – 104.
- Foucault, M (1980), 'Two Lectures', in Gordon, C., ed., **Michel Foucault: Power/Knowledge: Selected Interviews and Other Writings 1972 – 1977**, Harvester, Brighton, pp. 78 – 108.
- Foucault, M (1986), 'Space, Knowledge and Power', in Rabinow, P., ed., **The Foucault Reader**, New York, Pantheon.
- Foucault, M (1988), 'Iran: The Spirit of a World Without Spirit', in **Politics, Philosophy, Culture: Interviews and other writings 1977 – 84**, Routledge.
- Foucault, M (1998), **The History of Sexuality** vol 1, Penguin.
- Fowler, N (1967), 'The Home Office: Ragbag of Whitehall', **New Society** vol. 10 no. 256 (24.8.67) pp. 251 – 253.
- Fox, L (1952), **The English Prison and Borstal Systems**, Routledge & Kegan Paul.
- Francis, V M., Vesey, P & Lowe, G (1994), 'The closure of a long-stay psychiatric hospital: A longitudinal study of patients' behaviour', **Social Psychiatry & Psychiatric Epidemiology** 29 pp. 184 – 189.
- Franks, M (1968), 'letter' to **the Magistrate** 24 p. 161.
- Frazier, C E (1983), 'Evaluation of Youth Service Programs: Problems and Prospects From a Case Study', **Youth and Society** 14 pp. 335 – 362.
- Freeman, M D A (1981), 'The Rights of Children when they do "Wrong"', **British Journal of Criminology** 21 pp. 210 – 29.
- Freeman, M D A (1983), **The Rights and Wrongs of Children**, Pinter.
- Frisch, M (1979), 'Oral History and Hard Times: a review essay', **Oral History Review** 7 pp. 70 – 79.
- Fry, A R (1975), 'Reflections on Ethics', **Oral History Review** 3 pp. 16 – 28.
- Garland, D (1986), 'Review: Foucault's "Discipline and Punish" – An Exploration and Critique', **American Bar Foundation Research Journal** 11 pp. 847 – 880.
- Garland, D (1989), 'Critical Reflections on the Green Paper', in Rees, H and Hall Williams, E eds., **Punishment, Custody and the Community: Reflections and Comments on the Green Paper**, London School of Economics, pp. 4 – 18.
- Garland, D (1990a), **Punishment and Modern Society: A Study in Social Theory**, Oxford, Clarendon.
- Garland, D (1990b), 'Frameworks of Inquiry in the Sociology of Punishment', **British Journal of Sociology** 41 pp. 1 – 15.
- Garland, D (1992), 'Criminological Knowledge and its Relation to Power: Foucault's Genealogy and Criminology Today', **British Journal of Criminology** 32 pp. 403 – 422.
- Garland, D (1997), "'Governmentality" and the Problem of Crime: Foucault, Criminology, Sociology', **Theoretical Criminology** 1 pp. 173 – 214.

- Garland, D (2001), **The Culture of Control: Crime and Social Order in Contemporary Society**, Oxford, Oxford University Press.
- Gartner, R., Doob, A & Zimring, F E (2011), 'The past as prologue: Decarceration in California then and now', **Criminology and Public Policy** 10 pp. 291 – 325.
- Gaskell, J (1969), 'When is a reception centre an observation centre?', **Child Care Quarterly Review** 23 pp. 16 – 17.
- Gaughan, P J (1956), 'Editor's Miscellany', **Approved Schools Gazette** vol. 49 no. 11 (February) pp. 359 – 362.
- Gaughan, P J (1960a) 'Editor's Miscellany', **Approved Schools Gazette** vol. 54 no. 2 (May) pp. 51 – 4.
- Gaughan, P J (1960b), 'Editor's Miscellany', **Approved Schools Gazette** vol. 54 no. 8 (November) pp. 356 – 361.
- Gawn, J., Mott, J & Tarling, R (1977). 'Dealing with juvenile offenders in a New Town:1966/67 and 1973', **Justice of the Peace** vol. 141 no. 20 (14.5.77) pp. 279 – 280.
- Geach, H (1978), 'Justice or Welfare', **Youth in Society** 31 (October) pp. 11 – 12 and 24.
- Geach H & Szwed, E (1978), **Justice for Children: Discussion Paper**, Justice for Children.
- Geary M (1988), 'More Demanding than Prison – two responses', **NAPO News** no. 2 (August) pp. 10 – 11.
- Geertz, C (1978), 'Stir Crazy', **New York Review of Books** 26.01.78.
- Geller, J L., Fisher, W H., Wirth-Cauchon, J L & Simon, L J (1990a), 'Second Generation Deinstitutionalization, I: The impact of *Brewster v Dukasis* on State Hospital case mix', **American Journal of Psychiatry** 147 pp. 982 – 987.
- Geller, J L., Fisher, W H., Simon, L J & Wirth-Cauchon, J L (1990b), 'Second Generation Deinstitutionalization, II: The impact of *Brewster v Dukasis* on correlates of community and hospital utilization', **American Journal of Psychiatry** 147 pp. 988 – 993.
- Gelsthorpe, L (1984), 'Taking care with the order', **Community Care** 495 (19.1.84) pp. 19 – 21.
- Gelsthorpe, L (1985a), 'Don't dismiss instant cautioning', **Childright** 17 (May) p. 8.
- Gelsthorpe, L (1985b), **Care Alternatives for Children in Hounslow, Vols. 1 – 4**, available in the Institute of Criminology Library, Cambridge.
- Gelsthorpe, L & Giller H (1990), 'More Justice for Juveniles: Does More Mean Better?', **Criminal Law Review**, March, pp. 153 – 164.
- Gelsthorpe, L., Giller H & Tutt, N (1990), **The Impact of the Crown Prosecution Service on Juvenile Justice**, unpublished.
- Gelsthorpe, L & Morris, A (1983), 'Attendance Centres: Policy and Practice', **Howard Journal** 22 pp. 101 – 118.
- Gelsthorpe L & Morris, A (1994), 'Juvenile Justice 1945 -1992', in Maguire M., Morgan, R & Reiner, R. eds., **The Oxford Handbook of Criminology**, Oxford University Press, pp. 949 – 993.
- Gelsthorpe, L & Tutt, N (1986), 'The Attendance Centre Order', **Criminal Law Review**, March pp. 146 – 153.
- Gemmill R & Morgan-Giles, R.F (1980), **Arrest, Charge and Summons: Current Practice and Resource Implications**, Royal Commission on Criminal Procedure, Research Study 9, HMSO.
- Gibbens, B (1969), 'Discipline in Approved Schools', **Medico-Legal Journal** 37 pp. 110 – 123.
- Gibbens, T C N and Prince, J E (1965), 'The Results of Borstal Training', in Halmos, P ed., **Sociological Studies in the British Penal Services**, Sociological Review Monograph 9, Keele. pp. 227 – 36.
- Gibson, B (1985), 'Custody and Young Offenders', **Justice of the Peace** vol 149: no 45 (26.10.1985) pp. 676-7.
- Gibson, B (1986a), 'The Abolition of Custody for Juvenile Offenders – Part 1', **Justice of the Peace** vol 150 no. 47 (22.11.86) pp. 739 – 742.
- Gibson, B (1986b), 'The Abolition of Custody for Juvenile Offenders – Part 2', **Justice of the Peace** vol 150 no. 48 (29.11.86) pp. 755 - 759.
- Gibson, B (1987), 'Custody-free zones', **Childright** 38 (June) pp. 15 – 16.
- Gibson, B., Cavadino, P., Rutherford, A., Ashworth, A & Harding, J (1994a), **Criminal Justice in Transition**, Winchester, Waterside Press.
- Gibson, B., Cavadino, P., Rutherford, A., Ashworth, A & Harding, J (1994b), **The Youth Court: One Year Onwards**, Winchester, Waterside Press.
- Gibson, P & Bell, A (1992), 'The Criminal Justice Act 1991: Leaving Young Offenders in the Lurch', **Journal of Law and Practice** 2: 3 (April) pp. 59 – 66.
- Gildersleeve, G (1979), 'letter' to **Community Care** 265 (24.5.79) p. 11.



- Gill, K (1992), **Tackling Youth Crime – A Practical Guide**, Swindon, Crime Concern.
- Giller, H (1977), 'CHE's and the '69 Act; Development or Delusion', **Social Work Service** 14 pp. 35 – 44.
- Giller H (1981), **Community Homes with Education on the Premises: a Study of the Policy and Practice of Residential Treatment for Juvenile Offenders**, unpublished Ph. D. thesis, University of Cambridge.
- Giller, H (1983), 'Residential services and justice', in Morris, A & Giller, H eds., **Providing Criminal Justice for Children**, Edward Arnold, pp. 109 – 124.
- Giller, H (1986), 'Is There a Role for a Juvenile Court?', **Howard Journal** 25 pp. 161 – 171.
- Giller, H (1989a), 'The policy-making process', in Kahan, B ed., **Child Care Research, Policy and Practice**, Hodder & Stoughton, pp. 185 – 201.
- Giller, H (1989b), 'Systems Management and Monitoring', in Rees, H and Hall Williams, E eds., **Punishment, Custody and the Community. Reflections and Comments on the Green Paper**, London School of Economics, pp. 123 – 134.
- Giller, H & Morris, A (1978), 'What Justice for Children?', **Community Care** 231 (20.9.78) pp. 18 – 19.
- Giller, H & Morris, A (1981a), 'The proposed residential care order – a response to what?', **Community Care** 368 (9.7.81) pp. 11 – 12.
- Giller, H and Morris A (1981b), **Care and Discretion: Social Workers Decisions with Delinquents**, Burnett.
- Giller H & Richardson, N (1987), 'Stemming the Tide', **Community Care** 679 (24.9.87) pp. 20 – 22.
- Giller H & Tutt, N (1985), 'Gatekeeping in the juvenile justice system', in Yorkshire and Humberside Intermediate Treatment Association, **Training Anthology**, pp. 21 – 24.
- Giller H & Tutt, N (1987), 'Police Cautioning of Juveniles: The Continuing Practice of Diversity', **Criminal Law Review** pp. 367 – 374.
- Gittins, J (1959), 'The Treatment of Persistent Absconders', **International Child Welfare Review** 13 pp. 42 – 46.
- Gittins, J (1968), 'Children in Trouble', **Approved School Gazette** vol. 62 no. 3 (June) pp. 123 – 128.
- Godfrey-Isaacs, G and 20 others (1968), 'Policy on children in trouble: Magistrates' concern', **The Times** 19.9.68 p. 11.
- Goldblatt P & Lewis, C eds., (1998), **Reducing Offending: An assessment of research evidence on ways of dealing with offending behaviour**, Home Office Research Study 187, HMSO.
- Goldson, B (1997a), 'Children in Trouble: State Responses to Juvenile Crime', in Scraton, P ed., **'Childhood' in 'Crisis'?**, UCL Press, pp. 124 – 145.
- Goldson, B (1997b), 'Children, Crime, Policy and Practice: Neither Welfare Nor Justice', **Children and Society** 11 pp. 77 – 88.
- Goldson, B (1999), 'Youth (In)Justice: Contemporary Developments in Policy and Practice', in Goldson, B ed., **Youth Justice: Contemporary Policy and Practice**, Aldershot, Ashgate, pp. 1 – 27.
- Goldson, B (2005), 'Child Imprisonment: A Case for Abolition', **Youth Justice** 5 pp. 77 – 90.
- Gooch, C & Leff, J (1996), 'Factors Affecting the Success of Community Placement: The TAPS Project 26', **Psychological Medicine** 26 pp. 511 – 520.
- Goodman, L (1973), in Becke, S., Goodman, L., Cooper, J D & Burns, J L, **Children Still In Trouble?**, Institute for the Study and Treatment of Delinquency (ISTD) pp. 11 – 20.
- Gordon, C (1991), 'Governmental Rationality: an introduction' in Burchell, G., Gordon, C & Miller, P., eds., **The Foucault Effect: Studies in Governmentality**, Chicago, University of Chicago Press, pp. 1 – 51.
- Gordon, D (1979), 'Class and the economics of crime', **Review of Radical Political Economics** 3 pp. 51 – 72.
- Gordon-Walker, P (1991), **Political Diaries 1932-1971**, The Historian's Press.
- Gottschalk, M (2007), 'Dollars, Sense, and Penal Reform: Social Movements and the Future of the Carceral State', **Social Research** 74 pp. 669 – 694.
- Gough, I (1979), **The Political Economy of the Welfare State**, Macmillan.
- Government Accounting Office (1973), **Funding of Correctional and Pretrial Diversion Projects by the Law Enforcement Assistance Administration**, Washington DC, US Government Printing Office, also in House of Representatives (1972a), **Bloc Grant Programs of the Law Enforcement Assistance Administration**, Committee on Government Operations, Legal and Monetary Affairs Sub-Committee, Washington DC, US Government Printing Office.
- Graham, F (1979), 'Children in Custody', **Prison Service Journal** 35 pp. 13 – 16.
- Graham, J & Bowling, B (1995), **Young People and Crime**, Home Office Research Study 145,

- HMSO.
- Graham, J & Moxon, D (1986), 'Some trends in juvenile justice', **Home Office Research Bulletin** 22 pp. 10 – 13.
- Graham, J & Smith, D (1993), **Diversion From Offending – The Role of the Youth Service**, Swindon, Crime Concern.
- Gray, B (1986), 'Ensuring crime and juveniles don't mix', **Community Care** 620 (17.7.86) pp. 20 – 21.
- Gray, B (1987), 'The right way to reduce custodial sentences', **Community Care** 644 (15.1.87) p. 15.
- Green, C., Banks, M and Kay, R (1983), **Analysis of Juvenile Court Proceedings in Lewisham**, Rainer Foundation.
- Green, D A (2007), 'Comparing Penal Cultures: child-on-child Homicide in England and Norway', in Tonry, M ed., **Crime, Punishment and Politics in Comparative Perspective: Crime and Justice: A Review of Research** vol. 36, pp. 591 – 643.
- Green, D A (2008), **When Children Kill Children: Penal Populism and Political Culture**, Oxford, Oxford University Press.
- Green, J R & Martin, D N (1973), 'Absconding From Approved Schools as Learned Behavior: A Statistical Study', **Journal of Research in Crime and Delinquency** 10 pp. 73 – 86.
- Greenald, D (1968), 'Juvenile Courts' in University of Leeds Institute of Education, **Children in Trouble**, pp. 18 – 22.
- Grele, R J (1979), 'Can Anyone Over Thirty Be Trusted? A Friendly Critique of Oral History', **Oral History** 7 pp. 33 – 42.
- Grele, R J (1991a), 'Involvement Without Aim: Methodological and Theoretical Problems in Oral History', in Grele, R J., ed., **Envelopes of Sound: The Art of Oral History**, 2<sup>nd</sup> edition, New York, Praeger, pp. 126 – 154.
- Grele, R J (1991b), 'Private Memories and Public Presentation: The Art of Oral History', in Grele, R J., ed., **Envelopes of Sound: The Art of Oral History**, 2<sup>nd</sup> edition, New York, Praeger, pp. 242 – 283.
- Grele, R J (1994), 'History and the Languages of History in the Oral History Interview: Who answers whose questions and why?', in McMahon, E M & Rogers, K L., eds., **Interactive Oral History Interviewing**, Hillside, New Jersey, Lawrence Erlbaum Associates, pp. 1 – 18.
- Grele, R J (2006), 'Oral History as Evidence', in Charlton, T. L., Myers, L. E., & Sharpless, R., eds., **Handbook of Oral History**, Lanham, Maryland, AltaMira Press, 2006, pp. 43 – 101.
- Griggs, A (1988), 'Ask the Panel', **Community Care** 695 (21.1.88) pp. 27 – 28.
- Grimshaw, C (1989), 'letter' to **The Magistrate** vol. 45 no. 4 (April) p. 55.
- Grindrod H & Black, G (1989), **Suicides at Leeds Prison: An Enquiry into the deaths of Five Teenagers during 1988/89**, Howard League for Penal Reform.
- Gross P R & Levitt, N (1998), **Higher Superstition: The Academic Left and its Quarrels with Science**, 2<sup>nd</sup> edition, Baltimore, John Hopkins University Press.
- Groves, T (1990), 'After The Asylums: Who needs long term psychiatric care?', **British Medical Journal** 300 (14.4.90) pp. 999 – 1001.
- Grunhut, M (1955), 'Juvenile Delinquents under Punitive Detention', **British Journal of Delinquency** 5 pp. 191 – 209.
- Grunhut, M (1960), 'After-effects of Punitive Detention', **British Journal of Delinquency** 10 pp. 178 – 94.
- Guarino-Ghezzi, S (1988), 'Initiating Change in Massachusetts' Juvenile Correctional System: A Retrospective Analysis', **Criminal Justice Review** 13 pp. 1 – 12.
- Guarino-Ghezzi, S & Byrne, J M (1989), 'Developing a Model of Structured Decision Making in Juvenile Corrections: The Massachusetts Experience', **Crime and Delinquency** 35 pp. 270 – 302.
- Guberman, M (1979), "'Child in Need of Services" in Massachusetts: Does the New System Work?', **International Journal of Offender Therapy and Comparative Criminology** 23 pp. 235 – 239.
- Gula, M (1973), 'Community Services and Residential Institutions for Children', in Bakal, Y ed. **Closing Correctional Institutions: New Strategies for Youth Services**, Lexington, Massachusetts, DC Heath, pp. 13 – 19.
- Gunasekera, M G S (1963), 'The problem of absconding in boys approved schools in England and Wales', **British Journal of Criminology** 4 pp. 145 – 51.
- Gunzburg, H C (1970), 'The Hospital as a Normalizing Training Environment', **British Journal of Mental Subnormality** 16 pp. 71 – 83.
- Gutting, G (1999), **Michel Foucault's Archaeology of Scientific Knowledge**, Cambridge, Cambridge

University Press.  
Gutting, G (2005), **Foucault**, Oxford, Oxford University Press.

- Hagan, J & Leon, J (1977), 'Rediscovering Delinquency: Social History, Political Ideology and the Rule of Law', **American Sociological Review** 42 pp. 587 – 598.
- Hagan, J & Leon, J (1978), 'Clas Conflict: A Reply to Lauderdale and Larson', **American Sociological Review** 43 pp. 925 – 929.
- Hagell, A & Newburn, T (1994), **Persistent Young Offenders**, Policy Studies Institute.
- Haggerty, K D (2001), **Making Crime Count**, University of Toronto Press.
- Hailey, A M (1971), 'Long-Stay Psychiatric In-Patients: A study based on the Camberwell register', **Psychological Medicine** 1 pp. 128 – 142.
- Haines, J (2003), **Glimmers of Twilight: Harold Wilson in Decline**, Methuen.
- Haines K and Shaw R (1989), 'Centre Stage For Probation: What Are The Issues', in Shaw, R and Haines, K eds., **The Criminal Justice System: A Central Role For The Probation Service**, Institute of Criminology, Cambridge, pp. 47 – 60.
- Haines K and Drakeford, M (1998), **Young People and Youth Justice**, Basingstoke, Macmillan.
- Hall, J (1977), 'A Way Out of Jail', **New Society** vol. 39 no. 744 (6.1.77) p. 19
- Hall, P (1976), **Reforming The Welfare**, Heinemann.
- Hall, P A (1993), 'Policy Paradigms, Social Learning and the State: The case of economic policymaking in Britain', **Comparative Politics** 25 pp. 275 – 296.
- Hall-Williams, J E and Thomas D A (1965a), 'The use of imprisonment and borstal training for young offenders under the Criminal Justice Act 1961', **Criminal Law Review** March pp. 146 – 52.
- Hall-Williams, J E and Thomas D A (1965b), 'The use of imprisonment and borstal training for young offenders under the Criminal Justice Act 1961', **Criminal Law Review** April pp 193 – 206.
- Hall-Williams, J E and Thomas D A (1965c), 'The use of imprisonment and borstal training for young offenders under the Criminal Justice Act 1961', **Criminal Law Review** May pp. 273 – 80.
- Hamer, H (1955), 'General Secretary's Notes', **Approved Schools Gazette** vol. 49 no. 4 pp. 100 – 102.
- Hamilton, P & Shopes, L (2008), **Oral History and Public Memories**, Philadelphia, Temple University Press.
- Hamm, M S (1993), 'Book Review Essay: Reforming Juvenile Corrections', **Justice Quarterly** 10 pp. 697 – 708.
- Hampson, F (1955), 'letter' to **Approved Schools Gazette** vol. 49 no. 1 pp. 8 – 9.
- Hanley, S & Nellis, M (2001), 'Crime, Punishment and Custody in England and Wales', in Finer, C J ed., **Comparing The Social Policy Experiences of Britain and Taiwan**, Aldershot, Ashgate.
- Hannah-Moffat, K (2005), 'Criminogenic needs and the transformative risk subject: Hybridizations of risk/need in penalty', **Punishment and Society** 7 pp. 29 – 51.
- Hansard (1938), Parliamentary Debates, **House of Commons** vol. 342 cols 267ff.
- Hansard (1947), Parliamentary Debates, **House of Commons**, 27.11.47, vol. 444 cols 2128 ff.
- Hansard (1948), Parliamentary Debates, **House of Lords**, Debate on the Criminal Justice Bill, 3.6.48, vol. 156 col. 297.
- Hansard (1965a), Parliamentary Debates, **House of Commons**, Written answer by Alice Bacon, 16.7.65 vol. 716 col. 125.
- Hansard (1965b), Parliamentary Debates, **House of Commons**, 29.11.65, vol. 723 cols 1105 ff.
- Hansard (1966), Parliamentary Debates, **House of Commons**, Oral Answers, 27.1.66, vol. 723 cols 380 - 382.
- Hansard (1967a), Parliamentary Debates, **House of Lords**, Debate on 'Approved Schools and Court Lees closure', 25.10.67, vol. 285 cols 1653 – 1742.
- Hansard (1968a), Parliamentary Debates, **House of Lords**, Written Answer 13.2.68 vol. 289 col. 93.
- Hansard (1968b), Parliamentary Debates, **House of Lords**, Oral Answer 2.4.68 vol. 290 cols 1196 – 1218.
- Hansard (1969a), Parliamentary Debates, **House of Commons**, Standing Committee G: vol. 5, Children and Young Persons Bill, 20.3.69 col. 47.
- Hansard (1969b), Parliamentary Debates, **House of Lords**, Children and Young Persons Bill: 2<sup>nd</sup> reading, 19.6.69, vol. 302 cols 1128 - 1213.
- Hansard (1969c), Parliamentary Debates, **House of Lords**, Children and Young Persons Bill, Committee stage, 3.7.69, vol. 303 cols 748 – 759.
- Hansard (1969d), Parliamentary Debates, **House of Lords**, Children and Young Persons Bill, further Committee stage, 7.7.69, vol.303 cols 766 - 782.

Hansard (1969e), Parliamentary Debates, **House of Lords**, Children and Young Persons Bill, Report stage, 23.7.69, vol. 304 cols 588 – 647 and 1017 - 1059.

Hansard (1969f), Parliamentary Debates, **House of Lords**, Children and Young Persons Bill, 3<sup>rd</sup> reading, 13.10.69, vol. 303 cols 1213 - 1253.

Hansard (1969g), Parliamentary Debates, **House of Commons**, Children and Young Persons Bill, Consideration of Lords amendments, 15.10.69, vol. 788 cols 413 - 483.

Hansard (1969h), Parliamentary Debates, **House of Commons**, Children and Young Persons Bill, 2<sup>nd</sup> reading, 11.3..69, vol. 779 cols 1176 – 1304.

Hansard (1971), Parliamentary Debates, **House of Commons**, Written Answer 22.11.71 vol. 826 col 290.

Hansard (1972a), Parliamentary Debates, **House of Commons**, Written Answer 7.12.72 vol. 847 cols 484 - 485.

Hansard (1972b), Parliamentary Debates, **House of Commons**, Written Answer 14.12.72, vol. 848 col. 184.

Hansard (1972c), Parliamentary Debates, **House of Commons**, Written Answer 25.5.72 vol. 837 col. 1603.

Hansard (1972d), Parliamentary Debates, **House of Commons**, Written Answer 22.5.72 vol. 837 col. 286.

Hansard (1972e), Parliamentary Debates, **House of Commons**, Written Answer 24.5.72 vol. 837 col 396.

Hansard (1973a), Parliamentary Debates, **House of Commons**, Written Answer 19.4.73 vol. 850 col 391.

Hansard (1973b), Parliamentary Debates, **House of Commons**, Written Answer 19.6.73 vol. 858 cols 96 - 97.

Hansard (1973c), Parliamentary Debates, **House of Commons**, Oral Answer 19.6.73 vol. 858 cols 367 - 369.

Hansard (1973d), Parliamentary Debates, **House of Commons**, Debate on children and young persons 19.4.73 vol. 855 cols 732 - 742.

Hansard (1973e), Parliamentary Debates, **House of Commons**, Oral Answer 19.6.73 vol. 858 cols 367 - 369.

Hansard (1974a), Parliamentary Debates, **House of Commons**, Written Answer 11.11.74 vol. 881 col. 39.

Hansard (1974b), Parliamentary Debates, **House of Commons**, Written Answer 18.11.74 vol. 881 col. 334.

Hansard (1974c), Parliamentary Debates, **House of Commons**, Written Answer 20.11.74 vol. 881 cols 433 – 434.

Hansard (1974d), Parliamentary Debates, **House of Commons**, Written Answer 4.12.74 vol. 882 col. 495.

Hansard (1974e), Parliamentary Debates, **House of Commons**, Oral Answer 10.12.74 vol. 882 cols. 213 – 214.

Hansard (1974f), Parliamentary Debates, **House of Commons**, Debate on ‘Juvenile crime’, 9.12.74, vol. 883 cols 56 – 103.

Hansard (1974g), Parliamentary Debates, **House of Commons**, Written Answer 7.5.74 vol. 873 col. 127.

Hansard (1974h), Parliamentary Debates, **House of Commons**, Written Answer 21.5.74 vol. 874 col. 86.

Hansard (1974i), Parliamentary Debates, **House of Commons**, Written Answer 30.4.74 vol. 872 col. 411.

Hansard (1975a), Parliamentary Debates, **House of Commons**, Debate on ‘Offenders (secure accommodation)’ 19.12.75 vol. 902 cols 1983 – 1991.

Hansard (1975b), Parliamentary Debates, **House of Commons**, Oral Answer 6.3.75 vol. 887 cols. 1749 – 1751.

Hansard (1975c), Parliamentary Debates, **House of Commons**, Debate on Imprisonment (Alternatives), 21.3.75, vol. 888 cols 125 – 162.

Hansard (1975d), Parliamentary Debates, **House of Commons**, Oral Answer 10.4.75 vol. 889 cols. 1401 – 1402.

Hansard (1975e), Parliamentary Debates, **House of Commons**, Written Answer 5.8.75 vol. 897 col. 147.

Hansard, (1976a), Parliamentary Debates, **House of Commons**, Written Answer 30.11.76 vol. 921 col. 91-92.

Hansard (1976b), Parliamentary Debates, **House of Lords**, Debate on Juvenile Crime, 21.1.76, vol 367 cols 470 – 521.

Hansard (1976c), Parliamentary Debates, **House of Commons**, Written Answer 23.3.76 vol. 908 col 97.

Hansard (1976d), Parliamentary Debates, **House of Commons**, Written Answer 24.3.76 vol. 908 col. 188.

Hansard (1976e), Parliamentary Debates, **House of Commons**, Written Answer 6.4.76 vol. 909.

Hansard (1976f), Parliamentary Debates, **House of Commons**, Oral Answer vol. 919 col. 1545.

Hansard (1976g), Parliamentary Debates, **House of Commons**, Written Answer 24.6.76 vol. 912 col. 1.

Hansard (1976h), Parliamentary Debates, **House of Commons**, Written Answer 8.7.76 vol. 914 cols 631 - 632.

Hansard (1977a), Parliamentary Debates, **House of Commons**, Written Answer 18.1.77 vol. 924 cols 169 - 170.

Hansard (1977b), Parliamentary Debates, **House of Commons**, Written Answer 10.2.77 vol. 925 col. 842.

Hansard (1977c), Parliamentary Debates, **House of Commons**, Written Answer 14.3.77 vol. 928 col. 88.

Hansard (1977d), Parliamentary Debates, **House of Commons**, Written Answer 12.5.77 vol 931 cols 602 - 605.

Hansard (1977e), Parliamentary Debates, **House of Commons**, Debate on Crime, vol. 938 cols 314 - 440.

Hansard (1977f), Parliamentary Debates, **House of Lords**, Debate on the Queens Speech, 9.11.77 vol. 387 cols 157 - 266.

Hansard (1977g), Parliamentary Debates, **House of Lords**, Debate on ‘Disruptive children and young people’, 22.6.77 vol. 384 cols 674 - 744.

Hansard (1977h), Parliamentary Debates, **House of Lords**, Debate on ‘The Penal System’, 29.6.77 vol. 384 cols 1115 - 1211.

Hansard (1978a), Parliamentary Debates, **House of Commons**, Debate on ‘Home Office Affairs’ 6.11.78 vol. 957 cols 513 – 646.

Hansard (1978b), Parliamentary Debates, **House of Commons**, Written Answer, 14.3.78 vol. 946 cols 149 - 150.

Hansard (1978c), Parliamentary Debates, **House of Commons**, Oral Answers 6.4.78 vol. 947 col. 614.

Hansard (1978d), Parliamentary Debates, **House of Commons**, Oral Answers 3.8.78 vol. 955 cols 912ff.

Hansard (1978e), Parliamentary Debates, **House of Lords**, Debate on ‘Law and Authority in Society’, 1.3.78 vol. 389 cols 479 - 599.

Hansard (1978f), Parliamentary Debates, **House of Lords**, Debate on ‘Crime Prevention’, 18.3.78 vol. 389 cols 841 - 879.

Hansard (1978g) Parliamentary Debates, **House of Lords**, Debate on ‘Non-Custodial Sentencing of Offenders’, 8.3.78 vol. 389 cols 1135 - 1163.

Hansard (1978h) Parliamentary Debates, **House of Lords**, Debate on ‘Children and Young Person’s Act 1969’, 17.4.78 vol.390 cols 939 - 967.

Hansard (1979a), Parliamentary Debates, **House of Lords**, Debate on ‘Juvenile Delinquency: Co-Operation in Prevention’, 12.7.79 vol. 401 cols 1096 – 1122.

Hansard (1979b), Parliamentary Debates, **House of Commons**, Written Answer 13.11.79 vol. 973 col. 571.

Hansard (1980a), Parliamentary Debates, **House of Commons**, Written Answer 3.7.80 vol. 987 cols. 655 - 666.

Hansard (1980b), Parliamentary Debates, **House of Commons**, Written Answer 18.3.80 vol. 981 col. 122.

Hansard (1980c), Parliamentary Debates, **House of Commons**, Written Answer 2.4.80 vol. 982 col. 221 - 222.

Hansard (1981a), Parliamentary Debates, **House of Commons**, Written Answer 6.2.81 vol. 998 col. 225.

Hansard (1981b) Parliamentary Debates, **House of Commons**, Written Answer 25.6.81 vol. 7 col. 178.

Hansard (1982a), Parliamentary Debates, **House of Commons**, Criminal Justice Bill: second reading 20.01.82 vol. 16 cols 294 – 366.

Hansard (1982b), Parliamentary Debates, **House of Commons**, Criminal Justice Bill, third reading 19.5.82 vol. 24 cols 406 – 443.

Hansard (1982c), Parliamentary Debates, **House of Commons**, Written Answer 14.6.82 vol. 25 col. 208.

Hansard (1982d), Parliamentary Debates, **House of Commons**, Criminal Justice Bill, Lords Amendments considered 21.10.82 vol. 29 cols 512 – 630.

Hansard (1982e), Parliamentary Debates, **House of Commons**, Standing Committee A Session 1981-2, Volume 1: Criminal Justice Bill, 4.2.82 col. 31.

Hansard (1982f), Parliamentary Debates, **House of Lords**, Criminal Justice Bill: second reading debate, 7.6.82 vol. 431 cols 4 – 72.

Hansard (1982g), Parliamentary Debates, **House of Commons**, Written Answer 11.11.82 vol. 31 col. 217 – 218.

Hansard (1982h), Parliamentary Debates, **House of Lords**, Criminal Justice Bill: Committee Stages, 22.6.82 vol. 431 cols 916 – 926; 932 – 978 and 988 - 1026.

Hansard (1983a), Parliamentary Debates, **House of Commons**, Written Answer 15.2.83 vol. 37 col. 129.

Hansard (1983b), Parliamentary Debates, **House of Commons**, Adjournment Debate on young offenders, 22.6.83 vol. 44 cols 138 – 144.

Hansard (1983c), Parliamentary Debates, **House of Commons**, Written Answer 10.11.83 vol. 48 cols. 199 – 200.

Hansard (1984a), Parliamentary Debates, **House of Commons**, Written Answer 26.6.84 vol. 62 col. 381-382.

Hansard (1984b), Parliamentary Debates, **House of Commons**, Written Answer 1.3.84 vol. 55 col. 282.

Hansard (1984c), Parliamentary Debates, **House of Commons**, Written Answer 30.4.84 vol. 59 col. 59.

Hansard (1985a), Parliamentary Debates, **House of Lords**, Written Answer 25.11.85 vol. 468 col. 782.

Hansard (1985b), Parliamentary Debates, **House of Commons**, Written Answer 24.5.85 vol. 79 col. 571.

Hansard (1986a), Parliamentary Debates, **House of Commons**, Written Answer 18.3.86 vol. 94 col. 127 -128.

Hansard (1986b), Parliamentary Debates, **House of Commons**, Written Answer 1.7.86 vol. 100 cols. 503 -504.

Hansard (1987a), Parliamentary Debates, **House of Commons**, Written Answer 5.11.87 vol. 121 col. 816.

Hansard (1987b), Parliamentary Debates, **House of Commons**, Oral Answer 5.11.87 vol. 121 col. 1056.

Hansard (1987c), Parliamentary Debates, **House of Commons**, Written Answer 24.7.86 vol. 102 col. 401.

Hansard (1987c), Parliamentary Debates, **House of Commons**, Written Answer 16.1.87 vol. 108 col. 337.

Hansard (1987d), Parliamentary Debates, **House of Commons**, Written Answer 27.3.87 vol. 113 col. 284.

Hansard (1988a), Parliamentary Debates, **House of Commons**, Standing Committee H Session 1987-8, Volume 9: Criminal Justice Bill (Lords).

Hansard (1988b), Parliamentary Debates, **House of Commons**, Written Answer 18.2.88 vol. 127 col. 709.

Hansard (1988c), Parliamentary Debates, **House of Commons**, Written Answer 13.7.88 vol. 137 cols. 219 – 220.

Hansard (1988d), Parliamentary Debates, **House of Lords**, Debate on Prisons and Alternatives to Custody, 30.11.88 vol. 502 cols. 307 – 376.

Hansard (1989a), Parliamentary Debates, **House of Commons**, Written Answer 9.3.89 vol. 148 col. 601.

Hansard (1989b), Parliamentary Debates, **House of Commons**, Written Answer 11.5.89 vol. 152 col. 523.

Hansard (1990a), Parliamentary Debates, **House of Commons**, Standing Committee A Session 1990-91, Criminal Justice Bill 6.12.90 cols 119 - 120.

Hansard (1990c), Parliamentary Debates, **House of Commons**, Second Reading: Criminal Justice Bill, 20.11.90 vol. 181 cols 139 – 236.

Hansard (1991a), Parliamentary Debates, **House of Commons**, Ministerial statement on St. Charles Youth Treatment Centre, 24.6.91 vol. 193 cols 687 – 693.

Hansard (1991b), Parliamentary Debates, **House of Commons**, Oral Answer 24.4.91 vol. 189 col.

- 1199.
- Hansard (1993), Parliamentary Debates, **House of Lords**, Ministerial Statement on Juvenile Crime, 2.3.93 vol. 543 cols 558 - 571.
- Hansen, C A (1977), 'Willowbrook', in Wortis, J ed., **Mental Retardation and Developmental Disabilities XI**, New York, Brunner/Mazel, pp. 6 – 45.
- Harbert, W (1986), 'Intermediate Treatment – who is responsible?', **Health and Social Services Journal** 86 (3.1.76) p. 22.
- Harbridge, E (1980), 'Balancing the cost between home and away', **Community Care** 315 (26.6.80) p. 3.
- Harding, J (1979), 'IT – past, present and future', **Social Work Today** vol. 10 no. 43 (10.7.79) p. 1.
- Harding, J, ed (1987), **Probation and the Community: A practice and policy reader**, Tavistock.
- Hardy C & Batty C (1988a), 'Opportunity Knocks to Reduce Juvenile Custody', **Social Work Today** vol. 19 no. 50 (18.8.88) pp. 16 – 17.
- Hardy C & Batty C (1988b), 'Opportunity Knocks to Reduce Juvenile Custody', **Social Work Today** vol. 19 no. 51 (25.8.88) pp. 18 – 19.
- Harris, A K (1991), 'introduction' in Grele, R J, ed., **Envelopes of Sound: The Art of Oral History**, 2<sup>nd</sup> edition, New York, Preager, pp. 1 - 9.
- Harris, B (1973a), 'The local authority social worker and the courts: 1', **Local Government Chronicle** vol. 117 no. 5537 (27.4.73) pp. 449 – 452.
- Harris, B (1973b), 'The local authority social worker and the courts: 2', **Local Government Chronicle** vol. 117 no. 5538 (4.5.73) pp. 473 – 474.
- Harris, M K (1983), 'Strategies, Values and the Emerging Generation of Alternatives to Incarceration', **New York Review of Law and Social Change** 12 pp. 141 – 170.
- Harris N (1972), 'Children Act in Trouble: An Appreciation of the Children and Young Person's Act 1969 In Operation', **Criminal Law Review** November pp. 670 – 84.
- Harris, R (1991), 'The Life and Death of the Care Order (Criminal)', **British Journal of Social Work** 21 pp. 1 – 17.
- Harris, R and Webb, D (1983), 'Social Work and the Supervision Order', **Home Office Research Bulletin** 16 pp. 35 – 37.
- Harrison P (1975), 'Children: who cares?', **New Society** vol. 31 no 643 (13.2.75) p. 391.
- Harwin, J (1982), 'The Battle for the Delinquent', in Jones, C & Stevenson, J eds., **The Yearbook of Social Policy in Britain 1980 – 1981**, Routledge & Kegan Paul, pp. 191 – 222.
- Hastings, S & Jay, P (1965), **The Family and the Social Services**, Fabian Tract 359.
- Haxby, D (1972), 'Intermediate Treatment', in Jones, K ed. **The Year Book of Social Policy in Britain 1971**, Routledge & Kegan Paul, pp. 172 – 186.
- Haxby, D (1978), **Probation: A Changing Service**, Constable.
- Hazel, N (1978), 'Family Placement – a hopeful alternative?', **Journal of Adolescence** 1 pp. 363 – 369.
- Hazel, N (1981), **A Bridge to Independence: The Kent Family Placement Project**, Blackwell, Oxford.
- Hazel N & Cox, R (1976), 'The Special Family Placement Project in Kent', **Social Work Service** 12 pp. 10 – 30.
- Healey, D (1989), **The Time Of My Life**, Michael Joseph.
- Heath, E (1998), **The Course Of My Life**, Hodder & Stoughton.
- Heijder, A (1974), 'The Recent Trend Towards Reducing the Prison Population in the Netherlands', **International Journal of Offender Therapy and Comparative Criminology** 18 pp. 233 – 240.
- Heijder, A (1980), 'Can We Cope with Alternatives', **Crime and Delinquency** 26 pp. 1 – 9.
- Heintz, H T & Jenkins-Smith, H C (1988), 'Advocacy Coalitions and the practice of policy analysis', **Policy Sciences** 21 pp. 263 – 277.
- Henderson, N (1984), **The Private Office**, Weidenfeld & Nicholson.
- Hendrick, H (1994), **Child Welfare: England 1872 – 1989**, Routledge.
- Hendrick, H (2006), 'Histories of Youth Crime and Justice', in Goldson, B & Muncie, J eds., **Youth Crime and Justice**, Sage, pp. 3 – 18.
- Her Majesty's Chief Inspector of Prisons (1986), **HM YC and Detention Centre, Usk**.
- Her Majesty's Chief Inspector of Prisons (1989), **Feltham**.
- Her Majesty's Chief Inspector of Prisons (1992), **Feltham**.
- Heyse, L., Lettinga, B & Groenleer, M (2006), 'Explaining Reform in Europe: Comparisons, Patterns and Reflections', in Heyse, L., Resodihardjo, S., Lantink, T & Lettinga, B eds., **Reform in Europe: Breaking The Barriers in Government**, Aldershot, Ashgate, pp. 171 – 192.

- Heywood, J (1965), **Children in Care**, Routledge and Kegan Paul.
- Hill, G (1985), 'The Impact of the 1982 Criminal Justice Act on Juveniles', in Yorkshire and Humberside Intermediate Treatment Association, **Training Anthology**, pp. 13 – 16.
- Hill, M (2005), **The Public Policy Process**, 4<sup>th</sup> edition, Harlow, Pearson.
- Hillingdon Alternatives to Custody (1988), 'Birth of a Custody Free Zone for London Juveniles', **Social Work Today** vol. 19: no 50 (18.8.88) pp 14 - 15.
- Hills, A (1980), 'Rapidly going up hill', **Social Work Today** vol. 12 no. 2 (9.9.80) pp. 8 – 9.
- Hilton, J (1972), 'Juvenile Delinquents: Care or Control', **International Journal of Offender Therapy** 16 pp. 194 – 200.
- Hindess, B (1997), 'Politics and Governmentality', **Economy and Society** 26 pp. 257 – 292.
- Hinks, N (1985), 'A Note of Caution', **Community Care** vol. 574 (8.8.85) pp. 21 – 22.
- Hinks N & Smith, R (1985), 'Diversion in Practice: Northants Juvenile Liaison Bureau', **Probation Journal** 32 pp. 48 – 50.
- Hinks N & Smith, R (1986a), 'Only as a last resort', **Community Care**, vol. 622 (31.7.86) pp. 20 – 21.
- Hinks N & Smith, R (1986b), 'Diversionary Tactics', **Youth in Society** 114 (May) pp. 19 – 20.
- Hinton, N (1974) 'Intermediate Treatment', in Blom-Cooper, L., ed., **Progress in Penal Reform** Oxford, Clarendon, pp. 238 – 244.
- Hirschman, A O (1991), **The Rhetoric of Reaction**, Cambridge, Massachusetts, Harvard University Press.
- HM Government (2009), **Valuing People Now: a new three-year strategy for people with learning disabilities**.
- HMSO (1854), **The Youthful Offenders Act 1854**.
- HMSO (1857a), **The Reformatory Schools Act 1857**.
- HMSO (1857b), **The Industrial Schools Act 1857**.
- HMSO (1908), **The Prevention of Crime Act 1908**.
- HMSO (1933), **The Children and Young Persons Act 1933**.
- HMSO (1948a), **The Criminal Justice Act 1948**.
- HMSO (1948b), **The Children Act 1948**.
- HMSO (1961), **The Criminal Justice Act 1961**.
- HMSO (1963), **Statistics relating to approved schools, remand homes and attendance centres in England and Wales for the year 1961**, Cmnd 2051 {Parliamentary Papers 1962-63 vol. xxxi}.
- HMSO (1964a), **Statistics relating to approved schools, remand homes and attendance centres in England and Wales for the year 1962**, House of Commons Paper HC 143: 1963-64 {Parliamentary Papers 1963-64 vol. xxvi}.
- HMSO (1964b), **Statistics relating to approved schools, remand homes and attendance centres in England and Wales for the year 1963**, House of Commons Paper HC 276: 1963-64 {Parliamentary Papers 1963-64 vol. xxvi}.
- HMSO (1965), **Statistics relating to approved schools, remand homes and attendance centres in England and Wales for the year 1964**, House of Commons Paper HC 296: 1964-65 {Parliamentary Papers 1964-65 vol. xxix}.
- HMSO (1966), **Statistics relating to approved schools, remand homes and attendance centres in England and Wales for the year 1965**, House of Commons Paper HC 113: 1966-67 {Parliamentary Papers 1966-67 vol. lviii}.
- HMSO (1967), **Statistics relating to Approved Schools, Remand Homes and Attendance Centres in England and Wales for the year 1966**, House of Commons Paper HC 541, 1966-67, {Parliamentary Papers 1966-67 vol. lviii p. 231 ff}.
- HMSO (1968a), **Statistics relating to Approved Schools, Remand Homes and Attendance Centres in England and Wales for the year 1967**, House of Commons Paper HC 427, 1967-68 {Parliamentary Papers 1967-68 vol. xxxix p. 49 ff}.
- HMSO (1968b), **Report of the Committee on Local Authority and Allied Personal Social Services, (Seebohm Report)**, Cmnd 3703 {Parliamentary Papers 1967-68 vol. xxxi p. 157 ff}.
- HMSO (1969a), **The Children and Young Persons Act 1969**.
- HMSO (1969b), **Statistics relating to Approved Schools, Remand Homes and Attendance Centres in England and Wales for the year 1968**, House of Commons Paper HC 35, 1969-70 {Parliamentary Papers 1969-70 vol. xvii p. 797}.
- HMSO (1969c), **Local Government Reform: Short version of the Report of the Royal Commission on Local Government in England (Chairman: Rt. Hon Lord Redcliffe-Maud)**, Cmnd 4039, HMSO {Parliamentary Papers 1968-69 vol. xxxviii}.
- HMSO (1969d), **Royal Commission on Local Government in England 1966 – 1969: Chairman: the**



- Rt. Hon Lord Redcliffe-Maud, Vol 1: Report**, Cmnd 4040, HMSO {Parliamentary Papers 1968-69 vol. xxxviii}.
- HMSO (1970a), **Part I of the Children and Young Persons Act 1969. A guide for courts and practitioners**.
- HMSO (1970b), **Reform of Local Government in England**, Cmnd 4276 {Parliamentary Papers 1969-70 vol. xviii, p 117 ff}.
- HMSO (1970c), **Statistics relating to approved schools, remand homes and attendance centres in England and Wales for the year 1969**, House of Commons Paper HC 144: 1970-71 {Parliamentary Papers 1970-71 vol. xxx p. 829 ff}.
- HMSO (1971a), **The Local Authority and Social Services Act 1971**.
- HMSO (1971b), **Local Government in England: Government Proposals for Reorganisation**, Cmnd 4584 {Parliamentary Papers 1970-71, vol. xxxii p. 151ff}.
- HMSO (1972), **Statistics relating to approved schools, remand homes and attendance centres in England and Wales for the year 1970**, Cmnd 4879 {Parliamentary Papers 1971 - 72 vol. xx p. 1189ff}.
- HMSO (1973), **Children in Care in England and Wales, March 1972**, DHSS and Welsh Office, Cmnd 5434 {Parliamentary Papers 1972 – 73 vol. xxxiii p. 349ff}.
- HMSO (1974a), **Children in Care in England and Wales, March 1973**, DHSS and Welsh Office, Cmnd 5815 {Parliamentary Papers 1974 – 75 vol. xxxiv p. 999ff}.
- HMSO (1974b), **Report of the Committee of Inquiry into South Ockenden Hospital**, House of Commons Paper HC 124: 1974 {Parliamentary Papers 1974: vol. v}.
- HMSO (1975), **Children in Care in England and Wales, March 1974**, DHSS and Welsh Office, Cmnd 6147 {Parliamentary Papers 1974 – 75 vol. xxxiv p. 1015ff}.
- HMSO (1976a), **Children and Young Person's Act 1969: Children in Care in England and Wales, March 1975**, Secretary of State for Social Services and Wales, House of Commons Paper HC 595: 1975-76 {Parliamentary Papers 1975 - 76 vol. xlv p. 1ff}.
- HMSO (1976b), **Children and Young Person's Act 1969: Social Services for Children in England and Wales, 1973 - 1975**, Secretary of State for Social Services and Wales, House of Commons Paper HC 68: 1976-77 {Parliamentary Papers 1975 - 76 vol. xlvi}.
- HMSO (1976c), **Report of the Commissioner of Police of the Metropolis for the year 1975**, Cmnd 6496.
- HMSO (1977a), **The Criminal Law Act 1977**.
- HMSO (1977b), **Children and Young Person's Act 1969: Children in Care in England and Wales, March 1976**, Secretary of State for Social Services and Wales, House of Commons Paper HC 506: 1976-77 {Parliamentary Papers 1976 - 77 vol. xlv p. 597ff}.
- HMSO (1977c), **Report of the Commissioner of Police of the Metropolis for the year 1976**.
- HMSO (1978a), **Report of the Commissioner of Police of the Metropolis for the year 1977**.
- HMSO (1978b), **Report of the Committee of Inquiry into Normansfield Hospital**, Cmnd 7357 {Parliamentary Papers 1978 – 79 vol vii pp. 451 ff}.
- HMSO (1979a), **Children in Care in England and Wales, March 1977**, House of Commons Paper HC 129: 1978-79 {Parliamentary Papers 1978-79 vol. xxii p. 819ff}.
- HMSO (1979c), **Report of the Commissioner of Police of the Metropolis for the year 1978**, Cmnd 7580 {Parliamentary Papers 1979-80 vol. Liv}.
- HMSO (1979b), **Report of the Committee of Inquiry into Mental Handicap Nursing and Care: (Chairman: Peggy Jay)**, Cmnd 7468: vols. I and II {Parliamentary Papers 1978-79 vol. vii}.
- HMSO (1980a), **Children in Care in England and Wales, March 1978**, House of Commons Paper HC 542: 1979-80 {Parliamentary Papers 1979-80 vol. xxxii}.
- HMSO (1980b), **Report of the Commissioner of Police of the Metropolis for the year 1979**, Cmnd 7932 {Parliamentary Papers 1980-81}.
- HMSO (1981), **Report of the Commissioner of Police of the Metropolis for the year 1980**, Cmnd 8254 {Parliamentary Papers 1980 – 81 vol. xlvii}.
- HMSO (1982a), **The Criminal Justice Act 1982**.
- HMSO (1982b), **Child Care Act 1980: Social Services for Children in England and Wales 1979 – 1981**, Secretary of State for Social Services and Wales, House of Commons Paper HC 79: 1982-83 {Parliamentary Papers 1982-3}.
- HMSO (1982c), **Report of the Commissioner of Police of the Metropolis for the year 1981**, Cmnd 6068 {Parliamentary Papers 1974-75 vol. xxx}.
- HMSO (1983), **Report of the Commissioner of Police of the Metropolis for the year 1982**,
- HMSO (1984a), **The Police and Criminal Evidence Act 1984**.
- HMSO (1984b), **Report of the Commissioner of Police of the Metropolis for the year 1983**, Cmnd

- 9268 {Parliamentary Papers 1983-84 vol. Lxi}.
- HMSO (1985a), **Child Care Act 1980: Social Services for Children in England and Wales 1982 – 1984**, Secretary of State for Social Services and Wales, House of Commons Paper HC 90: 1985 - 86 {Parliamentary Papers 1985 - 86}.
- HMSO (1985b), **Report of the Commissioner of Police of the Metropolis for the year 1984**, Cmnd 9541 {Parliamentary Papers 1984-85 vol. Liii}.
- HMSO (1986), **Report of the Commissioner of Police of the Metropolis for the year 1985**, Cmnd 9790 {Parliamentary Papers 1985 – 86 vol. xLvii}.
- HMSO (1987), **Government Reply to the Third Report from the Home Affairs Committee Session 1986 – 87 (HC 35-I): State and Use of Prisons**, Cm 263 {Parliamentary Papers 1987-88}.
- HMSO (1987b), **Report of the Commissioner of Police of the Metropolis for the year 1986**, Cm 158, {Parliamentary Papers 1986 – 87}
- HMSO (1988), **Child Care Act 1980: Social Services for Children in England and Wales 1985 – 87**, Secretary of State for Social Services and Wales, House of Commons Paper HC 67: 1988-89 {Parliamentary Papers 1988-89}.
- HMSO (1988b), **The Criminal Justice Act 1988**.
- HMSO (1990), **Report of the Commissioner of Police of the Metropolis for 1989**, Cm. 1070 {Parliamentary Papers 1989-1990}.
- HMSO (1991a), **Child Care Act 1980: Social Services for Children in England and Wales 1988 – 90**, Secretary of State for Social Services and Wales, House of Commons Paper HC 2: 1991-92 {Parliamentary Papers 1991 - 92}.
- HMSO, (1991b), **The Criminal Justice Act 1991**.
- HMSO, (1991c), **Annual Report of Her Majesty’s Chief Inspector of Prisons January 1990 to March 1991**, House of Commons Paper HC 54: 1991-92 {Parliamentary Papers 1991-92}.
- HMSO, (1993), **The Criminal Justice (Amendment) Act 1993**.
- HMSO, (1994a), **The Criminal Justice and Public Order Act 1994**.
- HMSO (1994b), **Children Act 1989: Report by the Secretary of State for Social Services and for Wales, 1994**, Cm. 2584 {Parliamentary Papers 1993-94 vol. lxxviii}.
- HMSO (1998), **Crime and Disorder Act 1988**
- Hobsbawn, E (1993), ‘The New Threat to History’, **New York Review of Books** 16.12.93 pp. 62 – 64.
- Hodges, D J (1973), ‘Juvenile Offenders’, **British Journal of Criminology** 13 pp. 191 – 194.
- Hodgkin, K & Radstone, S (2003), ‘Introduction’ in Hodgkin, K & Radstone, S., eds., **Contested Pasts: The politics of memory**, Abingdon, Routledge, pp. 1 – 21.
- Hoffman, A (1974), ‘Reliability and Validity in Oral History’, **Today’s Speech**, 22 pp. 23 – 27.
- Hoffman, A M.& Hoffman, H S (2006), ‘Memory Theory: Personal and Social’, in Charlton, T. L., Myers, L. E., & Sharpless, R., eds., **Handbook of Oral History**, Lanham, Maryland, AltaMira Press, 2006, pp. 275 – 296.
- Hoghugh, M (1973), ‘What’s in a Name? Some Consequences of the 1969 Children and Young Persons Act’, **Community Schools Gazette** 67 pp. 125 – 54.
- Hoghugh, M (1978a), **Troubled and Troublesome**, Burnett.
- Hoghugh, M (1978b), ‘Democracy and Delinquency: A Note on Increasing Demand for Secure Accommodation for Persistent Delinquents’, **British Journal of Criminology** 18 pp. 391 - 396.
- Holley, G S (1968), ‘The Police and Delinquency’, in University of Leeds Institute of Education, **Children in Trouble**, pp. 15 – 17.
- Hollin, C R (1990), **Cognitive-Behavioural Interventions with Young Offenders**, Pergamon.
- Holman, R (1983), ‘Prevention in the neighbourhood: community social work on a council estate’, in Bean, P & Macpherson, S eds., **Approaches to Welfare**, Routledge & Kegan Paul.
- Holmes, M ed. (1985), **The Labour Government 1974 – 79**, Macmillan.
- Holstein, J A & Gubrium, J F (2004), ‘The Active Interview’, in Silverman, D., ed., **Qualitative Research: Theory, Method and Practice**, Sage, 2<sup>nd</sup> edition, pp. 140 – 161.
- Holt, J (1985), **No Holiday Camps: Custody, juvenile justice and the politics of law and order**, Leicester, Association for Juvenile Justice.
- Holt J & Wargent M eds., (1989), **Moving Centre Stage: Adult Criminal Justice System’s Management and Diversion From Custody**, Leeds, Save The Children.
- Home Office (1947), **Report of the Committee of Inquiry into the Conduct of Standon Farm Approved School and the circumstances surrounding the murder of a Master at the school**, Cmd. 7150, HMSO {Parliamentary Papers 1946-7 vol. xiv p. 481 ff}.
- Home Office (1951a), **Report of a Committee to Review Punishments in Prisons, Borstal Institutions, Approved Schools and Remand Homes: Parts 1 and 2: Prisons and Borstal**

**Institutions**, Cmd 8256, HMSO {Parliamentary Papers 1951-2}.

Home Office (1951b), **Report of a Committee to Review Punishments in Prisons, Borstal Institutions, Approved Schools and Remand Homes: Parts 3 and 4: Approved Schools and Remand Homes**, Cmd 8429, HMSO {Parliamentary Papers 1951-2: vol. xviii: p. 39 ff}.

Home Office (1954), **Circular 102/54: Juvenile Liaison Officers**.

Home Office (1956), **Circular 37/1956** (on detention centres).

Home Office (1960a), **Disturbance at the Carlton Approved School on August 29 and 30, 1959** Cmnd. 957, HMSO.

Home Office (1960b), **Report of the Committee on Children and Young Persons (Ingleby)**, Cmnd 1191, HMSO.

Home Office (1964a), **Annual Report of the Prison Department**, Cmnd 2708.

Home Office (1964b), **Criminal Statistics: England and Wales 1963**, Cmnd 2525, HMSO {Parliamentary Papers 1964-65 vol xxiii}.

Home Office (1965a), **The Child, The Family and The Young Offender**, White Paper, Cmnd. 2742, HMSO {Parliamentary Papers 1964 – 65 vol 29: p. 193 ff}.

Home Office (1965b), **Annual Report of the Prison Department**, Cmnd 3088.

Home Office (1965c), **Criminal Statistics: England and Wales 1964**, Cmnd 2815, HMSO {Parliamentary Papers 1965-66 vol xii}.

Home Office (1966a), **Report on the Work of the Prison Department 1965**, Cmnd 3088 {Parliamentary Papers 1966-67 vol. xlvi}.

Home Office (1966b), **Criminal Statistics: England and Wales 1965**, Cmnd 3037, HMSO {Parliamentary Papers 1966-67 vol lvii}.

Home Office (1966c), **Report on the Work of the Prison Department 1964: Statistical Tables**, Cmnd 2957, HMSO {Parliamentary Papers 1966-67 vol. xlvi}.

Home Office (1966d), **Report on the Work of the Prison Department 1965: Statistical Tables**, Cmnd 3304, HMSO {Parliamentary Papers 1966-67 vol. xlvi}.

Home Office (1967a), **Administration of Punishment at Court Lees Approved School: Report of an Inquiry by Mr. Edward Brian Gibbens QC**, Cmnd. 3367, HMSO {Parliamentary Papers 1966-67 vol. xxvi p. 149ff}.

Home Office (1967b), **Report on the Work of the Children's Department 1964-1966**, House of Commons Paper HC 603, 1966-67 {Parliamentary Papers 1966-67 vol. xxiv}.

Home Office (1967c), **Annual Report of the Prison Department**, Cmnd 3774.

Home Office (1967d), **Report on the Work of the Prison Department 1966: Statistical Tables**, Cmnd 3494, HMSO {Parliamentary Papers 1967-68 vol. xxxi}.

Home Office (1967e), **Criminal Statistics: England and Wales 1966**, Cmnd 3332, HMSO {Parliamentary Papers 1966 - 67 vol Lvii}.

Home Office (1968a), **Children in Trouble**, White Paper, Cmnd 3601, HMSO {Parliamentary Papers 1967-68 Vol. xxxix, p. 135ff}.

Home Office (1968b), **Report on the Work of the Prison Department 1967: Statistical Tables**, Cmnd 3788, HMSO {Parliamentary Papers 1967-68 vol. xxxi}.

Home Office (1968c), **Report on the Work of the Prison Department 1967**, Cmnd 3774, HMSO {Parliamentary Papers 1967 - 68 vol. xxx}.

Home Office (1968d), **Criminal Statistics: England and Wales 1967**, Cmnd 3689, HMSO {Parliamentary Papers 1967 – 68 vol. xxxviii}.

Home Office (1969a), **Report on the Work of the Prison Department 1968**, Cmnd 4186, HMSO {Parliamentary Papers 1969-70 vol. xvii}.

Home Office (1969b), **Criminal Statistics: England and Wales 1968**, Cmnd 4098, HMSO {Parliamentary Papers 1968-69 vol. Lii}.

Home Office (1970a), **Press Release**: Government Statement on Children in Trouble, October.

Home Office (1970b), **Circular 236/1970: Commencement of Part 1 of the Children and Young Persons Act 1969**.

Home Office (1970c), **Address by Mark Carlisle to the Association of Children's Officers Annual Conference**, 1-10-70.

Home Office (1970d), **Circular 208/1970: Children and Young Persons Act 1969**.

Home Office (1970e), **Criminal Statistics: England and Wales 1969**, Cmnd 4398, HMSO {Parliamentary Papers 1970-71 vol. xxix, p. 853 ff}.

Home Office (1970f), **Report on the Work of the Prison Department 1968: Statistical Tables**, Cmnd 4266, HMSO {Parliamentary Papers 1969-70 vol. xvii}.

Home Office (1970g), **Report on the Work of the Prison Department 1969: Statistical Tables**, Cmnd 4539, HMSO {Parliamentary Papers 1970-71 vol. xxx p. 595 ff}.

Home Office, (1971a), **Circular 9/1971: Camps and Adventure Courses: Domestic Training for Neglectful Mothers on Probation.**

Home Office (1971b), **Criminal Statistics: England and Wales 1970**, Cmnd 4708, HMSO {Parliamentary Papers 1970-71 vol. xxix p. 1133ff}.

Home Office (1971c), **Report on the Work of the Prison Department 1970: Statistical Tables**, Cmnd 4806, HMSO {Parliamentary Papers 1971-72 vol. xx p. 875ff}.

Home Office (1972a), **Criminal Statistics: England and Wales 1971**, Cmnd 5020, HMSO {Parliamentary Papers 1971-72 vol. xx p. 269ff}.

Home Office (1972b), **Report on the Work of the Prison Department 1971: Statistical Tables**, Cmnd 5156, HMSO {Parliamentary Papers 1972-73 vol. xiii p. 767ff}.

Home Office (1973a), **Criminal Statistics: England and Wales 1972**, Cmnd 5402, HMSO {Parliamentary Papers 1972-73 vol. xiii p. 215ff}.

Home Office (1973b), **Report on the Work of the Prison Department 1972: Statistical Tables**, Cmnd 5489, HMSO {Parliamentary Papers 1973-74 vol. iii p. 1209ff}.

Home Office (1974a), **Criminal Statistics: England and Wales 1973**, Cmnd 5677, HMSO {Parliamentary Papers 1974 vol. vii p. 349ff}.

Home Office (1974b), **Report on the Work of the Prison Department 1973: Statistical Tables**, Cmnd 5814, HMSO {Parliamentary Papers 1974-75 vol. xvi p. 735ff}.

Home Office (1975a), **Criminal Statistics: England and Wales 1974**, Cmnd 6168, HMSO {Parliamentary Papers 1974-75 vol. xv p. 843ff}.

Home Office (1975b), **Report on the Work of the Prison Department 1974: Statistical Tables**, Cmnd 6152, HMSO {Parliamentary Papers 1974-75 vol. xvi p. 875ff}.

Home Office (1976a), **Report on the work of the Probation and After-Care Department 1972 – 1975**, Cmnd 6590, HMSO {Parliamentary Papers 1975 – 76 vol. xx p. 1ff}.

Home Office (1976b), **Criminal Statistics: England and Wales 1975**, Cmnd 6566, HMSO {Parliamentary Papers 1975-76 vol. xviii p. 599ff}.

Home Office (1976c), **Report on the Work of the Prison Department 1975: Statistical Tables**, Cmnd 6542, HMSO {Parliamentary Papers 1975-76 vol. xiv p. 879ff}.

Home Office (1977a), **Criminal Statistics: England and Wales 1976**, Cmnd 6909, HMSO {Parliamentary Papers 1976-77 vol. xvii p. 103ff}.

Home Office (1977b), **Report on the Work of the Prison Department 1976: Statistical Tables**, Cmnd 6884, HMSO {Parliamentary Papers 1976-77 vol. xviii p. 319ff}.

Home Office (1978a), **Youth Custody and Supervision: A new sentence**, Cmnd 7406, HMSO {Parliamentary Papers 1979-80 vol. ix p. 657ff}.

Home Office (1978b), **The Citing of Police Cautions in Juvenile Courts: Circular 49/78.**

Home Office (1978c), **Juveniles: Co-operation between the Police and other Agencies: Circular 211/1978** (also LAC Circular (78) 26; DES Circular 18/78 and Welsh Office Circular 169/78).

Home Office (1978d), **Criminal Statistics: England and Wales 1977**, Cmnd 7289, HMSO {Parliamentary Papers 1977-78 vol. xix p. 625ff}.

Home Office (1978e), **Prison Statistics: England and Wales 1977**, Cmnd 7286, HMSO {Parliamentary Papers 1977-78 vol. xxi}.

Home Office (1979a), **Criminal Statistics: England and Wales 1978**, Cmnd 7670, HMSO {Parliamentary Papers 1979-80 vol. Lxii}.

Home Office (1979b), **Prison Statistics: England and Wales 1978**, Cmnd 7626, HMSO {Parliamentary Papers 1979-80 vol. Lvii}.

Home Office (1980a), **Circular 9/1980.**

Home Office (1980b), **Criminal Statistics: England and Wales 1979**, Cmnd 8098, HMSO {Parliamentary Papers 1980 - 81 vol. xLii}.

Home Office (1980c), **Prison Statistics: England and Wales 1979**, Cmnd 7978, HMSO {Parliamentary Papers 1979-80 vol. Lxxvi}.

Home Office (1981a), **Criminal Statistics: England and Wales Supplementary Tables 1980 vol. 1: Proceedings in Magistrates Courts.**

Home Office (1981b), **Criminal Statistics: England and Wales Supplementary Tables 1980 vol. 2: Proceedings in the Crown Court.**

Home Office (1981c), **Criminal Statistics: England and Wales 1980**, Cmnd 8376, HMSO {Parliamentary Papers 1980 - 81 vol. L}.

Home Office (1981d), **Prison Statistics: England and Wales 1980**, Cmnd 8372, HMSO {Parliamentary Papers 1980-81 vol. L}.

Home Office (1982a), **Circular 49/1982: Juveniles: Co-operation between the police and other agencies.**

Home Office (1982b), **Criminal Statistics: England and Wales Supplementary Tables 1981 vol. 1: Proceedings in Magistrates Courts.**

Home Office (1982c), **Criminal Statistics: England and Wales Supplementary Tables 1981 vol. 2: Proceedings in the Crown Court.**

Home Office (1982d), **Criminal Statistics: England and Wales 1981**, Cmnd 8668, HMSO {Parliamentary Papers 1981 - 82 vol. Lvii}.

Home Office (1982e), **Prison Statistics: England and Wales 1981**, Cmnd 8654, HMSO {Parliamentary Papers 1981-82}.

Home Office (1983a), **Criminal Statistics: England and Wales 1982**, Cmnd 9048, HMSO {Parliamentary Papers 1983 - 84 vol. Lii}.

Home Office (1983b), **Prison Statistics: England and Wales 1982**, Cmnd 9027, HMSO {Parliamentary Papers 1983-84 vol. Lii}.

Home Office (1983c), **Circular 42/1983: Criminal Justice Act 1982: Implementation of Part I (young offenders).**

Home Office (1983d), **Criminal Statistics: England and Wales Supplementary Tables 1982 vol. 1: Proceedings in Magistrates Courts.**

Home Office (1983e), **Criminal Statistics: England and Wales Supplementary Tables 1982 vol. 2: Proceedings in the Crown Court.**

Home Office (1984a), **Probation Service in England and Wales: Statement of National Objectives and Priorities.**

Home Office (1984b), **Cautioning by the Police**, A consultation document.

Home Office (1984c), **Report of the Work of the Prison Department 1983**, HMSO, Cmnd 9306.

Home Office (1984d), **Criminal Statistics: England and Wales Supplementary Tables 1983 vol. 1: Proceedings in Magistrates Courts.**

Home Office (1984e), **Criminal Statistics: England and Wales Supplementary Tables 1983 vol. 2: Proceedings in the Crown Court.**

Home Office (1984f), **Criminal Statistics: England and Wales 1983**, Cmnd 9349, HMSO {Parliamentary Papers 1983 - 84 vol. Lxiv}.

Home Office (1984g), **Prison Statistics: England and Wales 1983**, Cmnd 9363, HMSO {Parliamentary Papers 1983-84 vol. Lxv}.

Home Office (1984h), **Criminal Justice Act 1982: Receptions into Prison Department Establishments of Young Offenders**, Statistical Bulletin 3/84.

Home Office (1985a), **Circular 14/1985: The Cautioning of Offenders.**

Home Office (1985b), **Young Offenders in Prison Department Establishments Under The Criminal Justice Act 1982: July 1983 – June 1984**, Statistical Bulletin 2/1985.

Home Office (1985c), **The Sentencing of Young Offenders under the Criminal Justice Act 1982: July 1983 – June 1984**, Statistical Bulletin 12/85.

Home Office (1985d), **Criminal Statistics: England and Wales Supplementary Tables 1984 vol. 1: Proceedings in Magistrates Courts.**

Home Office (1985e), **Criminal Statistics: England and Wales Supplementary Tables 1984 vol. 2: Proceedings in the Crown Court.**

Home Office (1985f), **Criminal Statistics: England and Wales 1984**, Cmnd 9621, HMSO {Parliamentary Papers 1984 - 85 vol. Lvi}.

Home Office (1985g), **Prison Statistics: England and Wales 1984**, Cmnd 9622, HMSO {Parliamentary Papers 1984-85 vol. Lvi}.

Home Office (1986a), **The Sentencing of Young Offenders under the Criminal Justice Act 1982: July 1983 – June 1985**, Statistical Bulletin 14/86.

Home Office (1986b), **Criminal Statistics: England and Wales Supplementary Tables 1985 vol. 1: Proceedings in Magistrates Courts.**

Home Office (1986c), **Criminal Statistics: England and Wales Supplementary Tables 1985 vol. 2: Proceedings in the Crown Court.**

Home Office (1986d), **Criminal Statistics: England and Wales 1985**, Cm 10, HMSO {Parliamentary Papers 1985 - 86 vol. xxvii}.

Home Office (1986e), **Prison Statistics: England and Wales 1985**, Cmnd 9903, HMSO {Parliamentary Papers 1985-86 vol. Lii}.

Home Office (1987a), **Criminal Statistics: England and Wales Supplementary Tables 1986 vol. 1: Proceedings in Magistrates Courts.**

Home Office (1987b), **Criminal Statistics: England and Wales Supplementary Tables 1986 vol. 2: Proceedings in the Crown Court.**

Home Office (1987c), **Criminal Statistics: England and Wales 1986**, Cm 233, HMSO

{Parliamentary Papers 1987-88}.

Home Office (1987d), **Prison Statistics: England and Wales 1986**,

Home Office (1987e), **Crime and Treatment of Offenders: Criminal Justice Policy, Crime Strategy Seminar, Leeds Castle, 28<sup>th</sup> September 1987**, Home Office File 87 0029/0026/005 obtained through a Freedom of Information Act request.

Home Office (1988a), **Punishment, Custody and the Community**, Green Paper, Cm 424, HMSO {Parliamentary Papers 1987-88}.

Home Office (1988b), **Tackling Offending: An Action Plan**.

Home Office (1988c), **Criminal Statistics: England and Wales 1987**, Cm 498, HMSO {Parliamentary Papers 1987-88}.

Home Office (1988d), **Prison Statistics: England and Wales 1987**, Cm 547, HMSO, {Parliamentary Papers 1988-89}.

Home Office (1988e), **Criminal Statistics: England and Wales Supplementary Tables 1987 vol. 1: Proceedings in Magistrates Courts**.

Home Office (1988f), **Criminal Statistics: England and Wales Supplementary Tables 1987 vol. 2: Proceedings in the Crown Court**.

Home Office (1989a), **Criminal Statistics: England and Wales Supplementary Tables 1988 vol. 1: Proceedings in Magistrates Courts**.

Home Office (1989b), **Criminal Statistics: England and Wales Supplementary Tables 1988 vol. 2: Proceedings in the Crown Court**.

Home Office (1989c), **Criminal Statistics: England and Wales 1988**, Cm 847, HMSO {Parliamentary Papers 1988-89}.

Home Office (1989d), **Cautions, Court Proceedings and Sentencing in 1988**, Home Office Statistical Bulletin 21/89.

Home Office (1989e), **Prison Statistics: England and Wales 1988**, Cm 825, HMSO {Parliamentary Papers 1988-89}.

Home Office (1989f), **Ditchley Park Conference 22-23 September 1989: Managing the Criminal Justice System**, Home Office file 89 0004/0063/001 obtained through a Freedom of Information Act request.

Home Office (1990a), **Crime, Justice and Protecting the Public**, White Paper, Cm 965, HMSO.

Home Office (1990b), **Circular 59/1990: The Cautioning of Offenders**.

Home Office (1990c), **Prison Statistics: England and Wales 1989**, Cm 1221, HMSO {Parliamentary Papers 1989 – 90}.

Home Office (1990d), **Criminal Statistics: England and Wales Supplementary Tables 1989 vol. 1: Proceedings in Magistrates Courts**.

Home Office (1990e), **Criminal Statistics: England and Wales Supplementary Tables 1989 vol. 2: Proceedings in the Crown Court**.

Home Office (1990f), **Criminal Statistics: England and Wales 1989**, Cm 1322, HMSO {Parliamentary Papers 1990-91}.

Home Office (1990g), **Cautions, Court Proceedings and Sentencing in 1989**, Home Office Statistical Bulletin 20/90.

Home Office (1990h), **Criminal Justice Conference July 1990: The System in Context: Shrigley Hall 8 – 13 July 1990**, Home Office file 91 004/0096/001 obtained through a Freedom of Information Act request.

Home Office (1991a), **The Government's Public Expenditure Plans 1991 – 92 to 1993-94 For The Home Office and the Charity Commission**, Cm 1509, HMSO {Parliamentary Papers 1990-91}.

Home Office (1991b), **Criminal Statistics: England and Wales Supplementary Tables 1990 vol. 1: Proceedings in Magistrates Courts**.

Home Office (1991c), **Criminal Statistics: England and Wales Supplementary Tables 1990 vol. 2: Proceedings in the Crown Court**.

Home Office (1991d), **Cautions, Court Proceedings and Sentencing in 1990**, Home Office Statistical Bulletin 31/91.

Home Office (1992a), **Criminal Statistics: England and Wales 1990**, Cm 1935, HMSO {Parliamentary Papers 1992-93 vol. Lxi}.

Home Office (1992b), **Criminal Statistics: England and Wales Supplementary Tables 1991 vol. 1: Proceedings in Magistrates Courts**.

Home Office (1992c), **Criminal Statistics: England and Wales Supplementary Tables 1991 vol. 2: Proceedings in the Crown Court**.

Home Office (1992d), **Cautions, Court Proceedings and Sentencing 1991**, Home Office Statistical

- Bulletin 30/92.
- Home Office (1992e), **Prison Statistics: England and Wales 1990**, Cm 1800, HMSO {Parliamentary Papers 1991-92}.
- Home Office (1993a), **Criminal Statistics: England and Wales Supplementary Tables 1992 vol. 1: Proceedings in Magistrates Courts.**
- Home Office (1993b), **Criminal Statistics: England and Wales Supplementary Tables 1992 vol. 2: Proceedings in the Crown Court.**
- Home Office (1993c), **Criminal Statistics: England and Wales 1991**, Cm 2134, HMSO {Parliamentary Papers 1992 – 93 vol. Lxxii}.
- Home Office (1993d), **Criminal Statistics: England and Wales 1992**, Cm 2410, HMSO, {Parliamentary Papers 1993 – 94 vol. Lv}.
- Home Office (1993e), **Cautions, Court Proceedings and Sentencing 1992**, Home Office Statistical Bulletin 24/93.
- Home Office (1993f), **Prison Statistics: England and Wales 1991**, Cm, 2157, HMSO {Parliamentary Papers 1992-93 vol. lxxiii}.
- Home Office (1994a), **Criminal Statistics: England and Wales Supplementary Tables 1993 vol. 1: Proceedings in Magistrates Courts.**
- Home Office (1994b), **Criminal Statistics: England and Wales Supplementary Tables 1993 vol. 2: Proceedings in the Crown Court.**
- Home Office (1994c), **Criminal Statistics: England and Wales 1993**, Cm 2680, HMSO {Parliamentary Papers 1993-94 vol. Lxxv}.
- Home Office (1994d), **Cautions, Court Proceedings and Sentencing 1993**, Home Office Statistical Bulletin 19/94.
- Home Office (1994e), **Prison Statistics England and Wales 1992**, Cm 2581, HMSO {Parliamentary Papers 1993-94 vol. Lxviii}.
- Home Office (1994f), **The Cautioning of Offenders**, Circular 18/94.
- Home Office (1995a), **Criminal Statistics: England and Wales Supplementary Tables 1994 vol. 1: Proceedings in Magistrates Courts.**
- Home Office (1995b), **Criminal Statistics: England and Wales Supplementary Tables 1994 vol. 2: Proceedings in the Crown Court.**
- Home Office (1995c), **Criminal Statistics: England and Wales 1994**, Cm 3010, HMSO {Parliamentary Papers 1994-95 vol. Lxxii}.
- Home Office (1995d), **Prison Statistics: England and Wales 1993**, Cm 2893, HMSO {Parliamentary Papers 1994-95 vol. Lxvii}.
- Home Office (1996a), **Criminal Statistics: England and Wales Supplementary Tables 1995 vol. 1: Proceedings in Magistrates Courts.**
- Home Office (1996b), **Criminal Statistics: England and Wales Supplementary Tables 1995 vol. 2: Proceedings in the Crown Court.**
- Home Office (1996c), **Criminal Statistics: England and Wales 1995**, Cm 3421, HMSO {Parliamentary Papers 1996-97 vol. xxviii}.
- Home Office (1996d), **Prison Statistics: England and Wales 1994**, Cm 3087, HMSO {Parliamentary Papers 1995-96}.
- Home Office (1996e), **Prison Statistics: England and Wales 1995**, Cm 3355, HMSO, {Parliamentary Papers 1995-96}.
- Home Office (1997a), **Criminal Statistics: England and Wales Supplementary Tables 1996 vol. 1: Proceedings in Magistrates Courts.**
- Home Office (1997b), **Criminal Statistics: England and Wales Supplementary Tables 1996 vol. 2: Proceedings in the Crown Court.**
- Home Office (1997c), **Criminal Statistics: England and Wales 1996**, Cm 3764, HMSO {Parliamentary Papers 1997-98 vol. Lxx}.
- Home Office (1997d), **Prison Statistics: England and Wales 1996**, Cm 3732, HMSO {Parliamentary Papers 1997-98 vol. Lxix}.
- Home Office (1998a), **Criminal Statistics: England and Wales Supplementary Tables 1997 vol. 1: Proceedings in Magistrates Courts.**
- Home Office (1998b), **Criminal Statistics: England and Wales Supplementary Tables 1997 vol. 2: Proceedings in the Crown Court.**
- Home Office (1998c), **Criminal Statistics: England and Wales 1997**, Cm 4162, HMSO {Parliamentary Papers 1998-99 vol. Liii}.
- Home Office (1998d), **Prison Statistics: England and Wales 1997**, Cm 4017, HMSO {Parliamentary Papers 1997-98 vol. Lxxxv}.

- Home Office (1999a), **Criminal Statistics: England and Wales 1998**, HMSO.
- Home Office (1999b), **Prison Statistics: England and Wales 1998**, HMSO.
- Home Office (2000a), **Criminal Statistics: England and Wales 1999**, Cm 5001, HMSO {Parliamentary Papers 2000-2001 vol. xxxix}.
- Home Office (2000b), **Prison Statistics: England and Wales 1999**, Cm 4805, HMSO {Parliamentary Papers 1999-2000 vol. Lxxxi}.
- Home Office (2001a), **Criminal Statistics: England and Wales 2000**, Cm 5312, HMSO {Parliamentary Papers 2001-2 vol. Lxxvii}.
- Home Office (2001b), **Prison Statistics: England and Wales 2000**, Cm 5250, HMSO {Parliamentary Papers 2001-02 vol. Lxxv}.
- Home Office (2002a), **Prison Statistics: England and Wales 2001**, Cm 5743, HMSO {Parliamentary Papers 2002-03}.
- Home Office (2002b), **Criminal Statistics: England and Wales 2001**, Cm 5696, HMSO {Parliamentary Papers 2002-03}.
- Home Office (2003), **Prison Statistics: England and Wales 2002**, Cm 5996, HMSO {Parliamentary Papers 2002-03}.
- Home Office, Welsh Office and DHSS (1980), **Young Offenders**, White Paper, Cmnd 8045, HMSO {Parliamentary Papers 1983-4 vol. Lxiii}.
- Home Office, Welsh Office, DHSS & Department of Education and Science (1976), **Observations on the Eleventh Report of the Expenditure Committee**, Cmnd. 6494, HMSO {Parliamentary Papers 1975-76 vol. xxxiv p. 29ff}.
- Hood R (1965), **Borstal Reassessed**, Heinemann.
- Hope, P (1985), 'Willing To Make Amends', **Youth in Society** 102 (May) p. 24.
- Hough, M (1975), 'Police Cautioning', **Home Office Research Bulletin** 4 pp. 1 – 4.
- Hounslow Action for Youth (1988), **Sixteen Plus Project: First Annual Report**.
- House of Commons (1967), **Eleventh Report from the Estimates Committee: session 1966-67: Prisons, Borstals and Detention Centres**, HC 599: 1966-67 {Parliamentary Papers 1966-67, vol. xiv p. 1 ff}.
- House of Commons (1975a), **Eleventh Report from the Expenditure Committee, session 1974 – 75: The Children and Young Persons Act 1969, Volume 1: Report**, HC 534, HMSO {Parliamentary Papers 1974-5 vol. xxiii}.
- House of Commons (1975b), **Eleventh Report from the Expenditure Committee, session 1974 – 75: The Children and Young Persons Act 1969, Volume II: Minutes of Evidence and Appendices** HC 534 - ii, HMSO {Parliamentary Papers 1974-5 vol. xxiii}.
- House of Commons (1981), **Fourth Report from the Home Affairs Committee, session 1980- 81: The Prison Service**, HC 412-I, HMSO {Parliamentary Papers 1980-81 vol. xxxvi}.
- House of Commons (1985), **Second Report from the Social Services Committee: Community Care with special reference to adult mentally ill and mentally handicapped people**, HC 13 – i, 1984-85 {Parliamentary Papers 1984-85 vol ix}.
- House of Commons (1987), **Third Report from the Home Affairs Committee, session 1986-87: State and Use of Prisons**, HMSO {Parliamentary Papers 1986 – 87 vol. vii}.
- House of Commons (1990), **Fourth Report from the Home Affairs Committee, session 1989 - 90: The Crown Prosecution Service**, HC 118: 1989-90, HMSO.
- House of Commons (1993a), **Sixth Report from the Home Affairs Committee, 1992-93: Juvenile Offenders**, Vol. I: Report, HC 441-I, HMSO.
- House of Commons (1993b), **Sixth Report from the Home Affairs Committee, 1992-93: Juvenile Offenders**, Vol. II: Memoranda of Evidence, HC 441-II, HMSO.
- House of Commons (1994), **First Report from the Health Committee, 1993- 94: Better Off in the Community: The Care of People Who Are Seriously Mentally Ill**, HC 102 -i, 1993-94, HMSO {Parliamentary Papers 1993-94 vol. xx}.
- Howard, F J (1967), 'Corporal punishment – another viewpoint', **Approved Schools Gazette** vol. 61 no. 7 (October) pp. 343 – 344.
- Howard League (1977), **'Unruly' Children in a Human Context**.
- Howard League (1987), **Evidence to the Home Affairs Committee of the House of Commons**.
- Howard League (1994), **The Howard League's Good Practice Guide on Working with Young Offenders**, Bellew.
- Howell, S C (1991), 'Deinstitutionalization of the Mentally Ill: Implications for Social Housing Policy in the United States', **Journal of Architectural and Planning Research** 8 pp. 331 – 342.
- Hudson, B (1983), 'Trouble at the big house', **Social Work Today** vol. 15 no. 1 (6.9.83) pp. 12 – 15.
- Hudson, B (1984), 'The Rising Use of Imprisonment: the impact of 'decarceration' policies', **Critical**



- Social Policy** 4:2 pp. 46 – 59.
- Hudson, B (1985), 'Justice versus Welfare: where is the "New Pragmatism" taking us', in Yorkshire and Humberside Intermediate Treatment Association, **Training Anthology**, Leeds, YHITA, pp. 63 – 65.
- Hudson, B (1987), **Justice Through Punishment**, Macmillan.
- Hudson, B (1989), 'Justice or Welfare: A comparison of recent developments in the English and French juvenile justice systems', in Cain M ed., **Growing Up Good: Policing the Behaviour of Girls in Europe**, Sage, pp. 96 – 113.
- Hudson, B (1993), **Penal Policy and Social Justice**, Basingstoke, Macmillan.
- Hudson, B (1994), 'Punishing the Poor: A Critique of the Dominance of Legal Reasoning in Penal Policy and Practice', in Duff, A., Marshall, S., Dobash, R E & Dobash, R P eds., **Penal Theory and Practice: Tradition and Innovation in Criminal Justice**, Manchester, Manchester University Press/Fulbright Commission, pp. 292 – 305.
- Hudson, B (1996), **Understanding Justice: An introduction to ideas, perspectives and controversies in modern penal theory**, Buckingham, Open University Press.
- Hudson, J (1976), letter to **Social Work Today**, vol. 7 No. 6 (10.6.76) p. 183.
- Hughes, G., Leisten, R & Pilkington A (1996), **An Independent Evaluation of the Northamptonshire Diversion Unit**, Northampton, Nene College of Higher Education.
- Hughes, G., Pilkington, A & Leisten, R (1998), 'Diversion in a Culture of Severity', **Howard Journal** 37 pp. 16 – 33.
- Hullin, R (1985), 'The Cautioning of Juvenile Offenders', **Justice of the Peace** vol. 149 no. 20 (18.5.85) p. 312.
- Hulsman, L H C., Beerling, H W R & Dijk, E van (1978), 'The Dutch Criminal Justice System from a Comparative Legal Perspective', in Fokkema, D C et al. eds., **Introduction to Dutch Law for Foreign Lawyers**, Netherlands, Kluwer, 289 – 377.
- Humphries, S., Blunden, R., Wilson, C., Newman, T & Pagler, J (1985), **Planning For Progress: A Collaborative Evaluation of the Individual Planning System in NIMROD**, Cardiff, Mental Handicap in Wales Applied Research Unit.
- Hunt, C (2000), 'Alternative Sanctions: An American Experiment Incorporating Youth Rights – An Approach for the Twenty First Century', in Pickford, J ed., **Youth Justice: Theory and Practice** Cavendish, pp. 247 – 269.
- Hunter, G M (1976), 'Intermediate Treatment in Newcastle Upon Tyne', **Social Work Service** 11 pp. 20 – 23.
- Hurd, D (1988), 'an address', **The Magistrate** vol. 44 no. 5 (May) pp. 90 – 91.
- Hyland, J (1993), **Yesterday's Answers: Development and Decline of Schools for Young Offenders**, Whiting & Birch.
- Hylton, J (1981a), **Reintegrating The Offender: Assessing The Impact of Community Corrections**, Washington DC, University Press of America.
- Hylton, J (1981b), 'The Growth of Punishment: Imprisonment and Community Corrections in Canada', **Crime and Social Justice** pp. 18 – 28.
- Hylton, J H (1981c), 'Community Corrections and Social Control: The case of Saskatchewan', **Contemporary Crises** 5 pp. 193 – 215.
- Hylton, J H (1982), 'Rhetoric and Reality: A Critical Appraisal of Community Correctional Programs', **Crime and Delinquency** 28 pp. 341 – 373.
- ILPS (1988), **Demonstration Unit Phase two 1985-1988**, Inner London Probation Service.
- Innes, M (2003), **Understanding Social Control: Deviance, Crime and Social Order**, Maidenhead, Open University Press.
- Irving, B & McKenzie, I (1989), **Police Interrogation**, Police Foundation.
- Isralowitz, R E (1979), 'Deinstitutionalization and the serious juvenile offender', **Juvenile and Family Court Journal** 30: 3 pp. 21 – 29.
- Isralowitz, R E & Harshbarger, L S (1979), 'The Massachusetts Task Force on secure facilities: An examination of the issue of security in a community-based system of corrections', **Juvenile and Family Court Journal** 30: 2 pp. 29 – 36.
- IT Mailing (1979), 'news', **IT Mailing** (National Youth Bureau) 4 (May) p. .5.
- Jacobs, J B (2007), 'Finding alternatives to the carceral state', **Social Research** 74 pp. 695 – 699.
- James, A L (1981), 'Policies into Practice: Intermediate Treatment and Community Service

- Compared', **Journal of Social Policy** 10 pp. 145 – 180.
- James, C (1972), 'Further consideration', **Criminal Law Review**, November pp. 688 – 692.
- James, O & Lodge, M (2003), 'The limitations of 'policy transfer' and 'lesson drawing' for public policy research', **Political Studies Review** 1 pp. 179 – 193.
- Jaques, P B (1976), 'Intermediate treatment in Coventry', **Social Work Service**, 11 pp. 24 - 25
- Jarvis, F (1966), 'The Probation Service – The Effect of the White Paper', **British Journal of Criminology** 6 pp. 1523 – 158.
- Jarvis M & Patten, J (1989), 'Radical Reforms and Golden Opportunities', **Social Work Today** vol. 20 no. 26 (9.3.89) pp. 12 – 13.
- Jay, D (1980), **Change and Fortune**, Hutchinson.
- Jenkins, R (1991), **A Life At The Centre**, Macmillan.
- Jensen, R (1981), 'Oral History, Quantification, and the New Social History', **Oral History Review**, 9 pp. 13 - 25
- John, P (1998), **Analysing Public Policy**, Continuum.
- Johnson, E H & Heijder, A (1983), 'The Dutch Deemphasise Imprisonment: A Sociocultural and Structural Explanation', **International Journal of Comparative and Applied Justice**, 7 pp. 3 – 19.
- Johnson, R., Hoelter, H J & Miller, J G (1981), 'Juvenile Decarceration: An Exploratory Study of Correctional Reform', in Zimmerman, S E & Miller, H D ed., **Corrections at the Crossroads: Designing Policy**, Beverley Hills, Sage, pp. 151 – 173.
- Johnson, T & Green, C (1985), 'Appeals and the Social Work Ethos', in Yorkshire and Humberside Intermediate Treatment Association, **Training Anthology**, Leeds, YHITA, pp. 40 – 47.
- Johnstone, E C (1991), 'Disabilities and Circumstances of Schizophrenic Patients – A follow-up study', **British Journal of Psychiatry** 159: Supplement No. 13.
- Jones, C O (1984), **An Introduction to the Study of Public Policy**, 3<sup>rd</sup> edition, Belmont, California, Wadsworth.
- Jones, D (1984), 'letter' to **Community Care** no. 537 (8.11.84) p. 8.
- Jones, D (1987), 'Recent Developments in Work with Young Offenders', in Coleman, J C ed., **Working With Troubled Adolescents: A Handbook**, Academic Press, pp. 265 – 279.
- Jones, D (1989a), 'The Successful Revolution', **Community Care "Inside" Supplement**, (30.3.89) pp. i – ii.
- Jones, D (1989b), 'The end of the 7(7) care order', **Justice of the Peace** vol. 153 pp. 10 – 11.
- Jones, D (1990), 'The Rise and fall of the 7(7) care order', **Ajjust** 22 pp. 5 – 7.
- Jones, D W (1993), 'The successful revolution in juvenile justice continues – but for how long', **Justice of the Peace**, vol. 157 pp. 297 - 298.
- Jones, D (1996), 'Tough on Crime and Nasty to Children', **Prison Report** 36 pp. 4 – 5.
- Jones, D (2001), "Misjudged Youth": A Critique of the Audit Commission's Reports on Youth Justice', **British Journal of Criminology** 41 pp. 362 – 380.
- Jones, D W (2002), 'Questioning New Labour's Youth Justice Strategy: A review article', **Youth Justice** 1:3 pp. 14 - 26.
- Jones, D W (2005), 'The role of the appropriate adult', in Bateman T & Pitts, J, eds, **The RHP Companion to Youth Justice**, Lyme Regis, Dorset, Russell House Publishing, pp. 72 – 76.
- Jones, H D (1960), 'Carlton in Perspective', **British Journal of Delinquency** 10 pp. 295 – 299.
- Jones, H (1964), 'Future of Approved Schools', **New Society**, vol 4: no. 107 (15.10.64) pp. 17 – 18.
- Jones, J G (1972), 'letter' to **Justice of the Peace** vol. 136 no. 34 (19.8.72) p. 545.
- Jones, K (1982), 'Scull's Dilemma', **British Journal of Psychiatry** 141 pp. 221 – 226.
- Jones, K (1993), **Asylums and After: A Revised History of the Mental Health Services: From the Early 18<sup>th</sup> Century to the 1990's**, Athlone Press.
- Jones, K & Poletti, A (1984), 'The Mirage of a Reform', **New Society** vol. 70 no. 1137 (4.10.84) pp. 10 – 12.
- Jones, K & Poletti, A (1985a), 'Understanding The Italian Experience', **British Journal of Psychiatry**, 146 pp. 341 – 347.
- Jones, K & Poletti, A (1985b), 'The Italian Transformation of the Asylum: A Commentary and Review', **International Journal of Mental Health** 14 pp. 195 – 212.
- Jones, K & Poletti, A (1986), 'The "Italian Experience" Reconsidered', **British Journal of Psychiatry** 148 pp. 144 – 150.
- Jones, R (1975), 'Where IT's at: Locating intermediate treatment', **Youth Social Work Bulletin** vol. 2 no. 5 (August-September) pp. 6 – 8.
- Jones, R (1976), 'getting IT together – integrating intermediate treatment', **Social Work Today**, Vol. 7 No. 5 (27.5.76), p. 130 – 133.

- Jones, R (1979), 'letter' to **Community Care** 263 (10.5.79) p. 9.
- Jones, R (1980), 'The preventive and the penal: a comment on two models of intermediate treatment', **Journal of Adolescence** 3 pp. 307 – 320.
- Jones, R (1984a) 'Questioning the new orthodoxy: I.T. is just for young offenders?', **Community Care** no. 533 (11.10.84) pp. 26 – 29.
- Jones, R (1984b), 'Facing up to trouble', **Community Care** no. 534 (18.10.84) pp. 24 – 27.
- Jones R & Kerslake, A (1979), **Intermediate Treatment and Social Work**, Heinemann.
- Journal of Social Welfare Law (1978), 'editorial', **Journal of Social Welfare Law**, 1978-79 pp. 129 – 132.
- Jupp, V (2001), 'Triangulation', in McLaughlin, E & Muncie, J., eds, **The Sage Dictionary of Criminology**, p. 308.
- Justice of the Peace (1960a), 'Notes of the week', **Justice of the Peace and Local Government Review** vol. 124 no. 1 (2.1.60) p. 1.
- Justice of the Peace (1960b), 'Notes of the week', **Justice of the Peace and Local Government Review** vol. 124 no. 21 (21.5.60) p. 331.
- Justice of the Peace (1960c), 'Notes of the week', **Justice of the Peace and Local Government Review** vol. 124 no. 45 (5.11.60) p. 712.
- Justice of the Peace (1960d), 'The Report of the Committee on Children and Young Persons', **Justice of the Peace and Local Government Review** vol. 124 no. 52 (24.12.60) p. 836.
- Justice of the Peace (1962), 'Magisterial Punishments- I: The Detention Centre', **Justice of the Peace and Local Government Review** vol. 126 no. 36 (8.9.62) pp 558 – 559.
- Justice of the Peace (1965a), 'New Plans for the Young Offender', **Justice of the Peace and Local Government Review** vol. 129 no. 36 (4.9.65) pp 583 – 584.
- Justice of the Peace (1965b), 'Miscellaneous Information', **Justice of the Peace and Local Government Review** vol. 129 no. 37 (11.9.65) p. 603.
- Justice of the Peace (1968a), 'Children in Trouble', **Justice of the Peace** vol. 132 no. 21 (25.5.68) pp. 339 – 340.
- Justice of the Peace (1968b), 'Notes of the week', **Justice of the Peace** vol. 132 no. 34 (24.8.68) p. 537.
- Justice of the Peace (1969a), 'The Children and Young Person's Bill: Magistrates' Association views', **Justice of the Peace** vol. 133 no. 16 (19.4.69) p. 262.
- Justice of the Peace (1969b), 'NAPO and the Children and Young Person's Bill', **Justice of the Peace** vol. 133 no. 18 (3.5.69) pp. 296 – 297.
- Justice of the Peace (1970a), 'Howard League: Annual General Meeting', **Justice of the Peace** vol. 134 no. 2 (10.1.70) p. 42.
- Justice of the Peace (1970b), 'The Demise of the Detention Centre', **Justice of the Peace** vol. 134 no. 22 (30.5.70) pp. 428 – 429.
- Justice of the Peace (1970c), 'Association of Children's Officers', **Justice of the Peace** vol. 134 no. 41 (10.10.70) pp. 757 – 758.
- Justice of the Peace (1971a), 'The Children and Young Person's Act', **Justice of the Peace** vol. 135 no. 31 (31.7.71) pp. 536 – 537.
- Justice of the Peace (1971b), 'Magistrates' Association Training Conference', **Justice of the Peace** vol. 135 no. 34 (21.8.71) p. 596.
- Justice of the Peace (1971c), 'Thames Valley Police: Chief Constable', **Justice of the Peace** vol. 135 no. 34 (21.8.71) p. 599.
- Justice of the Peace (1972a), 'Notes of the Week', **Justice of the Peace** vol. 136 no. 21 (20.5.72) pp. 322 – 323.
- Justice of the Peace (1972b), 'The Children and Young Person's Act', **Justice of the Peace** vol. 136 no. 20 (13.5.72) pp. 321 – 322.
- Justice of the Peace (1972c), 'Conferences, Meetings etc.', **Justice of the Peace** vol. 136 no. 42 (14.10.72) p. 670 – 671.
- Justice of the Peace (1972d), 'Conferences, Meetings etc.', **Justice of the Peace** vol. 136 no. 43 (21.10.72) p. 686 – 687.
- Justice of the Peace (1975a), 'Conferences, Meetings etc.', **Justice of the Peace** vol. 139 no. 10 (8.3.75) p. 142.
- Justice of the Peace (1975b), 'Children and the Law', **Justice of the Peace** vol. 139 no. 28 (12.7.75) pp. 405 – 406.
- Justice of the Peace (1979), 'Notes of the Week', **Justice of the Peace** vol. 143 no. 28 (14.7.79) p. 385.
- Justice of the Peace (1983a), 'Notes of the Week', **Justice of the Peace** vol. 147 no. 5 (29.1.83) p. 67.
- Justice of the Peace (1983b), 'young offenders', **Justice of the Peace** vol. 147 no. 12 (19.3.83) pp. 182

- Justice of the Peace (1983c), 'Juvenile Offenders – Changes in the Law of Care and Supervision', **Justice of the Peace** vol. 147 no. 13 (26.5.83) pp. 195 – 198.
- Kahan, B (1966), 'The Child, The Family and The Young Offender: Revolutionary or Evolutionary', **British Journal of Criminology** 6 pp. 159 – 169.
- Kahan, B (1967), 'Approved School Dilemma', **New Society** vol. 10 no. 225 (17.8.67) pp. 226 – 7.
- Kaiser Commission (2007), **Learning From History: Deinstitutionalization of People with Mental Illness As Precursor to Long-Term Care Reform**, The Henry Kaiser Foundation Commission Report on Medicaid and the Uninsured prepared by Koyanagi & Bazelon, D L.
- Kane, R (1972), 'RAP – How we got started and what we do', **Christian Action Journal** (summer) pp. 3 – 4 and 24.
- Katkin, D., Hyman, D & Kramer, J (1976), 'An Interview with Dr. Jerome Miller: A Radical Perspective on Juvenile Corrections', in Katkin, D., Hyman, D & Kramer, J eds., **Delinquency and the Juvenile Justice System**, North Scituate, Massachusetts, Duxbury.
- Kaufman, G ed. (1983), **Renewal: Labour's Britain in the 1980's**, Harmondsworth, Penguin.
- Kay, J (1965), 'Equity in Law – a Fiction?', **Justice of the Peace** vol. 129 no. 39 (25.9.65) pp. 634 – 635.
- Keeler, J T S (1993), 'Opening the Window for Reform: Mandates, crises and extraordinary policy-making', **Comparative Political Studies** 20 pp. 433 – 486.
- Keith, S (1992), 'The Criminal Histories of Those Cautioned in 1985 and 1988', **Home Office Research Bulletin** 32 pp. 44 – 46.
- Kelk, C (1995), 'Criminal Justice in the Netherlands', in Fennell, P., Harding, C., Jorg, N & Swart, B eds., **Criminal Justice in Europe: a Comparative Study**, Oxford University Press, pp. 1 – 20.
- Kelley, F J (1962), 'The Juvenile Court – Salvation or Damnation for Youthful Offenders', **Michigan State Bar Journal** 41 pp. 24 – 31.
- Kellmer-Pringle, M (1977), 'Intermediate Treatment – an overview', **Concern** (National Children's Bureau magazine) 24 (Summer) pp. 6 – 11.
- Kemshall, H (1986), 'The Justice Model in Warwickshire', **Probation Journal** 33 pp. 106 – 108.
- Kemshall, H (2010), 'Risk Rationalities in Contemporary Social Work Policy and Practice', **British Journal of Social Work** 40 pp. 1247 – 1262.
- Kendall, G & Wickham, G (1999), **Using Foucault's Methods**, Sage.
- Kennedy, J F (1963), **Message From The President of the United States Relative to Mental Illness and Mental Retardation**, 88<sup>th</sup> Congress, 1<sup>st</sup> session, Document No. 58, 5<sup>th</sup> February.
- Kenney, M (1978), 'New hope for the troubled young', **Community Home Schools Gazette** vol. 71 no. 10 (January) pp. 454 – 464.
- Kerslake, A (1983), 'How much do young offenders need social work?', **Journal of Adolescence** 6 pp. 347 – 358.
- Kerslake, A (1984a), 'Intermediate Treatment: Conflicts of Policy and Practice', in Caul, B., McCarney, W & Cunningham, G eds., **Alternatives to Residential Care and Custody**, Ulster Polytechnic, pp. 13 – 25.
- Kerslake, A (1984b), 'I.T. Caught in the Policy Crossfire', **Youth in Society** 94 (September) pp. 14 – 15.
- Kerslake, A (1987), 'Unintended consequences?', **Community Care** 652 (19.3.87) pp. 24 – 26.
- Kerslake A & Cramp, J (1988), **A New Child Care Model: The Evidence for Change**, University of Bath.
- Kettle, M (1981), 'A taste of custody', **New Society** vol. 58 no. 995 (10.1.81) pp. 455 – 456.
- Khoosal, D & Jones, P (1991), 'Worcester Development Project: where do patients go when hospitals close', **Health Trends** 22: 4 pp. 137 – 141.
- Kibbler, J (1981), 'In defence of CHE's', **Community Care** 390 (10.12.81) pp 23 – 24.
- Kidner, D H (1985), 'Guidelines on Cautioning: A Justice's Clerk's View', **Justice of the Peace** vol. 149 no. 20 (18.5.85), pp. 308 – 309.
- Kiernan, C ed. (1993), **Research to Practice? Implications of Research on the Challenging Behaviour of People with Learning Disability**, Clevedon, Avon, British Institute of Learning Difficulties.
- Killeen, O (1986), 'short sharp death', **New Society** vol. 77 no. 1233 (15.8.86) pp. 9 - 11.
- Kim, S., Larson, S A & Lakin, K C (1999), **Behavioural Outcomes of Deinstitutionalization for People with Intellectual Disabilities: A review of studies conducted between 1980 and**

- 1999, University of Minnesota Policy Research Brief, US Department of Education.
- Kim, S., Larson, S A & Lakin, K C (2001), 'Behavioural outcomes of deinstitutionalization for people with intellectual disability: a review of US studies conducted between 1980 and 1999', **Journal of Intellectual and Developmental Disabilities** 26 pp. 35 – 50.
- King's Fund (1980), **An Ordinary Life: comprehensive locally-based residential services for mentally handicapped people.**
- King's Fund (1982), **Ties and Connections: An Ordinary Community Life for People with Learning Difficulties.**
- King's Fund (1984), **An Ordinary Working Life**, Project Paper 50.
- Kingdon, J W (1995), **Agenda's, Alternatives and Public policy**, 2<sup>nd</sup> edition, New York, Harper Collins.
- Kirk, A C S (1968), 'School Reports to the Juvenile Courts', **Justice of the Peace** vol. 132 no. 2 (13.1.68) p. 27.
- Klare, H (1972), 'Its PROP; but is it Proper', **Justice of the Peace** vol. 136 no. 34 (19.8.72) pp. 536 – 537.
- Klare, H (1973), 'Closing Correctional Institutions', **Justice of the Peace** vol. 137 no. 45 (10.11.73) pp. 683 – 684.
- Klein, M W (1983), 'Where Juvenile Justice Meets Social Service: Social Intervention With Troubled Youth', in Seidman, E ed., **Handbook of Social Intervention**, Beverley Hills, Sage, pp.362 – 384.
- Klein, R & Maroner, T R (2006), 'Reflections on Policy Analysis', in Moran, M., Rein, M., & Gordon, R E., eds., **The Oxford Handbook of Public Policy**, Oxford, Oxford University Press, pp. 892 – 912.
- Knapp, M & Robertson, E (1986), 'Has Intermediate Treatment Proved Cost-Effective?', **Crime UK** pp. 57 – 66.
- Knapp, M & Robertson, E (1989), 'The cost of services', in Kahan, B ed., **Child Care Research, Policy and Practice**, Hodder & Stoughton, pp. 231 – 259.
- Knight, L (1975), 'keeping on the right track', **Community Care**, 75 (3.9.75) pp. 18 – 21.
- Knight, L (1976), 'kids they couldn't foster', **Community Care** 129 (22.9.76) pp. 19 – 21.
- Knowsley Alternatives to Custody (1987), **Sentencing and Remands in Knowsley Petty Sessional Division Juvenile Courts and the impact of alternative to custody programmes, Jan – June 1987**, Children's Society.
- Kobrin S & Klein, M W (1982), **National Evaluation of the Deinstitutionalization of Status Offenders Programs: Executive Summary**, Department of Justice, Office of Juvenile Justice and Delinquency Prevention, National Institute of Juvenile Justice and Delinquency Prevention, Washington DC, US Government Printing Office.
- Kobrin S & Klein, M W (1983) **Community Treatment of Juvenile Offenders: The DSO Experiments**, Sage.
- Korman, N & Glennerster, H (1990), **Hospital Closure: A political and economic study**, Milton Keynes, Open University Press.
- Krisberg, B (2005), **Juvenile Justice: Redeeming Our Children**, Beverley Hills, Sage.
- Krisberg B & Austin, J F (1993), **Reinventing Juvenile Justice**, Newbury Park, California, Sage.
- Krisberg, B and Schwartz, I (1983), 'Rethinking Juvenile Justice', **Crime and Delinquency** 29 pp. 333 –364.
- Kruttschnitt, C & Vuolo, M (2007), 'The cultural context of women prisoners' mental health: A comparison of two prison systems', **Punishment and Society** 9 pp. 115 – 150.
- Kugel R B & Wolfensberger, W eds. (1969), **Changing Patterns in Residential Services for the Mentally Retarded**, Presidents Commission on Mental Retardation, Washington DC, US Government Printing Office.
- Kuper, J (1986), 'Should young people be sentenced to "a short sharp shock"?' **Justice of the Peace** vol. 150 no. 50 (13.12.86) pp. 792 - 793.
- Kynaston, D (2007), **Austerity Britain 1945 - 51**, Bloomsbury.
- Labour Party (1964), **Crime – A challenge to us all**, Report of a study group chaired by Lord Longford.
- Lacey, M (1984), 'Intermediate Treatment: A Theory for Practice', **Probation Journal** 31 pp. 104-107.
- Lacey, R (1980), 'Care and supervision orders – should the length be fixed', in Howard League, **Juvenile Offenders: Care, Control or Custody: Report of a Howard League Conference**

- at the Guildhall 12 June 1980, pp. 17 – 25.
- Lacey, R (1984), 'Letter' to **New Society** vol. 70 no. 1143 (15.11.84) pp. 26 – 27.
- Laethen, A (1984), **Secure Accommodation in London: The Impact of the 1982 Criminal Justice Act**, London Boroughs Children's Regional Planning Committee.
- Lakin, K C & Bruininks, R H (1985), 'Social Integration of Developmentally Disabled Persons', in Lakin, K C & Bruininks, R H eds., **Strategies for Achieving Community Integration of Developmentally Disabled Citizens**, Baltimore, Paul H Brookes, pp. 3 – 25.
- Lakin, K C., Bruininks, R H & Larson, S A (1992), 'The Changing Face of Residential Services', in Rowitz, L ed., **Mental Retardation in the Year 2000**, New York, Springer-Verlag, pp 197 – 247.
- Lakin, K C., Anderson, L., Prouty, R & Polister, B (1999), 'Trends and Milestones: State Institution Populations Less Than One Third of 1977, Residents older with more impairments', **Mental Retardation** 37 pp. 85 – 86.
- Lamb, H R (1977), 'The Long-Term Patient in the Era of Community Treatment', **Archives of General Psychiatry** 34 pp. 679 – 682.
- Lamb, H R (1979), 'The New Asylums in the Community', **Archives of General Psychiatry** 36 pp. 129 – 134.
- Lamb, H R (1981), 'What did we really expect from deinstitutionalization?', **Hospital and Community Psychology** 32 pp. 5 – 9.
- Lamb, H R (1982), **Treating The Long-Term Mentally-Ill: Beyond Deinstitutionalization**, San Francisco, Jossey-Bass.
- Lamb, H R (1998), 'Deinstitutionalization at the beginning of the New Millennium', **Harvard Review of Psychiatry** 6 pp. 1 – 10.
- Land, H (1975), 'Detention Centres: the experiment which could not fail', in Hall, P., Land, H., Parker, R and Webb, A eds., **Change, Choice and Conflict in Social Policy**, Heinemann, pp. 311 – 370.
- Landau, S F (1981), 'Juveniles and the Police', **British Journal of Criminology** 21 pp. 27 – 46.
- Landau, S F and Nathan, G (1983), 'Selecting Delinquents for Cautioning in the London Metropolitan area', **British Journal of Criminology** 23 pp. 128 – 49.
- Langan, M & Lee, P eds. (1989), **Radical Social Work Today**, Unwin Hyman.
- Langan, P & Farrington, D P (1998), **Crime and Justice in the United States and in England and Wales 1981 – 96**, US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Langsley, D J., Machotka, P & Flomenhaft, K (1971), 'Avoiding Mental Health Admissions: A Follow-Up Study', **American Journal of Psychiatry** 127 pp. 1391 – 1394.
- Lappi-Seppalla, T (1998), **Regulating The Prison Population: Experiences from a Long-Term Policy in Finland**, Helsinki, National Research Institute of Legal Policy, Research Communication 38.
- Lappi-Seppalla, T (2001), 'Sentencing and Punishment in Finland: The Decline of the Repressive Ideal', in Tonry, M & Frase, R S eds., **Sentencing and Sanctions in Western Countries**, Oxford, Oxford University Press, pp. 92 – 150.
- Lappi-Seppalla, T (2007), 'Penal Policy in Scandinavia', in Tonry, M ed., **Crime, Punishment and Politics in Comparative Perspective: Crime and Justice: A Review of Research vol. 36**, pp. 217 – 295.
- Lapping, A (1965), 'Is a family service enough?', **New Society** No. 149 (5.8.65) pp. 16 - 17.
- Lapping, B (1970), **The Labour Government 1964 – 70**, Harmondsworth, Penguin.
- Larson, S A & Lakin, K C (1991), 'Parent Attitudes About Residential Placement Before and After Deinstitutionalization: A Research Synthesis', **Journal of the Association for Persons with Severe Handicaps** 16 pp. 25 – 38.
- Lasocik, L., Platek, M & Rzeplinska, I eds. (1989), **Abolitionism in History: On Another Way of Thinking**, Warsaw, Institute of Social Prevention and Resocialization.
- Lasswell, H D (1956), **The Decision Process**, College Park, Maryland, University of Maryland Press.
- Lasswell, H D (1974), 'Some Perplexities of Policy Theory', **Social Research**, 41 pp. 176 – 189.
- Latour, B (1987), **Science in Action**, Milton Keynes, Open University Press.
- Lauderdale, P & Larson, G (1978), 'Marxist and "Organisational" Approaches to Delinquency and the Sociology of Law: Crucial Problems in "Testing" the Perspective', **American Sociological Review** 43 pp. 922 – 925.
- Laurence, J (1984), 'cheap and tough', **New Society** vol 67: no. 1110 (1-3-84) p. 338.
- Laverack, K (1974), 'Absconding from Kneesworth House', **Community Schools Gazette** vol. 68 no. 1 pp. 5 – 24.

- Lawton, M P., Lipton, M B., Fulcomer, M C & Kleban, M H (1977), 'Planning for a Mental Hospital Phasedown', **American Journal of Psychiatry** 134 pp. 1386 – 1390.
- Laycock, G K (1977), **Absconding from Borstals**, Home Office Research Study 41, HMSO.
- Laycock, G & Tarling, R (1985a), 'Police force cautioning: policy and practice', **Home Office Research Bulletin** 19 pp. 23 – 26.
- Laycock, G & Tarling, R (1985b), 'Police Force Cautioning: Policy and Practice', **Howard Journal** 24 pp. 81 – 92.
- LBCRPC (1977), **A survey of London's CHE's in 1976**, London Borough's Children's Regional Planning Committee.
- LBCRPC (1981), **Intermediate Treatment: Review of Policies and Practices in the London Borough's**, London Borough's Children's Regional Planning Committee.
- Lea, J (1992), 'The analysis of crime', in Young, J & Matthews, R., eds., **Rethinking Criminology: The Realist Debate**, Sage pp. 69 – 94.
- Lea, J & Matthews, R (1992), 'Introduction: Left Realism, Crime Control and Policing in the 1990's', in Lowman, J & Maclean, B D., eds., **Realist Criminology: Crime Control and Policing in the 1990's**, Toronto, University of Toronto Press, pp. 3 – 29.
- Lea, J & Young, J (1984), **What is to be done about Law and Order**, Harmondsworth, Penguin.
- Leaf, J G (1988), **A History of the Internal Organisation of the State Reform School for Boys at Westborough, Massachusetts (1846 – 1874)**, unpublished doctoral thesis, Harvard University.
- Leary, M R (1981), 'The Distorted Nature of Hindsight', **Journal of Social Psychology** 115 pp. 25 – 29.
- Lee, M (1998), **Youth, Crime and Police Work**, Macmillan.
- Leff, J ed. (1997a), **Care in the Community: Illusion or Reality**, Chichester, Wiley.
- Leff, J (1997b), 'The Outcome for Long-Stay Non-Demented Patients', in Leff, J ed., **Care in the Community: Illusion or Reality**, Chichester, Wiley, pp. 68 – 92.
- Leff, J (1997c), 'The Future of Community Care', in Leff, J ed., **Care in the Community: Illusion or Reality**, Chichester, Wiley, pp. 203 – 210.
- Leff, J., Thornicroft, G., Coxhead, N & Crawford, C (1994), 'The TAPS Project 22: A five-year follow up of long-stay psychiatric patients discharged to the community', **British Journal of Psychiatry** 165 supplement 25 pp. 13 – 17.
- Leff, J., Dayson, D., Gooch, C., Thornicroft, G & Wills, W (1996a), 'Quality of Life of Long-Stay Patients Discharged from Two Psychiatric Institutions', **Psychiatric Services** 47 pp. 62 – 67.
- Leff, J., Trieman, N & Gooch, C (1996b), 'Team for the Assessment of Psychiatric Services (TAPS) Project 33: Prospective Follow-Up Study of Long-Stay Patients Discharged from Two Psychiatric Hospitals', **American Journal of Psychiatry** 153 pp. 1318 – 1324.
- Leff J & Trieman, N (1997), 'Providing a Comprehensive Community Psychiatric Service', in Leff, J ed., **Care in the Community: Illusion or Reality**, Chichester, Wiley, pp. 189 – 201.
- Leggatt, E ed. (1979), **Wandsworth: a Multi-Disciplinary Approach to Intermediate Treatment**, National Youth Bureau, Leicester.
- Leissner, A., Powley, T., & Evans, D (1977), **Intermediate Treatment: A Community-based Action-research Study**, National Children's Bureau.
- Leng, R & Manchester, C (1991), **A Guide to the Criminal Justice Act 1991**, Fourmat.
- Leonard, P (1969), 'Children's Bill: The critics', **New Society** vol. 13 no. 338 (20.3.69) pp. 445 – 446.
- Lerman, P (1975), **Community Treatment and Social Control**, University of Chicago Press.
- Lerman, P (1982), **Deinstitutionalisation and the Welfare State**, Rutgers University Press, New Brunswick, New Jersey, 2<sup>nd</sup> edition
- Lerman, P (1984a), 'Child Welfare, The Private Sector and Community-Based Corrections', **Crime and Delinquency** 30 pp. 5 – 38.
- Lerman, P (1984b), 'Policing Juveniles in London', **British Journal of Criminology** 24 pp. 168 – 84.
- Lerman, P (1985), 'Deinstitutionalization and Welfare Policies', **Annals of the American Academy of Political and Social Science** 479 pp. 132 – 155.
- Leslie, S (1938), **Sir Evelyn Ruggles-Brise: A Memoir of the Founder of Borstal**, Murray.
- Levin, B (1970), **The Pendulum Years: Britain and the Sixties**, Sceptre.
- Levy A & Kahan, B, (1991), **The Pindown Experience and the Protection of Children**, Staffordshire County Council
- Levy, A (2007), 'Pardons and Amnesties as Policy Instruments in Contemporary France' in Tonry, M ed., **Crime, Punishment and Politics in Comparative Perspective: Crime and Justice: A Review of Research** vol. 36, pp. 551 – 590.
- Lewington, N R (1979), 'letter' to **Justice of the Peace** vol. 143 no. 25 (23.6.79) pp. 348 – 349.

- Liebling, A (2008), 'General Editor's Introduction', to Green, D A, **When Children Kill Children: Penal Populism and Political Culture**, Oxford, Oxford University Press, pp. v – vi.
- Lindblom, C E (1959), 'The Science of "Muddling Through"', **Public Administration Review** 19 pp. 79 – 88.
- Lindblom, C E (1979), 'Still Muddling, Not Yet Through', **Public Administration Review** 39 pp. 517 – 526.
- Lindblom C E & Woodhouse, E J (1993), **The Policy-Making Process**, 3<sup>rd</sup> edition, Englewood Cliffs, New Jersey, Prentice Hall.
- Little, A (1962a), 'Borstal success and the 'quality' of Borstal inmates', **British Journal of Criminology** 2 pp. 266 – 272.
- Little, A (1962b), 'The Borstal Boys', **The Twentieth Century** vol. 170 no. 1012 (Winter) pp. 35 – 42.
- Little, A (1963), 'Penal Theory, Penal Reform and Borstal Practice', **British Journal of Criminology** 3 pp. 257 – 275.
- Little, A (1965), 'The 'Quality' of Borstal Receptions', **British Journal of Criminology** 5 pp. 190 – 196.
- Littlechild, B (1997), 'Young offenders, punitive policies and the rights of children', **Critical Social Policy** 17 pp. 73 – 92.
- Lloyd, F W (1964), 'The Headache of Absconding', **Approved Schools Gazette** vol. 58 no. 1 (April) pp. 19 – 21.
- Lloyd, F W (1966), 'Taken in or taken over?', **Approved Schools Gazette** vol. 60 no. 5 (August) pp.176 – 177.
- Loader, I (2010), 'For penal moderation: Notes towards a public philosophy of punishment', **Theoretical Criminology** 14 pp. 349 – 367.
- Longley, R (1985), 'Halving the custody rate', **Community Care** 590 (5.12.95) pp. 17 – 19.
- Loughran, E J (1997), 'The Massachusetts Experience: A Historical Review of Reform in the Department of Youth Services', **Social Justice** 24 pp. 170 – 186.
- Lovell, H D & Bullington, B (1981), **Rediscovering Juvenile Justice: The Costs of Getting Tough: How Two States Are Responding to Perceived Increases in Juvenile Crime**, Hackensack, New Jersey, National Council on Crime and Delinquency.
- Lowe, K & De Paiva, S (1990), **The Evaluation of NIMROD: A community based service for people with mental handicaps**, Cardiff, Mental Handicap in Wales – Applied Research Unit.
- Lowe, K., Beyer, S., Kilsby, M & Felce, D (1992), 'Activities and engagement in day services for people with a mental handicap', **Journal of Intellectual Disability Research** 36 pp. 489 – 503.
- Lowman J., Menzies, R J & Palys, T S eds. (1987a), **Transcarceration: Essays in the Sociology of Social Control**, Aldershot, Gower.
- Lowman J., Menzies, R J & Palys, T S (1987b), 'Introduction: Transcarceration and the modern state of penality' in Lowman J., Menzies, R J & Palys, T S eds., **Transcarceration: Essays in the Sociology of Social Control**, Aldershot, Gower pp. 1 – 15.
- Lowson, D (1970), **City Lads in Borstal**, Liverpool University Press.
- Lowson, D (1975), 'Borstal training: its history, achievements and prospects', in Mays, J B ed., **The Social Treatment of Young Offenders**, Longman. pp. 147 – 56.
- Lummis, T (1998), 'Structure and Validity in Oral Evidence', in Perks, R & Thomson, A., eds., **The Oral History Reader**, Routledge, pp 109 – 120.
- Lundman, R J (1984), **Prevention and Control of Juvenile Delinquency**, Oxford University Press.
- Lunn, T (1987), 'Keep Them Out of Court', **Community Care** 688 (26.11.87) pp. 20 – 22.
- Lupton, C and Roberts, G (1982), **On Record: Young People Appearing Before a Juvenile Court**, Portsmouth, Social Services Research and Intelligence Unit.
- Lynch J & Barron, J (1983), 'Juvenile Liaison in Birmingham', **Probation Journal** 30, pp. 11 – 13.
- Macallair, D (1993), 'Reaffirming Rehabilitation in Juvenile Justice', **Youth And Society** 25 pp. 104 – 125.
- 'Macavity' (1969), 'current account', **New Society** vol. 13 no. 337 (13.3.69) p. 408.
- MacDonald, D (1987), **Fitzgerald Project: An evaluation and discussion of the local juvenile justice system and the project 1983-87**, Rainer Foundation.
- Macey, D (1994), **The Lives of Michel Foucault**, Vintage.
- Mack, J A (1963), 'Police Juvenile Liaison Schemes', **British Journal of Criminology** 3 pp. 361 – 375.
- Maclean, M. & Kurczewski, J. (2011) **Making Family Law. A Socio Legal Account of Legislative**



- Process in England and Wales, 1985 to 2010**, Oxford, Hart.
- Macmillan, J (1991), 'Social Information and Decision-Making in Juvenile Liaison Panels', in Booth, T ed., **Juvenile Justice in the New Europe**, Sheffield, Joint Unit for Social Services Research, pp. 144 – 166.
- MacNamara, D (1994), 'The Mansfield Training School is Closed: The Swamp has Finally been Drained', **Mental Retardation** 32 pp. 239 – 242.
- Madge, N (1976), 'Treatment for a few', **New Society** vol. 36 no. 713 (3.6.76) p. 531.
- Magistrate, The (1969), 'The Children and Young Person's Bill', **The Magistrate** 25 pp. 48 – 50.
- Magistrate, The (1971), 'Annual Meeting', **The Magistrate** 27 p. 184.
- Magistrate, The (1972a), 'News', **The Magistrate** 28 p. 15.
- Magistrate, The (1972b), 'News', **The Magistrate** 28 p. 181 - 183.
- Magistrate, The (1972c), 'News', **The Magistrate** 28 p. 78.
- Magistrate, The (1974), 'That Act of 1969', **The Magistrate** 30 p. 168 - 169.
- Magistrate, The (1978), 'Report of the Working Party on the 1969 Act', **The Magistrate** 34 p. 129.
- Magistrate, The (1987), 'News', **The Magistrate** vol. 43 no. 9 (September) p. 167.
- Magistrate, The (1988), 'News', **The Magistrate** vol. 44 no. 1 (January) p. 4.
- Magistrates' Association (1966), 'Memorandum submitted to the Home Office on the White Paper "The Child, The Family and the Young Offender"', in **46<sup>th</sup> Annual Report 1965 - 1966** appendix 3 pp. 53 – 65.
- Magistrates' Association (1968), 'Memorandum submitted to the Home Office on the White Paper on "Children in Trouble"', in **48<sup>th</sup> Annual Report 1967 - 1968**, appendix 5 pp. 47 - 54.
- Magistrates' Association (1987), **67<sup>th</sup> Annual Report, 1986 – 1987**.
- Magistrates' Association (1988), **68<sup>th</sup> Annual Report, 1987 – 1988**.
- Magistrates' Association (1990), 'Response to the Home Office Draft Circular on Cautioning', **70<sup>th</sup> Annual Report, 1989 – 1990** pp. 34 – 35.
- Maguire, M (2000), 'Researching Street Criminals' in King, R & Wincup, E., eds., **Doing Research in Crime and Justice**, Oxford, Oxford University Press.
- Maj, M (1985), 'Brief History of Italian Psychiatric Legislation from 1904 to the 1978 Reform Act', in Perris, C & Kemali, D eds., **Focus on the Italian Psychiatric Reform**, Acta Psychiatrica Scandinavica 71: Supplement 316 pp. 15 – 25.
- Malek, M (1988), **Psychiatric Admissions**, Children's Society.
- Malek, M (1993), **Passing the Buck: Institutional Responses to Controlling Children with Difficult Behaviour**, Children's Society.
- Malek, M & Kerslake, A (1989), **Making an Educational Statement? An Analysis of the Admission of Children with Emotional and Behavioural Difficulties to Residential Special School**, Children's Society/University of Bath.
- Mangan, S (1989), 'The Politics of Reform: Origins and Enactment of the Italian "Experience"', **International Journal of Social Psychiatry** 35 pp. 7 – 19.
- Manning, M (1977), 'Wish you were here', **Community Care** 182 (5.10.77) pp. 24 – 25.
- Manning, M (1979), 'Evaluating Specialised Youth Treatment', **Community Care** 293 (6.12.79) p. 28.
- Mansell, J & Beasley, F (1990), 'Severe Mental Handicap and Problem Behaviour: Evaluating Transfer from Institutions to Community Care', in Fraser, W I ed., **Key issues in Mental Retardation Research**, Routledge, pp. 405 – 414.
- Mansell, J., Felce, D., De Kock, U & Jenkins, J (1982), 'Increasing Purposeful Activity of Severely and Profoundly Mentally-Handicapped Adults', **Behaviour Research and Therapy** 20 pp. 593 – 604.
- Mansell, J., Jenkins, J., Felce, D & De Kock, U (1984), 'Measuring the Activity of Severely and Profoundly Mentally-Handicapped Adults in Ordinary Housing', **Behaviour Research and Therapy** 22 pp. 23 – 30.
- Mansell, J., Felce, D., Jenkins, J., De Kock, U & Toogood, S (1987), **Developing Staffed Housing for People with Mental Handicaps**, Tunbridge Wells, Costello.
- Mansell, J., McGill, P & Emerson, E (2001), 'Development and Evaluation of Innovative Residential Services for People with Severe Intellectual Disability and Serious Challenging Behavior', in Glidden, L M ed., **International Review of Research in Mental Retardation** Vol 24, New York, Academic Press, pp. 245 – 298.
- March, J C & Olsen, J P (1976), **Ambiguity and Choice in Organisations**, Bergen, Norway, Universitetsforlaget.
- Markova, I., Jahoda, A., Cattermole, M & Woodward, D (1992), 'Living in hospital and hostel: the pattern of interactions with people with learning difficulties', **Journal of Intellectual Disability Research** 36 pp. 115 – 127.

- Markson, E W (1985), 'After Deinstitutionalization: What?', **Journal of Geriatric Psychiatry** 18 pp. 37 – 56.
- Markson R E W & Cumming, J H (1976), 'The Posttransfer fate of Relocated Patients', in Ahmed P J & Plog, S C eds., **State Mental Hospitals: What Happens When They Close**, New York, Plenum, pp. 97 – 109.
- Marlowe, R A (1976), 'When They Closed The Doors at Modesto', in Ahmed P J & Plog, S C eds., **State Mental Hospitals: What Happens When They Close**, New York, Plenum, pp. 83 – 95.
- Marsh, D (1998), 'The development of the policy network approach' in Marsh, D., ed., **Comparing Policy Frameworks**, Buckingham, Open University Press pp. 3 – 17.
- Martin, C C (1952), 'Juvenile Liaison Officers: A new police approach to the prevention of juvenile crime', **Approved School Gazette** 46 pp. 207 – 210.
- Martin D N and Clarke, R V G (1969), 'The personality of approved school boy absconders', **British Journal of Criminology** 9 pp. 366 – 75.
- Martin, J (1984), **Hospitals in Trouble**, Blackwell.
- Mathiesen, D (1976), 'Diversion – can it work in Britain', **Social Work Today** vol. 8 no. 11 (14.12.76) pp. 10 – 12.
- Mathiesen, D (1988), 'The Challenge to probation', **Prison Report** 4 September, p. 8.
- Mathiesen, T (1974a), **The Politics of Abolition**, Robertson.
- Mathiesen, T (1974b), 'The Prison Movement in Scandinavia', **Crime and Social Justice** 1 pp. 45 – 50.
- Mathiesen, T (1980a), **Law, Society and Political Action: Towards a Strategy Under Late Capitalism**, Academic Press.
- Mathiesen, T (1980b), 'The Future of Control Systems – the case of Norway', **International Journal of the Sociology of Law** 8 pp. 149 – 164.
- Mathiesen, T (1986), 'The Politics of Abolition', **Contemporary Crises** 10 pp. 81-94.
- Mathiesen, T (1989), 'Does Prison Have a Defence', in Lasocik, L., Platek, M & Rzeplinska, I eds., **Abolitionism in History: On Another Way of Thinking**, Warsaw, Institute of Social Prevention and Resocialization, pp. 43 – 49.
- Mathiesen, T & Roine, W (1975), 'The Prison Movement in Scandinavia', in Bianchi, H., Simondi, M & Taylor, I eds., **Deviance and Control in Europe: Papers from the European Group for the Study of Deviance and Social Control**, Chichester, Wiley, pp. 85 – 95.
- Matthews, R (1979), "'Decarceration" and the fiscal crisis', in National Deviancy Conference/Conference of Socialist Economists, **Capitalism and the Rule of Law: From Deviancy Theory to Marxism**, Hutchinson, pp. 100 – 117.
- Matthews, R (1987), 'Taking realist criminology seriously', **Contemporary Crises** 11 pp. 371 – 401.
- Matthews, R (1989), 'Alternatives to and in prisons: a realist approach', in Carlen P and Cook, D eds., **Paying For Crime**, Milton Keynes, Open University Press, pp.128 – 150.
- Matthews, R (1992), 'Developing a Realist Approach to Penal Reform', in Lowman, J & MacLean, B D eds., **Realist Criminology: Crime Control and Policing in the 1990's**, Toronto, University of Toronto Press, pp. 73 – 87.
- Matthews, R (1995), 'The Diversion of Juveniles from Custody: The Experience of England and Wales', in Albrecht G & Ludwig-Mayerhofer, W eds., **Diversion and Informal Social Control**, Berlin, de Gruyter, pp. 83 – 104.
- Matthews, R (1999), **Doing Time: An Introduction to the Sociology of Imprisonment**, Macmillan.
- Matthews, R & Young, J (1992), 'Reflections on Realism', in Young, J & Matthews, R., eds., **Rethinking Criminology: The Realist Debate**, Sage pp. 1 – 23.
- Mauer, M (2007), 'The Hidden Problem of Time Served in Prison', **Social Research** 74 pp. 701 – 706.
- Mawby, R I., McCulloch, J W & Batta, I D (1979), 'Crime Amongst Asian Juveniles in Bradford', **International Journal of the Sociology of Law** 7 pp. 297 – 306.
- Mawby R I and Fisher C J (1982), 'Social work influences on the cautioning of juvenile offenders',
- May, J (1980), **Justice, Welfare and Juvenile Delinquents**, Fabian Tract 472.
- May, T (1991a), **Probation: Politics, Policy and Practice**, Milton Keynes, Open University Press.
- May T (1991b), 'Under Siege: Probation in a Changing Environment', in Reiner R and Cross M eds., **Beyond Law and Order: Criminal Justice Policy and Politics into the 1990s**, Macmillan, pp 158 – 85.
- May, T & Vass, A A eds. (1996), **Working with Offenders: Issues, Contexts and Outcomes**, Sage.
- Mays J B (1965), 'The Liverpool Police Juvenile Liaison Scheme', in Halmos, P ed., **Sociological Studies in the British Penal Services**, Sociological Review Monograph 9, Keele, pp. 185 – 200.

- Mays, J B (1967), **Crime and the Social Structure**, Faber and Faber.
- Mays, J B (1970), **Crime and its Treatment**, Longman.
- Mays, J B (1975), 'Introduction', in Mays, J B ed., **The Social Treatment of Young Offenders**, Longman.
- McBrien J & Felce, D (1992), **Working with people who have severe learning difficulties and challenging behaviour: A practical handbook on the behavioural approach**, Kidderminster, British Institute of Mental Handicap.
- McCabe, S (1984), 'Cautioning by a Constable', **Justice of the Peace** vol. 148 no. 42 (20.10.84) pp. 664 – 666.
- McCarthy, M (1985), 'Psychiatric Care in Italy: Evidence and Assertion', **Hospital and Health Services Review** 11 pp. 278 – 280.
- McClellan, J D (1972), 'Another view', **Criminal Law Review**, November pp. 684 – 687.
- McClintock F H., Walker, M A and Savill N C (1961), **Attendance Centres**, Cambridge Studies in Criminology, Vol. XIII, Macmillan.
- McConville, S (1981), 'Editorial Note', **British Journal of Criminology** 21 pp. 205 – 9.
- McConville, S & Williams, E H (1987), 'The English Response to the Penal Crisis', in Gottfredson, S D & McConville, S eds., **America's Correctional Crisis: Prison Populations and Public Policy**, New York, Greenwood Press, pp. 112 – 135.
- McCool, C., Barrett, S., Emerson, E., Toogood, A., Hughes, H & Cummings, R (1989), 'Challenging Behaviour and Community Services: 5: Structuring Staff and Client Activity', **Mental Handicap** 17 pp. 60 – 64.
- McCreadie, C (1981), 'Children we lock away', **New Society** 965 (14.5.81) pp. 264 – 265.
- McGrath, M (1979), 'Planning for Children in Care', **Social Work Today** vol. 10 no. 29 (20.3.79) pp. 21 – 28.
- McGrew, J H (1999), 'Closing off a State Hospital: An Overview and Framework for a case study', **Journal of Behavioural Health Services and Research** 26 pp. 236 – 245.
- McGrew, J H, Wright, E R., Pescolido, B A & McDonel, E C (1999), 'The Closing of Central State Hospital: Long-Term Outcomes for Persons with Severe Mental Illness', **Journal of Behavioural Health Services and Research** 26 pp. 246 – 261.
- McGuire, J & Priestley, P (1981), **Life After School: A social skills curriculum**, Pergamon, Oxford.
- McKittrick N & Eysenck, S (1984a), 'Diversion: A Big Fix?', **Justice of the Peace** vol. 148 no. 24 (16.6.84) pp. 377 -379.
- McKittrick N & Eysenck, S (1984b), 'Diversion: A Big Fix?', **Justice of the Peace** vol. 148 no. 25 (23.6.84) pp. 393 – 394.
- McLaughlin, E & Muncie, J (1993), 'Juvenile Delinquency', in Dallos, H & McLaughlin, E eds., **Social Problems and the Family**, Sage, pp. 135 – 188.
- McLaughlin H (1988), **Power and Ideology in the Juvenile Justice System: Stockport: A Case Study**, unpublished M. Phil Dissertation, University of Lancaster.
- McLaughlin, H (1990), 'School Reports: A Cause for Concern', **Practice** 4 pp. 110 – 116.
- McMahon, M (1990), "'Net-Widening": Vagaries in the use of a concept', **British Journal of Criminology** 30 pp. 121 – 149.
- McMahon, M W (1992), **The Persistent Prison? Rethinking Decarceration and Penal Reform**, Toronto, University of Toronto Press.
- McSmith, A (1994), **Kenneth Clarke: A Political Biography**, Verso.
- Menninger, R (1975), 'Some Psychological Factors Involved in Oral History Interviewing', **Oral History Review**, 3 pp. 68 – 75.
- Metropolitan Police (1988), **Best Practice Guidelines for the Implementation of Multi-Agency Panels for Juvenile Offenders within the Metropolitan Police District**.
- Middleton, K (1995), 'Community Alternatives Reconsidered', **Howard Journal** 34 pp. 1 – 9.
- Miller, A D., Ohlin, L E & Coates, R B (1977a), 'Some Observations on the Conceptualization and Replicability of the Massachusetts Youth Correctional Reforms', in Ohlin, L E., Miller, A D & Coates, R B., **Juvenile Correctional Reform in Massachusetts: A Preliminary Report of the Center for Criminal Justice of the Harvard Law School**, National Institute of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U S Department of Justice, pp. 93 -104.
- Miller, A D., Ohlin, L E & Coates, R B (1977b), 'Preliminary Thoughts on Generalizing From the Massachusetts Experience', in Ohlin, L E., Miller, A D & Coates, R B., **Juvenile Correctional Reform in Massachusetts: A Preliminary Report of the Center for Criminal Justice of the Harvard Law School**, National Institute of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, Law

- Enforcement Assistance Administration, U S Department of Justice, pp. 105 – 113.
- Miller, A D, Ohlin, L E & Coates, R B (1977c), 'The Aftermath of Extreme Tactics in Juvenile Justice Reform: A Crisis Four Years Later', in Greenberg, D F ed., **Corrections and Punishment**, Beverley Hills, Sage Criminal Justice System Annuals vol 8, pp. 227 - 246.
- Miller, D (1966), 'A Model of an institution for treating adolescent delinquent boys: A preliminary report', in Klare, H J ed., **Changing Concepts of Crime and its Treatment**, Pergamon, pp. 97 – 115.
- Miller D., Claridge, N., Green, K., and Wall, P. (1986), 'Working with the Saturday Group', **Social Work Today** vol. 18 no. 8 (20.10.86) pp. 14 – 15.
- Miller, J & Glassner, B (2004), 'The "inside" and the "outside": Finding Realities in Interviewing', in Silverman, D., ed., **Qualitative Research: Theory, Method and Practice**, Sage, 2<sup>nd</sup> edition, pp. 125 – 139.
- Miller, J G (1971), 'Professional Dilemmas in Corrections', **Seminars in Psychiatry** 3 pp. 357 – 362.
- Miller, J G (1973), 'The Politics of Change: Correctional Reform', in Bakal, Y ed., **Closing Correctional Institutions: New Strategies for Youth Services**, Lexington, Massachusetts, DC Heath pp. 3 –8.
- Miller, J G (1977), 'Systems of Control and the Serious Juvenile Offender', in Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U S Department of Justice, **The Serious Juvenile Offender: Proceedings of a National Symposium Held in Minneapolis, Minnesota on September 19 and 20, 1977**, U S Government Printing Office, pp. 51 – 60.
- Miller, J G (1979), 'Systems of Control and The Serious Youth Offender' in Bakal, Y & Polsky, H eds., **Reforming Corrections For Juvenile Offenders: Alternatives and Strategies**, Lexington, Massachusetts, Lexington Books, pp. 127 – 148.
- Miller, J G (1991), **Last One Over The Wall: The Massachusetts Experiment in Closing Reform Schools**, Ohio State University Press.
- Miller, J G (1998), **Last One Over The Wall: The Massachusetts Experiment in Closing Reform Schools**, 2<sup>nd</sup> edition, Ohio State University Press.
- Miller, J & Ohlin, L E (1976), 'The New Corrections: The case of Massachusetts', in Rosenheim, M K ed., **Pursuing Justice For The Child**, Chicago, University of Chicago Press, pp.154 – 175.
- Miller, P & Rose, N (1990), 'Governing Economic Life', **Economy and Society** 19 pp. 1 – 31.
- Millham, S (1975), 'The Boys at Risley Hall', in DHSS (1975d), **Approved School to Community Home: Report of a Seminar at Risley Hall Community Home 24-26 June, 1974**, Social Work Service Development Group, Nottinghamshire SSD, pp. 5 – 12.
- Millham, S (1981), 'The therapeutic implications of locking up children', **Journal of Adolescence** 4 pp. 13 – 26.
- Millham, S (1986), **The Orbit IT Project**, NCH/Dartington Social Research Unit.
- Millham, S (1991), **Juvenile Justice and Child Care in England**, Ann Arbor, Michigan, Center for the Study of Youth Policy, University of Michigan.
- Millham, S., Bullock, R and Cherett, P (1973), 'Can we legislate for care?', **Special Education** 62: 4 (December) pp. 10 – 13.
- Millham, S, Bullock, R and Cherett, P (1975a), **After Grace – Teeth**, Human Context books.
- Millham, S., Bullock, R and Hosie, K (1975b), **Research at North Downs**, Dartington Social Research Unit.
- Millham S., Bullock, R., Hosie, K and Frankenberg, R (1977a), 'Absconding', **Community Home Schools Gazette** 71: 7 pp. 280 – 91.
- Millham S., Bullock, R., Hosie, K and Frankenberg, R (1977b), 'Absconding', **Community Home Schools Gazette** 71: 8 pp. 325 – 37.
- Millham S., Bullock, R and Hosie K (1978), **Locking Up Children: Secure provision within the child-care system**, Farnborough, Saxon House.
- Millham, S., Bullock, R & Little, M (1986), 'Residential Education in Britain – Continuity and Conflict', in Kashti, Y & Arieli, M eds., **Residential Settings in the Community: Congruence and Conflict**, (offprint in the Dartington Social Research Unit archives)
- Millham, S., Bullock, R., Hosie, K and Little, M (1989) 'Coming to terms with failure', **Insight** vol. 4 No. 33 (20.12.89) pp. 26 – 28.
- Millichamp, D & Thomas, H A (1982), **General Observations Relating to Whatton Discharges January to December 1981**, Nottingham Probation & After Care Service.
- Millichamp, D., Payne, D & Thomas, H (1985), 'A matter of natural justice', **Community Care** 567 (13.6.85) pp. 25 – 27.
- Mills, S (2003) **Michel Foucault**, Routledge.

- Milner G & Hassall, C (1991), 'Worcester Development Project: The closure and replacement of a mental hospital', **Health Trends** 22: 4 pp.141 – 145.
- Ministry of Health (1962), **A Hospital Plan for England and Wales**, Cmnd 1604, HMSO {Parliamentary Papers 1961-62 vol xxxi}.
- Minor, W W (1978), 'Review of Scull: Decarceration, Community Treatment and the Deviant', **Criminology** May pp. 141 – 143.
- MISKIN Project (1987), **Report Jan 1<sup>st</sup> 1986 – June 30<sup>th</sup> 1987**, Rhondda, Mid-Glamorgan County Council.
- Mitchell, W A., Crawshaw, P., Bunton, R & Green, E E (2001), 'Situating Young People's Experiences of Risk and Identity', **Health, Risk and Society** 3 pp. 217 – 233.
- Mohr, L B (1978), 'Review', **American Political Science Review**, 72 pp. 1033 – 1035.
- Monk, L A (1976), **Britain 1945 – 1970**, Bell & Son.
- Montilla, M R (1977), 'The Great Experiment: Massachusetts Closes Its Juvenile Institutions', in Miller, E E & Montilla, M R eds., **Corrections in the Community: Success Models in Correctional Reform**, Reston, Virginia, Reston Publishing Company, pp. 115 – 126.
- Montilla, M R (1978), 'The Great Experiment: Massachusetts Closes Its Juvenile Institutions', in Inciardi, J A & Haas, K C eds., **Crime and the Criminal Justice Process**, Dubuque, Iowa, Kendall/Hunt pp. 330- 336.
- More, W S (1978), **Intermediate Treatment: The National Picture**, Birmingham, PEPAR.
- Morgan, A (1992), **Harold Wilson**, Pluto.
- Morgan, K O (1997), **Callaghan: A Life**, Oxford University Press.
- Morgan, P (1978a), **Delinquent Families**, Temple Smith.
- Morgan, P (1978b), 'The real answer to the 'problems' of delinquency', **The Times** 21.2.78 p. 18.
- Morgan, R & Newburn, T (2007), 'Youth Justice', Maguire, M., Morgan, R & Reiner, R eds., **The Oxford Handbook of Criminology, 4<sup>th</sup> edition**, Oxford, Oxford University Press, pp. 1024 – 1060.
- Morisey, C T (1998), 'On Oral History Interviewing', in Perks, R & Thomson, A., eds., **The Oral History Reader**, Routledge, pp. 107 – 113.
- Morosino, P L., Repetto, F., De Salvia, D & Cecere, F (1985), 'Psychiatric Hospitalization in Italy Before and After 1978', in Perris, C & Kemali, D eds., **Focus on the Italian Psychiatric Reform**, Acta Psychiatrica Scandinavica 71: Supplement 316, pp. 27 – 43.
- Morris, A (1976), 'Juvenile Justice: Where Next?', **Howard Journal** 15 pp. 26 – 37.
- Morris, A (1983), in Morris, A & Giller, H eds., **Providing Criminal Justice for Children**, Edward Arnold, pp. 125 – 140.
- Morris A & Giller, H (1979), **What Justice for Children**, Justice for Children.
- Morris A & Giller, H (1980), 'Justice for Children', in Morris, A., Giller, H., Sinclair, A and Green, C eds., **Juvenile Justice: Proceedings of a day conference 25.3.80**, Centre for Youth, Crime and Community, Department of Social Administration, University of Lancaster, pp. 13 – 49.
- Morris, A & Giller, H (1981), 'Young Offenders: 1. Law, order and the child-care system', **Howard Journal** 20 pp. 81 – 89.
- Morris, A & Giller, H eds. (1983a), **Providing Criminal Justice for Children**, Edward Arnold.
- Morris A & Giller, H (1983b), 'Conclusion', in Morris, A & Giller, H eds., **Providing Criminal Justice for Children**, Edward Arnold, pp. 151 – 156.
- Morris, A, Giller H, Szwed, E and Geach, H (1980), **Justice For Children**, Macmillan.
- Morris A and McIsaac, M (1978), **Juvenile Justice? The Practice of Social Welfare**, Heinemann.
- Morris, M ed. (1976), **Instead of Prisons: A Handbook for Abolitionists**, Syracuse, New York, Prison Research Education Action Project.
- Morris, N & Tonry, M (1990), **Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System**, Oxford, Oxford University Press.
- Morris, P (1969), **Put Away: A sociological study of institutions for the mentally retarded**, Routledge & Kegan Paul.
- Morris, P (1975a), 'Open air treatment', **Community Care** 62 (4.6.75) pp. 15 – 17.
- Morris, P (1975b), 'Treats or treatment', **Community Care** 75 (3.9.75) pp. 15 – 17.
- Morris, P (1976), 'The youngsters who'll be left out in the cold', **Community Care** 137 (17.11.76) pp. 12 – 13.
- Morrisey, J P (1982), 'Deinstitutionalizing the Mentally Ill: Process, Outcomes and New Directions', in Gove, W. R ed., **Deviance and Mental Illness**, Beverley Hills, Sage, Sage Annual Reviews of Studies in Deviance vol. 6, pp. 147 – 176.
- Mosher, L R (1983), 'Recent Developments in the Care, Treatment and Rehabilitation of the Chronic Mentally Ill in Italy', **Hospital and Community Psychiatry** 34 pp. 947 – 950.

- Moss G & Sutton, A (1981), 'Educational Psychologists and the Juvenile Court' in Lloyd-Bostock, S ed., **Law & Psychology**, Oxford, Centre for Socio-Legal Studies, Wolfson College, pp. 1 – 21.
- Moss, W (1977), 'Oral History: An Appreciation', **American Archivist**, 40 pp. 429 – 439.
- Mott, J (1977), 'Decision making and social inquiry reports in one juvenile court', **British Journal of Social Work** 7 pp. 421 – 32.
- Mott, J (1982), 'Variations between police forces in dealing with juvenile offenders', **Home Office Research Bulletin** 13 pp. 30 – 31.
- Mott, J (1983a), 'Police decisions for dealing with juvenile offenders', **British Journal of Criminology** 23 pp. 249 – 62.
- Mott, J (1983b), 'Juvenile Offenders: Consultation arrangements and police decisions', **Home Office Research Bulletin** 15 pp. 30 – 31.
- Mucciaroni, G (1992), 'The Garbage Can Model and the Study of Policy Making: A critique', **Polity** 24 pp. 459 – 482.
- Muncie, J (1984), **"The Trouble With Kids Today": Youth and Crime in Post-War Britain**, Hutchinson.
- Muncie, J (1990), 'Failure never matters: detention centres and the politics of deterrence', **Critical Social Policy** 10:1 pp. 53 – 66.
- Muncie, J (1997), 'Shifting Sands: Care Community and Custody in Youth Justice Discourse', in Roche, J & Tucker, S eds., **Youth in Society: Contemporary Themes, Policy and Practice**, Sage, pp. 133 – 142.
- Muncie, J (1999a), **Youth and Crime: A Critical Introduction**, Sage.
- Muncie, J (1999b), 'Auditing Youth Justice', **Prison Service Journal** 126 pp. 55 – 59.
- Muncie, J (1999c), 'Institutionalized Intolerance: youth justice and the 1998 Crime and Disorder Act', **Critical Social Policy** 59 pp. 147 – 175.
- Municipal Review (1978), 'News', vol. 49 no 585 (September/October) p. 143.
- Munro, E (2011), **The Munro Review of Child Protection: Final Report - A child-centred system**, Department for Education.
- Murphy, (1979), 'letter' to **Community Care** 270 (28.6.79).
- Murphy, E (1991), **After Asylums: Community Care for People with Mental Illness**, Faber & Faber.
- NACRO (1977), **Children and Young People in Custody: Report of a NACRO Working Party: Chairman Peter Jay**, Chichester, Barry Rose.
- NACRO, **Community Alternatives for Young Offenders: Final Report**.
- NACRO (1984a), **Monitoring the Criminal Justice Act: The First Six Months**, July.
- NACRO (1984b), **Monitoring the Criminal Justice Act: The First Twelve Months**, December.
- NACRO, (1985a), **Tougher Regimes in Detention Centres: The Evaluation Report**.
- NACRO (1985b), **Monitoring Community Alternatives to Custody and Care: A Guide for Projects Funded under the DHSS Intermediate Treatment Initiative**.
- NACRO (1986a), **Findings from the Second Census of Projects Funded Under the DHSS IT Initiative: 1<sup>st</sup> July – 31<sup>st</sup> December 1985**, Juvenile Offender Team.
- NACRO (1986b), **Cautioning and Diversion from Court of Juvenile Offenders**.
- NACRO (1987a), **Diverting Juveniles From Custody: Findings from the Fourth Census of Projects Funded Under the DHSS IT Initiative**, Juvenile Crime Section.
- NACRO (1987b), **Time For Change: A New Framework for Dealing with Juvenile Crime and Offenders**.
- NACRO (1988a), **School Reports in the Juvenile Court: A Second Look**.
- NACRO (1988b), **Grave Crimes...Grave Doubts**.
- NACRO (1989a), **Phasing Out Prison Department Custody for Juvenile Offenders**, Juvenile Crime Committee Policy Paper No. 1.
- NACRO (1989b), **Progress Through Partnership: The role of statutory and voluntary agencies in the funding and management of schemes for juvenile offenders established under the DHSS Intermediate Treatment Initiative**, Juvenile Crime Section.
- NACRO (1989c), **The Real Alternative: Strategies to Promote Community Based Penalties**.
- NACRO (1989d), **London Newsletter No. 3**, Juvenile Crime Section, September.
- NACRO (1989e), **Replacing Custody**.
- NACRO (1989f), **The Important Role of Appeals in the Declining Use of Custody for Young Offenders**, Juvenile Crime Section.

- NACRO (1990a), **Reducing Custody for Juveniles: The DHSS Intermediate Treatment Initiative: Report of a Conference held on 3<sup>rd</sup> February 1989.**
- NACRO (1990b), **123 days: A Review of the Use of Custody for Juveniles in Courts in Greater Manchester between 1 November 1989 to 30 April 1990,** Manchester.
- NACRO (1991a), **Seizing The Initiative: NACRO's Final report on the DHSS Intermediate Treatment Initiative to Divert Juvenile Offenders from Care and Custody, 1983 – 1989.**
- NACRO (1991b), **Reducing The Use of Custody for Young Offenders,** Young Offender's Committee: Policy Paper 1.
- NACRO (1991c), **Statutory Criteria For Custodial Sentences.**
- NACRO (1991d), **Criteria for Custody.**
- NACRO (1992a), **Diverting Young Offenders From Prosecution,** Young Offenders Committee: Policy Paper 2.
- NACRO (1992b), **124 days: A Review of the use of custody at juvenile courts in Greater Manchester,** Manchester.
- NACRO (1993), **Supplementary Guidance on Cautioning.**
- NACRO (1998), **Diverting People from Crime: A Guide Based on Northamptonshire's Experience of Working in Partnership.**
- NAJC (1978), **Sending Young Offenders Away,** Briefing Paper 1, New Approaches to Juvenile Crime.
- NAJC (1981), **Comments on the White Paper 'Young Offenders' (Cmnd 8045).** New Approaches to Juvenile Crime
- NAJC (1984), **One Year On: The Impact of the 1982 Criminal Justice Act on Juvenile Offenders,** New Approaches to Juvenile Crime.
- NAJC (1993), **Creating More Criminals: The case against a 'new' secure training order for juvenile offenders,** New Approaches to Juvenile Crime.
- NAPO (1965), **The Child, The Family and the Young Offender: Observations by the National Association of Probation Officers,** reprinted in *Probation* 11 (1965) pp. 83 – 91.
- NAPO (1988), **Punishment, Custody and the Community: The Response of the National Association of Probation Officers.**
- NAPO Newsletter (1983), **NAPO Newsletter** 221 (August).
- NAPO News (1988a), 'Interview with John Wheeler, MP', **NAPO News** 4 (October) pp. 4 – 6.
- NAPO News (1988b), 'United Opposition to Punishment Plans', **NAPO News** 5 (November) p. 1.
- NAPO News (1988c), 'Punishment, Custody and the Community', **NAPO News** 2 (August) p. 1 - 2.
- NAPO News (1988d), 'July NEC Report', **NAPO News** 3 (September) p. 7.
- NAPO News (1988e), 'Punishment and the Probation Service', **NAPO News** 4 (October) p. 1.
- NAPO News (1989), 'Successful lobby of parliament', **NAPO News** 6 (December/January) p. 1.
- NAPO News (1990), 'SGM rejects Home Office changes', **NAPO News** 19 (April) p. 1.
- NAPO News (1993a), on pay increase campaign, **NAPO News** 48 (March).
- NAPO News (1993b), on the 1993 Criminal Justice Act, **NAPO News** 54 (October).
- National Federation of Housing Associations (1995), **People First: Housing Associations Caring in the Community.**
- Nelken, D (1990), 'Alternative Logics in Criminal Justice', in Light, R ed., **Public and Private Provisions in Criminal Justice,** Bristol & Bath Centre for Criminal Justice, British Criminology Conference Papers, 1989: Vol 3 pp. 1 – 17.
- Nellis, M (1987), 'The Myth of Up-tariffing in IT', **AJJUST** 12, April pp. 7 – 12.
- Nellis, M (1991), **Intermediate Treatment and Juvenile Justice in England and Wales 1960 – 1985,** Ph. D, University of Cambridge.
- Nellis, M (1992), 'Criminology, Crime Prevention and the Future of Probation Training', in Bottomley, T., Fowles, T & Reiner, R eds., **Criminal Justice: Theory and Practice,** British Criminology Conference 1991: Selected Papers Vol 2, British Society of Criminology/Institute for the Study and Treatment of Delinquency, pp. 135 – 165.
- Nellis, M (1995), 'Probation Values for the 1990's', **Howard Journal** 34 pp. 19 – 44.
- Nellis, M (2004), 'The "Tracking" Controversy: The Roots of Mentoring and Electronic Monitoring', **Youth Justice** 4 pp. 77 – 99.
- Nellis, M (2010), Comments on the original submission of this thesis.
- New Society (1964), 'Labour v crime' (18.6.64) pp. 3 – 4.
- New Society (1965), 'Notes', no. 147 (22.7.65) p. 19.
- New Society (1969), 'editorial: a step away from authoritarianism', vol. 13 no. 334 (20.2.69) p. 271.
- New Society (1978), 'A Criminal Shame', vol. 44 no. 814 (11.5.78) p. 291.
- Newburn, T (1996), 'Back To The Future? Youth Crime, Youth Justice and the Rediscovery of

- “Authoritarian Populism” in Pilcher, J & Wagg, S eds., **Thatcher’s Children? Politics, Childhood and Society in the 1980s and 1990s**, Falmer Press pp. 61 – 76.
- Newburn, T (1998), ‘Tackling Youth Crime and Reforming Youth Justice: The Origins and Nature of “New Labour” Policy’, **Policy Studies** 19 pp. 199 – 212.
- Newburn, T (2007), “‘Tough on crime’: penal policy in England and Wales”, in Tonry, M., ed., **Crime and Justice: An Annual Review of Research**, Chicago, University of Chicago Press Volume 36
- Newburn, T & Hagell, A (1995), ‘Persistent Young Offenders’, **Home Office Research Bulletin** 37 pp. 19 – 24.
- Newby, M J N (1968), ‘Where will all the approved schools go?’, **Approved Schools Gazette** vol. 62 no. 4 (July) pp. 183 – 186.
- Newcastle (1987), **Memorandum of Evidence Submitted by the City of Newcastle-upon-Tyne: Community-Based Alternatives to Care and Custody for Juvenile Offenders** in House of Commons, **Third Report from the Home Affairs Committee, session 1986-87: State and Use of Prisons**, HMSO {Parliamentary Papers 1986 – 87 vol. vii. Appendix I: Vol. I pp. 123 – 128}..
- NHS (1969), **Report of the Committee of Inquiry into Allegations of Ill-Treatment of Patients and other Irregularities at the Ely Hospital, Cardiff**, Cmnd 3975, HMSO {Parliamentary Papers 1968-69 vol. xxxiii}.
- NHS (1971), **Report of the Farleigh Hospital Committee of Inquiry**, Cmnd 4557, HMSO {Parliamentary Papers 1970 – 71 vol. xx}.
- NHS (1986), **Bridge Over Troubled Waters**, National Health Service Advisory Service on Services
- NITFED (1982), **NITFED News**, February.
- NITFED (1987), **Policy, Management and Practice: 1987 Conference report**, Glasgow, Scottish Intermediate Treatment Resource Centre.
- Noaks, L & Wincup, E (2004), **Criminological Research: Understanding Qualitative Methods**, Sage.
- North West Children’s Regional Planning Committee (1980). **Unpublished statistics on Community Homes with Education**, Manchester.
- NYB (1985), **The Changing Face of I.T: Intermediate Treatment at Hambro House 1976 – 84**, National Youth Bureau, Leicester, (reprint of 6 articles from *Youth in Society*).
- O’Brien, J (1987), **A Framework For Accomplishment**, Decatur, Illinois, Responsive Systems Associates.
- O’Brien, J & Tyne, A (1981), **The Principle of Normalisation: A Foundation for Effective Services**, Campaign for the Mentally Handicapped.
- Odgers, F J (1955), ‘Prevention of juvenile crime’, **Criminal Law Review** March pp. 173 – 175.
- O’Dowd, D., Atkinson J R., Woodward, D & Blackham, P (1991), ‘Pre Court Decision-Making in Juvenile Justice: some comments’, **British Journal of Criminology** 31 pp. 189 – 91.
- O’Hara, G & Parr, H eds. (2006), **The Wilson Governments 1964 – 1970 Reconsidered**, Routledge.
- Ohlin, L E (1975), ‘Reforming Programs for Youth in Trouble’, in Begab, M J & Richardson, S A.eds., **The Mentally Retarded and Society: A Social Science Perspective**, Baltimore, University Park Press, pp. 423 – 440.
- Ohlin, L E., Coates, R B & Miller, A D (1974), ‘Radical Correctional Reform: A case study of the Massachusetts Youth Correctional System’, **Harvard Educational Review** 44 pp. 74 – 111.
- Ohlin, L E., Coates, R B & Miller, A D (1975), ‘Evaluating the Reform of Youth Corrections in Massachusetts’, **Journal of Research in Crime and Delinquency** 12 pp. 3 – 16.
- Ohlin, L E., Miller, A D & Coates, R B (1977) **Juvenile Correctional Reform in Massachusetts: A Preliminary Report of the Center for Criminal Justice of the Harvard Law School**, National Institute of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U S Department of Justice.
- Ohlin L & Tutt, N (1979), ‘Children in trouble – an American view’; **Community Care** 275 (2.8.79) pp. 18 – 21.
- Okin R L & Pearsall, D (1993), ‘Patient’s Perception of Their Quality of Life 11 Years After Discharge From A State Hospital’, **Hospital & Community Psychiatry** 44 pp. 236 – 240.
- Oliver, I (1978), **The Metropolitan Police Approach to the Prosecution of Juvenile Offenders**, Peel Press.
- Olsen, M R (1979), ‘A Review of the Evidence for and against the Discharge and Community Care of



- the psychiatric patient', in Olsen, M R ed., **The Care of the Mentally Disordered: An examination of some alternatives to hospital care**, Birmingham, British Association of Social Workers, pp. 5 – 19.
- O'Malley, P (1992), 'Risk, power and crime prevention' **Economy and Society** 21 pp. 252 – 275.
- O'Malley, P (2008), 'Experiments in risk and criminal justice', **Theoretical Criminology** 12 pp. 451 – 469.
- O'Malley, P., Weir, L & Shearing, C (1997), 'Governmentality, criticism, politics', **Economy and Society** 26 pp. 501 – 517.
- Osborn, S G & West, D J (1980), 'Do young delinquents really reform?', **Journal of Adolescence** 3 pp. 99 – 114.
- Osborne, S (1984), 'Social Inquiry Reports in one Juvenile Court: An examination', **British Journal of Social Work** 14 pp. 361 – 78.
- Osgood, D W (1983), 'Offence History and Juvenile Diversion', **Evaluation Review** 7 pp. 793 – 806.
- Ostapuk, E (1982), 'Strategies for Community Intervention in Offender Rehabilitation: An Overview', in Feldman, P ed., **Developments in the Study of Criminal Behaviour: Volume 1: The Prevention and Control of Offending**, Chichester, Wiley, pp. 135 – 166.
- Ostrom E (1991), 'Review: Rational Choice Theory and Institutional Change: Towards Complementarity', **American Political Science Review** 85 pp. 237 – 243.
- Ostrom, E (1999), 'Institutional Rational Choice: An assessment of the institutional analysis and development framework', , in Sabatier, P A., ed., **Theories of the Policy Process**, Boulder, Colorado, Westview Press, pp. 35 – 71.
- Owen, D (1991), **Time to Declare**, Michael Joseph.
- Packman, J (1975), **The Child's Generation: Child Care Policy from Curtis to Houghton**, Oxford, Blackwell, and London, Robertson.
- Padfield, N (2002), 'Juvenile Justice' in McConville, M & Wilson, G eds., **The Handbook of the Criminal Justice Process**, Oxford, Oxford University Press, pp. 403 – 422.
- Page, E C (2006), 'The Origins of Policy' in Moran, M., Rein, M., & Gordon, R E., eds., **The Oxford Handbook of Public Policy**, Oxford, Oxford University Press, pp. 207 – 227.
- Palermo, G B (1991), 'The 1978 Italian Mental Health Law – A Personal Evaluation: A Review', **Journal of the Royal Society of Medicine** 84 pp. 99 – 102.
- Paley, J (1974), 'A dying treatment?', **Community Care** 25 (18.9.74) pp. 18 – 19.
- Paley, J (1979), 'Intermediate treatment: some dilemmas for practice', in Marshall, M., Mitchell, G., & Sackville, A., eds., **Social Work in Action**, Birmingham, British Association of Social Workers, pp. 165 – 172.
- Paley J and Green, C (1979), 'Are we sitting on the offence!', **New Society**, vol. 48 no 872 (21.6.79) pp. 714 - 715.
- Paley, J and Thorpe, D (1974), **Children, Handle with Care**, Leicester, National Youth Bureau.
- Palmer, T B & Lewis, R V (1980), 'A Differentiated Approach to Juvenile Diversion', **Journal of Research in Crime and Delinquency** 17 pp. 209 – 229.
- Palumbo, D J., Clifford, M & Snyder-Joy, Z K (1992), 'From Net-Widening to Intermediate Sanctions: The Transformation of Alternatives to Incarceration From Benevolence to Malevolence' in Byrne, J M., Lurigio, A J & Petersilia, J eds., **Smart Sentencing: The Emergence of Intermediate Sanctions**, Beverley Hills, Sage, pp. 229 – 244.
- Parker H (1981), 'Social work for or against the juvenile court', **Community Care** 373 (13.8.91) pp. 13 – 16.
- Parker, H, Casburn, M & Turnbull, D (1980), 'The Production of Punitive Juvenile Justice', **British Journal of Criminology** 20 pp. 236 – 60.
- Parker, H, Casburn, M & Turnbull, D (1981), **Receiving Juvenile Justice: Adolescents and State Care and Control**, Oxford, Blackwell.
- Parker, H & Giller, H (1981), 'More and Less the Same: British Delinquency Research since the Sixties', **British Journal of Criminology**, 21 pp. 230 – 45.
- Parker, H., Jarvis, G & Sumner, M (1987), 'Under New Orders: The Redefinition of Social Work with Young Offenders', **British Journal of Social Work** 17 pp. 21 – 43.
- Parker, H., Sumner, M., & Jarvis, G (1989), **Unmasking the Magistrates**, Milton Keynes, Open University Press.
- Parker, R (1990), **Away From Home: A history of child care**, Barkingside, Essex, Barnardo's.
- Patrick, N (1976), letter to **Social Work Today**, vol. 7 No. 6 (10.6.76) p. 184.
- Parry, P (1992), 'Juveniles' in Stockdale, E and Casale, S eds., **Criminal Justice Under Stress**,

- Blackstone, pp. 210 – 236.
- Patten, J (1988a), 'Punishment, Custody and the Community', **Justice of the Peace** vol. 152 no. 36 (3.9.88) pp. 563 – 564.
- Patten, J (1988b), 'Punishment, Custody and the Community' **Criminal Justice** (Howard League) 6: 4 pp. 4 – 5.
- Patten, J (1990), 'Law and order outside the prison walls', **Social Work Today** vol. 21 no. 21 (1.2.90) p. 18.
- Patten, J (1992), 'Prison custody for 15 year olds', **Criminal Justice** (Howard League) vol. 10 No. 2 p. 8.
- Patrick, N (1979), 'letter' to **Community Care** 268 (14.6.79) p. 10.
- Payne C et al. (1979), **Report of the St. Charles Youth Treatment Centre Evaluation Team**, DHSS.
- Pearse, J & Gudjohnson, G (1996), 'How Appropriate Are Appropriate Adults', **Journal of Forensic Psychiatry**, 7 pp. 570 – 580.
- Pearson, G (1978), 'Social work and law and order', **Social Work Today** vol. 9 no. 30 (4.4.78) pp. 19 – 24.
- Pease, K., Billingham, S & Earnshaw, I (1977), **Community Service Assessed in 1976**, Home Office Research Study 39, HMSO.
- Penal Affairs Consortium (1989), **Criteria for Imprisonment**.
- Penal Affairs Consortium (1993), **A Step in the Wrong Direction: The Right and Wrong Way of Tackling Juvenile Crime**.
- Penal Affairs Consortium (1994), **The Case Against The Secure Training Order**.
- Perks, R & Thomson, A (2006), 'Introduction to the second edition', in Perks, R & Thomson, A, eds., **The Oral History Reader**, 2<sup>nd</sup> edition pp. ix – xiv.
- Perring, C M (1993), **The Experience of Psychiatric Hospital Closure**, Aldershot, Avebury.
- Perris, C & Kemali, D (1985), 'Focus on the Italian Psychiatric Reform: An Introduction', in Perris, C & Kemali, D eds., **Focus on the Italian Psychiatric Reform**, Acta Psychiatrica Scandinavica 71 Supplement 316 pp. 9 – 14.
- Personal Social Services Council (1977), **A Future for Intermediate Treatment**.
- Pettigrew, A., Ferlie, E & McKee, L (1992), **Shaping Strategic Change**, Sage.
- Pharaoh, N (1963), 'The long blunt shock', **New Society** 52 (26. 9. 63) pp. 9 – 12.
- Phillips, P (1990), 'Progress Through Partnership: The Role of the Voluntary Sector', in NACRO **Reducing Custody for Juveniles: The DHSS Intermediate Treatment Initiative: Report of a Conference held on 3<sup>rd</sup> February 1989**, pp. 17 – 18.
- Phipps, A (1990), **DEWIS: A Progress Report – Three Years On**, Ruthin, Clwyd SSD.
- Pickard, L., Proudfoot, R., Wolfson, P., Clifford, P., Holloway, F & Lindesay, J (1992), **Evaluating The Closure of Cane Hill Hospital**, Research and Development in Psychiatry.
- Pickford, J ed. (2000), **Youth Justice: Theory and Practice**, Cavendish.
- Pimlott, B (1992), **Harold Wilson**, Harper Collins.
- Pinchbeck I and Hewitt, M (1969), **Children in English Society**, Vols. I and II, Routledge and Kegan Paul.
- Pirella, A (1987), 'Institutional Psychiatry between Transformation and Rationalization: The Case of Italy', **International Journal of Mental Health** 16 pp. 118 – 141.
- Pitts, J (1976), 'Intermediate Treatment – or Social Work?', **Social Services Quarterly** 50 pp. 172 – 174.
- Pitts, J (1979), "'Doing Your Bird on the HP": The Changing Shape of Intermediate Treatment', **Howard Journal** 18 pp. 17 – 28.
- Pitts, J (1982), 'Policy, delinquency and the practice of youth control 1964 – 1981', **Youth and Policy** 1: 1 pp. 7 – 13.
- Pitts, J (1983), 'In the IT Bunker at the End of the Welfare State', **EUREKA** (Journal of the London Intermediate Treatment Association) vol. 4 pp. 12 - 15.
- Pitts, J (1984), 'Young Black People and the Juvenile Justice System', **National Youth Bureau I. T. Mailing** 17 (July) pp. 4 – 5.
- Pitts, J (1986a), 'Thinking About Intermediate Treatment', **Youth and Policy** 17 pp. 1 – 8.
- Pitts, J (1986b), 'Black Young People and Juvenile Crime: Some unanswered questions', in Matthews, R & Young, J eds., **Confronting Crime**, Sage pp. 118 – 144.
- Pitts, J (1988), **The Politics of Juvenile Crime**, Sage.
- Pitts, J (1990), **Working With Young Offenders**, Macmillan.
- Pitts, J (1992a), 'Juvenile-justice Policy in England and Wales', in Coleman, J C & Warren-Adamson, C eds., **Youth Policy in the 1990's: Te way forward**, Routledge, pp.172 – 188.
- Pitts, J (1992b), 'The End of an Era', **Howard Journal** 31 pp. 133 – 149.

- Pitts, J (1993), 'Theoretotyping: Anti-racism, Criminology and Black Young People', in Cook, D & Hudson, B eds., **Racism and Criminology**, Sage, pp. 96 – 117.
- Pitts, J (1995), 'Youth Crime', in Community Care special supplement, **Crime in the Community: Britain in a Moral Panic**, pp. 5 – 12.
- Pitts, J (1996), 'The Politics and Practice of Youth Justice', in McLaughlin E & Muncie, J eds., **Controlling Crime**, Sage, pp. 249 – 291.
- Pitts, J (1997), 'Youth crime, social change and crime control in Britain and France in the 1980's and 1990's', in Jones, H ed., **Towards a Classless Society**, Routledge. pp. 121 - 150.
- Pitts, J (2000), 'The Politics and Process of Child and Youth Imprisonment', in Crimmens, D & Pitts, J eds., **Positive Residential Practice: Learning The Lessons of the 1990's**, Lyme Regis, Russell House, pp. 141 – 155.
- Pitts, J (2001), 'The New Correctionalism: Young People, Youth Justice and New Labour', in Matthews, R & Pitts, J eds., **Crime, Disorder and Community Safety: A New Agenda?**, Routledge, pp. 167 – 192.
- Pitts, J (2003), 'Youth Justice in England and Wales', in Matthews, R & Young, J eds., **The New Politics of Crime and Punishment**, Cullompton, Devon, Willan, pp. 71 – 99.
- Pitts, J., Sowa, T., Taylor, A & Whyte, I (1986a), 'Developing an anti-racist intermediate treatment', in Ahmed, S., Cheetham J & Small J eds., **Social Work with Black Children and their Families**, Batsford, pp. 167 – 186.
- Pitts, J., Sowa, T., Taylor, A & Whyte, I (1986b), 'Towards a training strategy for an anti-racist intermediate treatment', in Ahmed, S., Cheetham J & Small J eds, **Social Work with Black Children and their Families**, Batsford, pp. 187 – 199.
- Platt, A M (1969), **The Child Savers: The Invention of Delinquency**, Chicago, University of Chicago Press.
- Ponting, C (1989), **Breach of Promise: Labour in Power 1964 – 1970**, Hamish Hamilton.
- Portelli, A (1991), 'The Death of Luigi Trastelli: Memory of the Event', in Portelli, A., **The Death of Luigi Trastelli and Other Stories: Forms and Meanings in Oral History**, New York, State University of New York Press,
- Portelli, A (1998), 'What Makes Oral History Different', in Perks, R & Thomson, A., eds., **The Oral History Reader**, Routledge, pp. 63 – 74.
- Porteous M A and McLoughlin, C S (1974), 'A comparison of absconders and non-absconders from an assessment centre', **Community Schools Gazette** 67 : 12 pp. 681 – 99.
- Porter, R (1990), 'Foucault's Great Confinement', **History of the Human Sciences** 3 pp. 47 – 54.
- Pratt, J (1983a), 'Reflections on the Approach to 1984: Recent Developments in Social Control in the United Kingdom', **International Journal of the Sociology of Law** 11 pp. 339 – 360.
- Pratt, J (1983b), 'Intermediate Treatment and the Normalization Crisis', **Howard Journal** 22 pp. 19 – 37.
- Pratt, J (1985), 'Juvenile Justice, Social Work and Social Control: The Need for Positive Thinking', **British Journal of Social Work** 15 (1985) pp. 1 – 24.
- Pratt, J (1986a), 'Diversion from the Juvenile Court: A History of Inflation and a Critique of Progress', **British Journal of Criminology** 26 pp. 212 – 233.
- Pratt, J (1986b), 'Dilemma's of the Alternative to Custody Concept', in Northern Region Conference on Juvenile Justice, **No Easy Option: Challenging the use of Custody for Juveniles**, Report of a Day Conference held in Newcastle Upon Tyne on Thursday 29<sup>th</sup> May, 1986, (no clear publisher: copy held in the Centre for Social Action library, De Montfort University, Leicester), pp. 15 – 18.
- Pratt, J (1986c), 'A Comparative Analysis of Two Different Systems of Juvenile Justice: Some Implications for England and Wales', **Howard Journal** 25 pp. 33 – 51.
- Pratt, J (1987), 'Dilemma's of the Alternative to Custody Concept: Implications for New Zealand Penal Policy in the light of International Evidence and Experience', **Australian & New Zealand Journal of Criminology** 20 pp. 148 – 162.
- Pratt J (1989), 'Corporatism: The Third Model of Juvenile Justice', **British Journal of Criminology** 29 pp. 236 – 54.
- Pratt, J (2002), **Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society**, Sage.
- Pratt, J (2008), 'Scandinavian Exceptionalism in an Era of Penal Excess: part 1: The Nature and Roots of Scandinavian Exceptionalism', **British Journal of Criminology** 48 pp. 119 – 137.
- Presidents Commission on Mental Health (1978), **Report of the Task Panel on the Nature and Scope of the Problems**, Task Panel Reports, Washington DC, U S Government Printing Office, pp. 1 – 138.

- Presidents Committee on Mental Retardation (1970), **Residential Services For The Mentally Retarded: An Action Policy Proposal**, Washington DC, U S Government Printing Office.
- Presidents Committee on Mental Retardation (1971), **Action For the Retarded**, Washington DC, U S Government Printing Office.
- Presidents Committee on Mental Retardation (1976), **Mental Retardation: Trends in State Services**, Washington DC, U S Government Printing Office.
- Preston, M A (1982), 'Intermediate Treatment: A New Approach to Community Care', in Feldman, P ed., **Developments in the Study of Criminal Behaviour: Volume 1: The Prevention and Control of Offending**, Chichester, Wiley, pp. 167 – 190.
- Priestley, P., Fears, D & Fuller, R (1977), **Justice for Juveniles: The 1969 Children and Young Persons Act: A case for reform?**, Routledge & Kegan Paul.
- Priestley, P & McGuire, J (1983), **Learning to Help: Basic Skills Exercises**, Tavistock.
- Priestley, P & McGuire, J (1985), **Offending Behaviour: Skills and Stratagems for Going Straight**, Batsford.
- Priestley, P., McGuire, J., Flegg, D., Hemsley, V & Welham, D (1978), **Social Skills and Personal Problem Solving: A Handbook of Methods**, Tavistock.
- Priestley, P., McGuire, J., Flegg, D., Hemsley, V., Welham, D & Barnett, R (1984), **Social Skills in Prison and the Community: Problem solving for offenders**, Routledge and Kegan Paul, 1984.
- Prins, H (1972), 'An example of "compulsory benevolence": intermediate treatment examined', **Social Work Today** vol. 3 no. 4 (18.5.72) pp. 2 – 6.
- Prison Service Journal (1960), 'Borstal boys talk out problems round table', **Prison Service Journal** 1 pp. 39 – 61 (Also in **Daily Telegraph** 4.1.60).
- Prison Service Journal (1972), 'Reflections on RAP', **Prison Service Journal** 8 p. 8.
- Proband, S C (1997), 'Success in Finland in Reducing Prison Use', in Tonry, M & Hatlestad, K eds., **Sentencing Reform in Overcrowded Times: A Comparative Perspective**, Oxford, Oxford University Press, pp. 187 -189{Previously in **Overcrowded Times** October 1994}.
- Probation Journal (1983), 'Home Office guidance to YOI's', **Probation Journal** 30 p. 95.
- PRT (1986), **Response to the White Paper, Criminal Justice: Plans for Legislation**, Prison Reform Trust.
- PRT (1988), **Juvenile Justice Project: Report No. 3: Detention Centres and the Short Sharp Shock**, Prison Reform Trust.
- PRT (1993), **Juvenile Justice Project: Paper 4: Trends in Juvenile Crime and Punishment**, Prison Reform Trust.
- PRT (1998), **Alternatives To Prison**, Prison Refrom Trust.
- Pruden, E E (1969), 'When is a children's home an approved school?', **Child Care Quarterly Review** 23 pp. 11 – 13.
- Pryce, M (1979), 'Intermediate Treatment', **Social Work Today** vol. 10 no. 43 (10.7.79) pp. 8 – 9.
- Quinlan, M K (2011), 'The Dynamics of Interviewing', in D. A. Ritche, ed., **The Oxford Handbook of Oral History**, Oxford, Oxford University Press, pp. 23 – 36.
- Ralphps, P (1986), 'The Evolution of Control', **Justice of the Peace** vol. 150 no. 10 (8.3.86) pp. 154 – 156.
- Ramm, S (1995), 'The Italian Psychiatric Reform', in Mangan, S P ed., **Mental Health Care in the European Community**, Croom Helm, pp. 170 – 203.
- Ramon, S (1983), 'Psychiatrica Democratica: A case study of an Italian Community Mental Health Service', **International Journal of Health Services** 13 pp. 307 – 324.
- Ramon, S (1984), 'letter' to **New Society** vol. 70 no. 1138 (11.10.84) pp. 77 – 78.
- Ramon, S (1985), 'letter' to **British Journal of Psychiatry** 147 pp. 208 – 209.
- Ramon, S (1988), 'Introduction' in Ramon, S & Giannichedda, M G eds., **Psychiatry in Transition: The British and Italian Experiences**, Pluto, pp. 1 – 26.
- RAP (no date), **The Case For Radical Alternatives To Prison**, Christian Action.
- RAP (1979), **A Memorandum to the Inquiry into the United Kingdom Prison Service**, reprinted in **The Abolitionist** 2/3 (summer) pp. 7 – 15.
- RAP (1972), **Alternatives to Holloway**, Christian Action Press.
- Ratcliffe, T A (1967), 'What is wrong with the approved school system?', **Approved Schools Gazette** vol. 61 no. 9 (December) pp. 445 – 448.
- Ratcliffe, T A (1968a), 'Children in Trouble', **The Criminologist** 3:10 (November) pp. 90 – 96.

- Ratcliffe, T A (1968b), 'Children in Trouble', **The Magistrate** 24 pp. 83 – 85.
- Rawlings, P (1999), **Crime and Power: A History of Criminal Justice 1688 – 1998**, Harlow, Essex, Longman.
- Rawlings, S (1985a), 'Behaviour and skills of severely retarded adults in hospitals and small residential homes', **British Journal of Psychiatry** 146 pp. 358 – 366.
- Rawlings, S (1985b), 'Life styles of severely retarded non-communicating adults in hospitals and small residential homes', **British Journal of Social Work** 15 pp. 281 – 293.
- Rawlinson M & Carter, C (2002), 'Foucault and History in Organizational Studies', **Organization** 9 pp. 527 – 547.
- Rayner, D (1980), **Review of Government Statistical Services: Report to the Prime Minister**.
- Raynor, P (1977), 'Psycho-drama as a medium for Intermediate Treatment', **British Journal of Social Work** 7 pp. 443 – 453..
- Raynor, P (1985), 'Social Inquiries, Diversion and the Juvenile Tariff', in Yorkshire and Humberside Intermediate Treatment Association, **Training Anthology**, pp. 25 – 28.
- Raynor, P (1996), 'The Criminal Justice System', in Drakeford, M & Vanstone, M eds., **Beyond Offending Behaviour**, pp. 11 – 21.
- Raynor, P (2002), 'Community Penalties: Probation, Punishment and "What Works"', in Maguire, M., Morgan, R. & Reiner, R eds., **The Oxford Handbook of Criminology: 3<sup>rd</sup> edition**, Oxford, Oxford University Press pp. 1168 – 1205.
- Raynor, P., Smith, D & Vanstone, M (1994), **Effective Probation Practice**, Macmillan.
- Raynor, P & Milburn M (1988), **Cadle and Pontmorlais Intermediate Treatment Evaluation: Sixth Report: The Work of the Pontmorlais Centre 1983 – 87**.
- Raynor, R (1979), 'In practice', **Community Care** 268 (14.6.79) p. 15.
- Rea Price, J (1976), 'More security or more supervision in the community?', **Social Work Today** vol. 8 no. 1 (5.10.76) pp. 19 – 21.
- Redmond-Pyle, D (1982), **Investigating The Local Juvenile Criminal Justice System: A System Study Handbook**, Lancaster, Centre For Youth, Crime and Community, Department of Social Administration, University of Lancaster.
- Redmond-Pyle, D and Stevens L (1981), **Report on the Northampton Juvenile Justice System**, Centre for Youth, Crime and Community, Lancaster.
- Rees, A J (1968a), 'To cane or not to cane?', **Approved Schools Gazette** vol. 62 no. 6 (September) pp. 299 – 300.
- Rees, A J (1968b), 'Whiter-than-white White Paper?', **Approved School Gazette** vol. 62 no. 3 (June) pp. 143 – 145.
- Rees, A J (1968c), 'Corporal punishment must be retained', **Approved Schools Gazette** vol. 62 no 8 (November) pp. 407 – 408.
- Reid, H & Wiseman, A (1986), **When The Talking Has To Stop: Community Care in Crisis: The Case of Banstead Hospital**, MIND.
- Reinach, E., Lovelock, R and Roberts, G (1976), **First Year at Fairfield Lodge**, Portsmouth, Social Services Research and Intelligence Unit.
- Reinach, E & Roberts, G (1980), **Intermediate Treatment Observed**, Portsmouth, Social Services Research and Intelligence Unit, Occasional Paper No. 7.
- Reiner, R (1987), "Book reviews", **Critical Social Policy** 7 no. 20 pp. 103 – 106.
- Reiner, R (2007), **Law and Order: An Honest Citizen's Guide to Crime and Control**, Cambridge, Polity Press.
- Repp, A C., Felce, D & de Kock, U (1987), 'Observational studies of staff working with mentally retarded persons: a review', **Research in Developmental Disabilities** 8 pp. 331 – 350.
- Reynolds, F (1982), 'Social work influences on juvenile court disposals', **British Journal of Social Work** 12 pp. 65 – 76.
- Reynolds, F (1985), 'Magistrates' Justifications for Making Custodial Orders on Juvenile Offenders', **Criminal Law Review** May pp. 294 – 298.
- Rhodes, B. & Waddicor, C (1978), 'Aims and Objectives of I.T.', in Thomas, J., ed., **National Intermediate Treatment Conference Papers 1977**, Leicester, National Youth Bureau, pp 85 – 88.
- Rhodes, R A W & March, D (1992), 'New directions in the study of policy networks', **European Journal of Political Research** 21 pp. 181 – 205.
- Richards, D & Smith, M J (1997), 'How Departments Change: Windows of Opportunity and Critical Junctures in Three Departments', **Public Policy and Administration** 12 pp. 62 – 79.
- Richards, J (1976), 'Targets for IT', **Youth Social Work Bulletin** vol. 3 no. 5 (September-October) pp. 3 – 5.

- Rickman, C., Norton, M & Lelitte, P (1989), **RAP in the Place '89/RAP: Where I.T. Matters**, Lewisham, Rainer Alternatives Project, Rainer Foundation.
- Richardson, L (1990), **Writing Strategies: Reaching Diverse Audiences**, California, Sage.
- Ritchie, D A (1995), **Doing Oral History**, New York, Twayne.
- Ritchie, D A (2011), 'Introduction: The Evolution of Oral History', in D. A. Ritche, ed., **The Oxford Handbook of Oral History**, Oxford, Oxford University Press, pp. 3 – 19.
- Ritchie, I., Williamson, R & Johnson, T (1981), 'Processing young offenders?', in DHSS, Social Work Service: North West Region Development Group, **Community Provision for Young Offenders: A Seminar at the Dalmeny Hotel, St Anne's-On-Sea, 28-30 April**, pp 38 – 52.
- Rivera, G (1972), **Willowbrook**, New York, Random House.
- Robb, J H (1986), 'The Italian Health Service: Slow revolution or permanent crisis?', **Social Science & Medicine** 22 pp. 619 – 627.
- Robbins, B (1996), 'Anatomy of a Hoax', **Tikkun** 11:5 September/October pp. 58 - 59.
- Roberts, C (1992), **The Criminal Justice Act 1991: Its Roots and Relationships to Probation Practice**, Association of Chief Officers of Probation.
- Roberts, J V., Stalons, L J., Indemaur, D & Hough, M (2003), **Penal Populism and Public Opinion: Lessons from Five Countries**, Oxford University Press.
- Robertson, A (1961), 'Casework in Borstal', **Prison Service Journal** 2 pp. 15 – 22.
- Robertson, B M (2006), **Oral History Handbook**, 5<sup>th</sup> edition, Unley, South Australia, Oral History Association of Australia.
- Robertson, E. & Knapp, M (1987), 'Promoting Intermediate Treatment: A Problem of Excess Demand or Excess Supply' **British Journal of Social Work** 18 supplement pp. 131 – 147.
- Robertson, E., Knapp, M., Crank, D & Wood, C (1986), **The Comparative Costs of Intermediate Treatment and its Alternatives in Tameside**, Canterbury, Personal Social Service Research Unit, Discussion paper 374/3.
- Robinson, A (1986), **Befriending and Tracking Schemes**, National Children's Bureau.
- Robinson, T J (1974), 'Why "bad" girls go to Holloway', **Community Care** 11 (12.6.74) pp. 10 - 12.
- Roche, J (1986), 'Diversion – a cautionary tale', **Youth and Policy** 17 (Summer) pp. 30 – 34.
- Roche, S (2007), 'Criminal Justice Policy in France: Illusions of Severity', in Tonry, M ed., **Crime, Punishment and Politics in Comparative Perspective: Crime and Justice: A Review of Research vol. 36**, pp. 471 – 550.
- Rock, D & Gildersleeve, G (1983), 'letter' to **Community Care** 455 (24.3.83) p. 9.
- Roesch, R & Corrado, R (1983), 'Criminal Justice System Interventions', in Seidman, E ed., **Handbook of Social Intervention**, Beverley Hills, Sage, pp .385 - 407.
- Rogers, J W & Mays, G L (1987), **Juvenile Delinquency and Juvenile Justice**, New York, Wiley.
- Rogers, A & Pilgrim, D (1991), 'Pulling down churches: Accounting for the British mental health users' movement', **Sociology of Health and Illness** 13 pp. 129 – 148.
- Rogowski, S (1980), 'Personal View', **Youth in Society** 45 (August) pp. 24 – 25.
- Rogowski, S (1984), 'Towards a Radical I.T.', **Youth in Society** 76 (March) pp. 12 – 13.
- Rogowski, S (1985), 'Intermediate Treatment – A Critical Appraisal', **Youth and Policy** 12 pp. 21 – 26.
- Rogowski, S (1990a), 'Radical Intermediate Treatment, some views from the field', **Youth and Policy** 29 pp. 20 – 25.
- Rogowski, S (1990b), 'Intermediate Treatment – Towards A Radical Practice', **Youth and Policy** 31 pp. 30 – 35.
- Rogowski, S (1994), 'Review of Krisberg, B & Austin, J F., "Reinventing Juvenile Justice"', **Youth & Policy** 46 (Autumn) pp. 73 – 75.
- Rogowski, S (1995), 'Youth crime and community based initiatives: A critical look at their development and some thoughts on a radical practice', **Practice** 7: 4 pp. 43 – 52.
- Rogowski, S (2009), 'Put Evidence Above Politics', **Community Care** 1798 (3.12.09) p. 10.
- Rohrer, R (1982), 'Lost in the myths of crime', **New Statesman** vol. 103 no. 2652 (22.1.82) pp. 6 – 8.
- Rose, G (1967), **Schools for Young Offenders**, Tavistock.
- Rose, J D H (1989), 'The Rights of the Child in the Juvenile Court', in Manchester, A.H. & Giles, A eds., **Juvenile Offenders and Juvenile Justice – into the 1990's**, British Juvenile And Family Courts Society, pp. 11 – 16.
- Rose, N (1989), **Governing The Soul: The shaping of the private self**, Routledge.
- Rose, N (1993), 'Government, authority and expertise in advanced liberalism', **Economy and Society** 22 pp. 283 – 299.
- Rose, N (1996), 'The Death of the Social? Re-figuring the territory of government', **Economy and Society** 25 pp. 327 – 356.

- Rose, N (2000), 'Government and Control', **British Journal of Criminology** 40 pp. 321 - 339
- Rose, N & Miller, P (1992), 'Political Power Beyond the State: Problematics of Government', **British Journal of Sociology** 43 pp. 172 - 205.
- Rose, N & Valverde, M (1998), 'Governed by Law?', **Social and Legal Studies** 7 pp. 541 - 551.
- Rose, S M (1979), 'Deciphering Deinstitutionalization: Complexities in Policy and Program Analysis', **Milbank Memorial Fund Quarterly/Health and Society**, 57 pp. 429 - 460.
- Rosenberg, N S & Friedman, P R (1979), 'Developmental Disability Law: A Look into the Future', **Stanford Law Review** 31 pp. 817 - 829.
- Ross, S (1983), 'letter' to **Social Work Today** vol. 14 no. 33 (3.5.83) p. 25.
- Ross, S (1984), 'The sacred cow of I.T.', **Community Care** 499 (16.2.84) pp. 24 - 26.
- Roth, A (1972), **Heath and the Heathmen**, Routledge & Kegan Paul.
- Rothbard, A B., Kuno, E., Schinnar, A P., Hadley, T R & Turk, R (1999), 'Service Utilization and Cost of Community Care for Discharged State Hospital Patients: A 3-year Follow-up Study', **American Journal of Psychiatry** 156 pp. 920 - 927.
- Rothman, D J (1973), 'Decarcerating Prisoners and Patients', **Civil Liberties Review** 1 pp. 8 - 30.
- Rothman, D J (1982), 'The Courts and Social Reform: A Progressive Outlook', **Law and Human Behavior** 6 pp. 113 - 119.
- Rothman, D (1996), 'What Doctors Don't Tell Us', **New York Review of Books** 43:4 (29.2.96) and at [www.nybooks.com/article/1624](http://www.nybooks.com/article/1624) last accessed on 24.11.09.
- Rothman, D (2002), **Conscience and Convenience: The Asylum and its Alternatives in Progressive America**, revised edition, New York, Aldine de Gruyter.
- Rothman, D J & Rothman, S M (1984), **The Willowbrook Wars**, New York, Harper & Row.
- Rowitz, L (1992), 'Mental Retardation in the Year 2000' in Rowitz, L ed., **Mental Retardation in the Year 2000**, New York, Springer-Verlag, pp. 3 - 11
- Rowntree, M (1971), 'An Introduction to Intermediate Treatment', **Probation** 17 pp. 18 - 21.
- Royal Commission on Criminal Procedure (1981), **Report**.
- Ruggles-Brice, E (1921), **The English Prison System**, Macmillan.
- Rushforth, M (1978), **Committal to Residential Care: A case study in juvenile justice**, Edinburgh, Scottish Office, HMSO.
- Rutherford, A (1974a), **The Dissolution of the Training Schools in Massachusetts**, Columbus, Ohio, Academy for Contemporary Problems.
- Rutherford, A (1974b), 'Young Offenders', **New Society** vol. 29 no. 613 (24.4.74) p. 33.
- Rutherford, A (1975), 'The Dissolution of the Training Schools in Massachusetts', in Dodge, C R ed., **A Nation Without Prisons**, Lexington, Massachusetts, Lexington Books.
- Rutherford, A (1978), 'Decarceration of Young Offenders in Massachusetts: The Events and Their Aftermath', in Tutt, N ed. **Alternative Strategies for Coping with Crime**, Oxford and London, Basil Blackwell & Martin Robertson, pp. 103 - 119.
- Rutherford, A (1981), 'Young Offenders', **British Journal of Criminology** 21 pp. 74 - 78.
- Rutherford, A (1983), 'Criminal Justice Act '82 and the Use of Custody', **Probation Journal** 30 pp. 93 - 95.
- Rutherford, A (1984a), **Prisons and the Process of Justice: The Reductionist Challenge**, Heinemann.
- Rutherford, A (1984b), 'The Massachusetts Alternative: A radical approach to juvenile justice', **The Listener** vol. 111 no. 2856 (3.5.84) pp. 2 - 4 and 17.
- Rutherford, A (1986a), **Growing Out Of Crime: Society and Young People in Trouble**, Harmondsworth, Penguin.
- Rutherford, A (1986b), 'Obstacles to Decarceration', in Northern Region Conference on Juvenile Justice, **No Easy Option: Challenging the use of Custody for Juveniles**, Report of a Day Conference held in Newcastle Upon Tyne on Thursday 29<sup>th</sup> May, 1986 (no clear publisher: copy held in the Centre for Social Action library, De Montfort University, Leicester), pp. 33 - 34.
- Rutherford, A (1989), 'The mood and temper of penal policy: Curious happenings in England during the 1980's', **Youth and Policy** 27 pp. 27 - 31.
- Rutherford, A (1992a), 'Adolescents and the Penal System: Hopeful Straws in the Wind', **Criminal Behaviour and Mental Health** 2 pp. 15 - 22.
- Rutherford, A (1992b), **Growing Out Of Crime: The New Era**, Winchester, Waterside Press.
- Rutherford, A (1994), 'Foreword', to Howard League (1994), **The Howard League's Good Practice Guide on Working with Young Offenders**, Bellew.
- Rutherford, A (1995), 'Sign-posting the Future of Juvenile Justice Policy in England and Wales', in Howard League, **Child Offenders: UK and International Practice**, pp. 57 - 59.

- Rutherford, A (1996), **Transforming Criminal Policy**, Winchester, Waterside Press.
- Rutherford, A (1999), 'The New Political Consensus on Youth Justice in Britain', in McDowell, G L & Smith, J S eds., **Juvenile Delinquency in the United States and the United Kingdom**, Macmillan, pp. 47 – 60.
- Rutherford, A & Bengur, D (1976), **Community Based Alternatives to Juvenile Incarceration** National Institute of Law Enforcement & Criminal Justice, Law Enforcement Assistance Administration, U S Department of Justice, Washington DC, Government Printing Office.
- Rutherford, A & Morgan, R (1981), **No More Prison Building**, Howard League for Penal Reform. {Also included as Appendix 8 in House of Commons (1981), **Fourth Report from the Home Affairs Committee, session 1980 - 81: The Prison Service** HC 412-II, HMSO {Parliamentary Papers 1980-81 vol. xxxvi}.
- Rutter M and Giller H (1983), **Juvenile Delinquency: Trends and Perspectives**, Harmondsworth, Penguin.
- Ryan, A (1993), 'Foucault's Life and Hrad Times', **New York Review of Books** 8.4.93 pp. 12 – 17.
- Ryan, M (1976), 'Radical Alternatives to Prison', **Political Quarterly** 47 pp. 71 – 81.
- Ryan, M, (1978), **The Acceptable Pressure Group: Inequality in the penal lobby: A case study of the Howard League and RAP**, Farnborough, Saxon House.
- Ryan, M (1985), 'In The Belly of the New Beast: or the Confessions of an Abolitionist', **Abolitionist** 20 pp. 12 – 14.
- Ryan, M (2003), **Penal Policy and Political Culture in England and Wales**, Winchester, Waterside Press.
- Ryan, M & Ward, T (1989) 'Left Realism Against the Rest Revisited: Or some particularities of the British', in Rolston, B & Tomlinson, M eds., **Justice and Ideology: Strategies For the 1990s**, European Group For The Study of Deviance and Social Control Working Papers No. 9, Belfast, pp. 146 – 159.
- Ryan M & Ward, T (1992), 'From Positivism to Postmodernism: Some Theoretical and Strategic Reflections on the Evolution of the Penal Lobby in Britain', **International Journal of the Sociology of Law** 20 pp. 321 – 335.
- Sabatier, P A (1986), 'Top-down and Bottom-up Approaches to Implementation Research: A Critical Analysis and Suggested Synthesis', **Journal of Public Policy** 6 pp. 21 - 48.
- Sabatier, P A (1988), 'An advocacy coalition framework of policy change and the role of policy-oriented learning therein', **Policy Sciences** 21 pp. 129 – 168.
- Sabatier, P A (1991), 'Towards better theories of the policy process', **PS: Political Science and Politics**, 24 pp. 147 – 156.
- Sabatier, P A (1999), 'The need for better theories', in Sabatier, P A., ed., **Theories of the Policy Process**, Boulder, Colorado, Westview Press, pp. 3 – 17.
- Sabatier, P A & Jenkins-Smith, H C (1988), 'Symposium editor's introduction', **Policy Sciences** 21 pp. 123 – 127.
- Sabatier, P A & Jenkins-Smith, H C (1999), 'The Advocacy Coalition Framework: An assessment', in Sabatier, P A., ed., **Theories of the Policy Process**, Boulder, Colorado, Westview Press, pp. 117 – 166.
- Salzedo, S (1981), 'A brake on the road to delinquency', **Social Work Today** vol. 12 no. 37 (2.6.81) pp. 18 – 20.
- Samuel, R (1994), **Theatres of Memory: Vol 1: Past and Present in Contemporary Culture**, Verso.
- Samuel, R & Thompson, P (1990), 'Introduction' in Samuel, R & Thompson, P.m, eds., **The Myths We Live By**, Routledge pp. 1 – 22.
- Sampson, A (1993), 'Truth is the First Casualty of the War on Juvenile Crime', **Prison Report** 22 (Spring) pp. 16 – 17.
- Sanders, A (1986), 'Diverting Offenders from Prosecution – can we learn from other countries', **Justice of the Peace** vol. 150 no. 39 (27.9.86), pp. 614 – 617.
- Sanders, A (1988), 'The limits to diversion from prosecution', **British Journal of Criminology** 28 pp. 513 – 532.
- Sanders-Graham, E (1987) 'A case for change on roles within the appeal process', **Justice of the Peace** vol. 151 no 43 (24.10.87) pp. 682 - 683.
- Sanderson, J J (1955), 'The Modern "Akbar"', **Approved Schools Gazette** vol. 49 No. 1 pp. 16 – 17.
- Sarantakos, S (1994), **Social Research**, Basingstoke, Macmillan.
- Sargent, F W (1973), 'Community-Based Treatment for Juveniles in Massachusetts', in Leijens, P., ed., **New Approaches to Diversion and Treatment of Offenders**, Washington DC, Criminal



- Justice Monograph, U S Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, U S Government Printing Office pp. 1 – 7.
- Savage, S J (1988), 'Caution for cautions', **Justice of the Peace** vol. 152 No. 6 (6.2.88) pp. 85 – 90.
- Scheerenberger, R C (1978), 'Public Residential Services for the Mentally Handicapped', in Ellis, N R ed., **International Review of Research in Mental Retardation Vol 9**, New York, Academic Press, pp. 187 – 206.
- Scheerer, S (1986), 'Towards Abolitionism', **Contemporary Crises** 10 pp 5 - 20.
- Scheper-Hughes, N & Lovell, A M (1986), 'Breaking The Circuit of Social Control: Lessons in Public Psychiatry from Italy and Franco Basaglia', **Social Science and Medicine** 23 pp. 159 – 178.
- Scheper-Hughes, N & Lovell, A M eds. (1987), **Psychiatry Inside Out: Selected Writings of Franco Basaglia**, New York, Columbia University Press.
- Schiraldi, V (1990), 'Hawaii's Juvenile Justice System: A Model for Reform', **Federal Probation** 54 pp. 58 – 62.
- Schlager, E (1995), 'Policy Making and Collective Action: Defining coalitions within the advocacy coalition framework', **Policy Sciences** 28 pp. 243 – 270.
- Schlager E & Blomquist, W (1996), 'A Comparison of Three Emerging Theories of the Policy Process', **Political Research Quarterly** 49 pp. 651 – 672.
- Schneider, A L (1985), **The Impact of Deinstitutionalisation on Recidivism and Secure Confinement of Status Offenders**, Washington DC, U S Department of Justice, Office of Juvenile Justice and Delinquency Prevention, National Institute of Juvenile Justice and Delinquency Prevention, Reports of the National Juvenile Justice Assessment Centers, U S Government Printing Office.
- Schofield, H (1993), in **NAPO News** 24 (April).
- Schur, E (1973), **Radical Non-Intervention: Rethinking the delinquency problem**, Englewood Cliffs, New Jersey, Prentice-Hall.
- Schwartz, I M (1989), **(In)Justice for Juveniles: Rethinking The Best Interests of the Child**, Lexington, Massachusetts, D C Heath.
- Schwartz, I., Jackson-Beeck, M and Anderson, R (1984), 'The "Hidden" System of Juvenile Control', **Crime and Delinquency** 30 pp. 371 – 385.
- Scott, P D (1964), 'Approved School success rates', **British Journal of Criminology** 4 pp. 525 – 556. (reprinted in the **Approved Schools Gazette** vol. 58 no. 12 (March 1965) pp. 505 – 509; vol. 59 no. 1 (April 1965) pp. 545 – 562, and vol. 59 no. 2 (May, 1965) pp. 63 – 74.
- Scott, P D (1966), 'The Child, The Family and The Young Offender', **British Journal of Criminology** 6 pp. 105 – 111.
- Scruton, P & Chadwick, K (1985), 'The Experiment That Went Wrong', **Abolitionist** 20 pp. 28 – 33.
- Scull, A (1976), 'The Decarceration of the Mentally Ill: A Critical View', **Politics and Society** 6 pp. 173 – 212.
- Scull, A (1977), **Decarceration: Community Treatment and the Deviant**, Englewood Cliffs, New Jersey, Prentice-Hall.
- Scull, A (1981a), 'Deinstitutionalization and the Rights of the Deviant', **Journal of Social Issues** 37: 3 pp. 6 – 20.
- Scull, A (1981b), 'Progressive Dreams, Progressive Nightmares: Social Control in Twentieth-Century America', **Stanford Law Review** 33 pp. 575 – 590.
- Scull, A (1981c), 'A New Trade in Lunacy: The Recommodification of the Mental Patient', **American Behavioral Scientist** 24 pp. 741 – 754.
- Scull, A (1982), 'Community Corrections: Panacea, Progress or Pretence?', in Abel, R ed., **The Politics of Informal Justice Volume 1: The American Experience**, Academic Press, pp. 99 – 118.
- Scull, A (1983), 'Community Corrections: Panacea, Progress or Pretence?', in Garland D & Young, P eds., **The Power To Punish: Contemporary Penalty and Social Analysis**, Aldershot, Gower, pp. 146 – 65.
- Scull, A (1984a), **Decarceration: Community Treatment and the Deviant, 2<sup>nd</sup> edition**, Englewood Cliffs, New Jersey, Prentice-Hall.
- Scull, A (1984b), 'De-Institutionalization and the Rights of the Deviant', in Brusten, M., Graham, J., Herrigard, N & Malinowski, P eds., **Youth Crime, Social Control and Prevention: Theoretical Perspectives and Policy Implications: Studies from Nine Different Countries**, Bamberg, Germany, Centaurus, pp. 9 – 20.
- Scull, A (1989), **Social Order/Mental Disorder: Anglo-American Psychiatry in Historical Perspective**, Routledge.

- Scull, A (1990), 'Deinstitutionalization: Cycles of Despair', **Journal of Mind and Behavior** 11 pp. 301 – 311.
- Scull, A (2006), 'Power, Social Control and Psychiatry: Some Critical Reflections', in Armstrong, S & McAra, L eds., **Perspectives on Punishment: The Contours of Control**, Oxford, Oxford University Press, pp. 197 – 216.
- Seal, V G & Bean, P eds. (1992a), **Barbara Wootton: Selected Writings Vol. 1: Crime and the Penal System**, Basingstoke, Macmillan.
- Seal, V G & Bean, P eds. (1992a), **Barbara Wootton: Selected Writings Vol. 2: Social Welfare**, Basingstoke, Macmillan.
- Senate (1970), **Conditions in Juvenile and Young Offender Institutions: Hearings**, Committee on the Judiciary; Sub-Committee to Investigate Juvenile Delinquency, Washington DC, Government Printing Office.
- Senate (1979), **Abuse and Neglect of Children in Institutions: Hearings**, Senate Committee on Labor and Human Resources, Sub-Committee on Child and Human Development, Washington DC, U Government Printing Office.
- Senate (1985), **Care of Institutionalized Mentally Disabled Persons**, Committee on Appropriations and Committee on Labor and Human Resources Joint Hearings, Washington DC, U Government Printing Office.
- Senate, (1994), **Deinstitutionalization, Mental Illness and Medications**, Committee on Finance, Washington DC, U S Government Printing Office.
- Senior, P (1989), 'Radical Probation: Surviving in a hostile climate', in Langan, M & Lee, P eds., **Radical Social Work Today**, Unwin Hyman, pp. 292 – 319.
- Serrill, M S (1975a), 'Juvenile Corrections in Massachusetts', **Corrections Magazine** vol. II no. 2 (November/December) pp. 3 – 12 and 17 - 20.
- Serrill, M S (1975b), 'Jerome Miller: Does he have the answers for juvenile corrections?', **Corrections Magazine** vol. II no. 2 (November/December) pp. 24 – 28.
- Serrill, M S (1981), 'Massachusetts: A Harder Line Towards Juveniles', **Corrections Magazine**, February, pp. 29 – 31.
- Sharp, E B (1994), 'Paradoxes of National Antidrug Policymaking', in Rochefort, D A & Cobb, R W., eds., **The Politics of Problem Definition: Shaping The Policy Agenda**, Lawrence, Kansas, University Press of Kansas, pp. 98 – 116.
- Sharron, H (1982a), 'Arresting the 'law' man', **Social Work Today** vol. 13 no. 31 (20.4.82) p. 4.
- Sharron, H (1982b), 'First time lucky', **Social Work Today** vol. 13 no. 34 (11.5.82) p. 2.
- Shaw, R and Haines, K (1989), **The Criminal Justice System: A Central Role For The Probation Service**, Cambridge, Institute of Criminology.
- Shaw, S (1987), **Conviction Politics: A plan for penal policy**, Fabian Tract 522.
- Shaw, S (1993), 'Suffer the children', **Prison Report** 22 (Spring) p. 3.
- Shearer, A (1986), **Building Community with People with Mental Handicaps, Their Families and Friends**, King's Fund/Campaign for People with Mental Handicaps.
- Sheratt, C (1979), 'Why recommend care?', **Community Care** 276 (9.8.79) pp. 18 – 19.
- Shinn M & Felton, B J (1981), 'Institutions and Alternatives: An Overview', **Journal of Social Issues** 37: 3 pp. 1 – 5.
- Short, E (1989), **Whip to Wilson**, Macdonald.
- Shubow, L D & Stahlin, J A (1977), 'Juveniles in Court: A look at a system in flux', **Massachusetts Law Quarterly** 61 pp. 193 – 197.
- Silverman, D (2001), **Interpreting Qualitative Data**, Sage.
- Sim, J (1992), "'When You Ain't Got Nothing You Got Nothing to Lose": The Peterhead Rebellion, The State and The Case for Prison Reform', in Bottomley, T., Fowles, T & Reiner, R eds., **Criminal Justice: Theory and Practice**, British Criminology Conference 1991: Selected Papers vol 2, British Society of Criminology/Institute for the Study and Treatment of Delinquency, pp. 273 – 300.
- Sim, J (1994), 'The Abolitionist Approach: A British Perspective', in Duff, A., Marshall, S., Dobash, R E & Dobash, R P eds., (1994), **Penal Theory and Practice: Tradition and Innovation in Criminal Justice**, Manchester, Manchester University Press/Fulbright Commission, pp. 263 - 284.
- Sim, J (2009), **Punishment and Prisons: Power and the Carceral State**, Sage.
- Simmons, M M (1945), **Making Citizens: A review of the aims, methods and achievements of the Approved Schools in England and Wales**, HMSO.
- Simon, J (1994), 'Power without Parents: Juvenile Justice in a Postmodern Society', **Cardozo Law Review** 16 pp. 1363 – 1426.

- Simpson, J (1979), 'Points in Practice', **Journal of Social Welfare Law** pp. 186 - 189.
- Sinclair I A C and Clarke, R V G (1973), 'Acting out behaviour and its significance for the residential treatment of delinquents', **Journal of Child Psychology and Child Psychiatry** 14 pp. 283 - 291.
- Sinclair, I and Clarke, R (1982), 'Predicting, Treating and Explaining Delinquency: The Lessons from Research on Institutions', in Feldman, P ed., **Developments in the Study of Criminal Behaviour: Volume 1: The Prevention and Control of Offending**, Chichester, Wiley, pp. 51 - 78.
- Singer, B A (1979), 'letter' to **The Magistrate** vol. 35 no. 11 (November) p. 175.
- Singh, J (1985), 'Net-widening effect of cautions', **Childright** 15 (March) pp. 18 - 19.
- Sked, A (1997), **An Intelligent Person's Guide to Post-War Britain**, Duckworth.
- Sked, A & Cook, C (1993), **Post-War Britain: A Political History**, 4<sup>th</sup> edition, Penguin.
- Skinner, A (1985), **A Bibliography of Intermediate Treatment 1968 - 1984**, Leicester, National Youth Bureau.
- Skyrne, T (1983), **The Changing Image of the Magistracy**, 2<sup>nd</sup> edition, Macmillan.
- Slack, K M (1972), 'Social Administration Digest 1', **Journal of Social Policy** 1 pp. 60 - 78.
- Slack, K M (1972b), 'Social Administration Digest 3', **Journal of Social Policy**, 1 pp. 259 - 276.
- Slack, K M (1982), 'Social Administration Digest 41', **Journal of Social Policy** 11 pp. 93 - 106.
- Smart, B (1985), **Michel Foucault**, Tavistock.
- Smart, B (2002), **Michel Foucault**, 2<sup>nd</sup> edition, Routledge.
- Smith, D (1980), 'letter' to **Community Care** 320 (31.7.80) p. 10.
- Smith, D (1995), **Criminology For Social Work**, Macmillan.
- Smith, D (1996a), 'Pre-Sentence Reports' in May, T & Vass, A A eds., **Working with Offenders: Issues, Contexts and Outcomes**, Sage, pp. 134 - 156.
- Smith, D (1996b), 'Social Work and Penal Policy', in McIvor, G ed., **Working With Offenders**, Jessica Kingsley, pp. 6 - 24.
- Smith, D (1999), 'Social Work with Young People in Trouble: Memory and Prospect', in Goldson, B ed., **Youth Justice: Contemporary Policy and Practice**, Aldershot, Ashgate, pp. 148 - 169.
- Smith, G (1989), 'Professional Reactions and Comments', in Rees H and Hall Williams, E eds., **Punishment, Custody and the Community. Reflections and Comments on the Green Paper**, London School of Economics, pp. 112 - 122.
- Smith, J (1977), 'For my money 'IT' is dead', **Social Worker and Residential News**, vol. 6 no. 247 (30.6.77), pp. 1 - 3.
- Smith, J., Glossop, C & Kushlick, A (1980), 'Evaluation of Alternative Residential Facilities for the Severely Mentally Handicapped in Wessex: Client progress', **Advances in Behaviour Research and Therapy** 3 pp. 5 - 11.
- Smith, J D & Polloway, E A (1995), 'Patterns of Deinstitutionalization and Community Placement: A Dream Deferred or Lost?', **Education and Training in Mental Retardation** 30 pp. 321 - 328.
- Smith, R (1981), 'Children and their lawyers in the Juvenile Court', in King, M ed., **Childhood, Welfare and Justice: A critical examination of children in the legal and child care systems**, Batsford, pp. 26 - 44.
- Smith, R (1987), 'The practice of diversion', **Youth and Policy** 19 pp. 10 - 14.
- Smith, R (2003), **Youth Justice: Ideas, Policy, Practice**, Cullompton, Devon, Willan.
- Snaeken, S (2007), 'Penal Policy and Practice in Belgium', in Tonry, M ed., **Crime, Punishment and Politics in Comparative Perspective: Crime and Justice: A Review of Research** vol. 36, pp. 127 - 215.
- Snacken, S., Beyens, K & Tubex, H (1995), 'Changing Prison Populations in Western Countries: Fate or Policy', **European Journal of Crime, Criminal Law and Criminal Justice** 3 pp. 18 - 53.
- Social Services Inspectorate (1988), **Inspection of Youth Treatment Service 1988**, Department of Health Social Services Inspectorate.
- Social Work Service (1976) special issue on 'Intermediate Treatment', vol. 11.
- Social Work Today (1976), 'News', **Social Work Today** vol. 8 no. 6 (9.11.76) p. 2 and p. 6.
- Social Work Today (1977), 'News', **Social Work Today** vol. 8 no. 18 (8.2.77) p. 4.
- Social Work Today (1978a), 'News', **Social Work Today** vol. 10 no. 13 (21.11.78) p. 47
- Social Work Today (1978b), 'News', **Social Work Today** vol. 9 no. 33 (5.4.78) p. 4.
- Social Work Today (1978c), 'News', **Social Work Today** vol. 9 no. 47 (8.8.78) p. 2 - 3.
- Social Work Today (1978d), 'News', **Social Work Today** vol. 9 no. 48 (15.8.78) p. 4.
- Social Work Today (1979), 'News', **Social Work Today** vol. 10 no. 44 (17.7.79) pp. 2 - 4.
- Social Work Today (1982a), 'News', **Social Work Today** vol. 14 no. 10 (9.11.82) p. 3.

- Social Work Today (1982b), 'News', **Social Work Today** vol. 13 no. 47 (17.8.82) p. 3.
- Social Work Today (1983), 'News', **Social Work Today** vol. 14 no. 30 (12.4.83) p. 2.
- Social Work Today (1984), 'News', **Social Work Today** vol. 16 no. 14 (3.12.84) p. 9.
- Social Work Today (1989a), 'News', **Social Work Today** vol.20 no. 30 (6.4.89) p. 23.
- Social Work Today (1989b), 'News', **Social Work Today** vol.21 no. 8 (19.10.89) p. 2.
- Social Work Today (1990a), 'News', **Social Work Today** vol.21 no. 22 (8.2.90) p. 3.
- Social Work Today (1990b), 'News', **Social Work Today** vol.21 no. 24 (22.2.90) p. 2.
- Social Work Today (1990c), 'News', **Social Work Today** vol.21 no. 30 (5.4.90) p. 7.
- Sokal, A (1996a), 'Transgressing the Boundaries: Towards a Transformative Hermeneutics of Quantum Gravity', **Social Text** 46/47 pp. 217 – 252.
- Sokal, A (1996b), 'A Physicist Experiments with Cultural Studies', **Lingua Franca** May/June pp. 62 – 64.
- Sokal, A & Bricmont, J (1998), **Intellectual Imposters: Postmodern philosopher's abuse of science**, Profile Books.
- Soloman, H C (1958), 'The American Psychiatric Association in Relation to American Psychiatry', **American Journal of Psychiatry** 115 pp. 1 – 9.
- Somerville, J G (1969), 'A study of the preventive aspects of police work with juveniles', **Criminal Law Review** August pp. 407 – 414 and September pp. 472 – 484.
- Sommer, B W & Quinlan, M K (2002), **The Oral History Manual**, Lanham, New York, Alta Mira Press.
- Sparks R F and Hood R C eds., (1968), **The Residential Treatment of Disturbed and Delinquent Boys**: papers presented to the Cropwood Round Table Conference, Cambridge, University of Cambridge Institute of Criminology,
- Specter, A (1981), Opening Remarks to Senate, **Abolition of the Office of Juvenile Justice and Delinquency Prevention**, Hearings, Committee on the Judiciary: Sub-Committee on Juvenile Crime, 97<sup>th</sup> Congress: 1<sup>st</sup> session, April 1<sup>st</sup>, 1981, Washington DC, U S Government Printing Office.
- Spencer, J (1953), 'The Attendance Centre in England: The first year's work', **Howard Journal** 8 1949 – 53 p. 146.
- Spiers, S (1977), **Fifteen and Sixteen Year Olds in Borstal**, Young Offender Psychology Unit, Home Office.
- Sprowls J T & Bullington, B (1977), 'Removing Juveniles From Camp Hill: A Case Study', in Ferdinand, T N ed., **Juvenile Delinquency: Little Brother Grows Up**, Beverley Hills, Sage, pp. 139 – 159.
- Stacpoole, J (unpublished manuscript), **Government in a Blind Alley**.
- Stafford, E & Hill, J (1987), 'The Tariff, Social Inquiry Reports and the Sentencing of Juveniles', **British Journal of Criminology** 27 pp. 411 – 420.
- Stancliffe, R J & Lakin, K C (2005), 'Context and Issues in Research on Expenditures and Outcomes of Community Supports', in Stancliffe, R J & Lakin, K C eds., **Costs and Outcomes of Community Services for People With Intellectual Disabilities**, Baltimore, Paul H Brookes, pp. 1 – 22.
- Stanley, C (1987), 'Juvenile Justice in Kent', in NITFED, **Policy, Management and Practice: 1987 Annual Conference Report**, Glasgow, Scottish Intermediate Treatment Resource Centre, p 31 ff.
- Stanley, C (1988), 'Making Statutory Guidelines Work', **Justice of the Peace**, vol. 152: no 41 (8.10.88) pp. 648 - 650.
- Stanley, C (1992), 'The Role of Appeals in the Declining Use of Custodial Sentences', **AJJUST** 30 (Summer) pp. 12 – 20.
- Stanley, S & Baginsky, M (1984), **Alternatives To Prison: An Examination of Non-Custodial Sentencing of Offenders**, Owen.
- Staples, B (2007), 'Introduction: Defining Decarceration', **Social Research** 74 pp. 647 - 650
- Steenhuis, D W, Tiggers, L C M & Essers, J J A (1983), 'The Penal Climate in the Netherlands: sunny or cloudy?', **British Journal of Criminology** 23 pp. 1 – 16.
- Stein, L I & Diamond, R J (1985), 'A Programme for Difficult-To-Treat Patients', in Stein, L I & Test, M A eds., **The Training in Community Living Model: A Decade of Experience**, New Directions for Mental Health Services no. 26, San Francisco, Jossey-Bass, pp. 29 – 39.
- Stein, L I & Test, M A (1979), 'From the hospital to the community: A shift in the primary locus of care' in Lamb, H R ed., **Alternatives to Acute Hospitalization**, New Directions for Mental Health Services no. 1, San Francisco, Jossey Bass, pp.15 – 32.
- Stein, L I & Test, M A (1985), 'The Evolution of the Training in Community Living Model' in Stein,

- L I & Test, M A eds., **The Training in Community Living Model: A Decade of Experience**, New Directions for Mental Health Services no. 26, San Francisco, Jossey-Bass, pp. 7 – 16.
- Stein, M (1973), 'juveniles', **New Society** vol. 25 no. 562 (12.7.73) p. 85.
- Steinberg, D., Galbenage, D.P.C & Robinson, S C (1981), 'Two Years' Referrals to a Regional Adolescent Unit: Some implications for psychiatric services', **Social Science and Medicine** 15E pp. 113 – 122.
- Steinert, H (1986), 'Beyond Crime and Punishment', **Contemporary Crises** 10 pp. 21 – 38.
- Steinert, H (1989), 'Marxian Theory and Abolitionism: Introduction to a Discussion', in Rolston, B & Tomlinson, M eds., **Justice and Ideology: Strategies For the 1990s**, European Group For The Study of Deviance and Social Control: Working Papers no. 9, Belfast, pp. 172 – 190.
- Stenson, K (1993a), 'Community policing as global technology', **Economy and Society** 22 pp. 373 – 389.
- Stenson, K (1993b), 'Social work discourse and the social work interview', **Economy and Society** 22 pp. 42 – 76.
- Stephens R & Forrest D (1983), 'Working Together', **Youth in Society** 75 (February) pp. 14 – 16.
- Stevens M & Crook, J (1986), 'What the devil is Intermediate Treatment?', **Social Work Today** vol. 18 no. 2 (8.9.86) pp. 10 – 11.
- Stevenson, O (1971), 'Care or control: a view of Intermediate Treatment', **Social Work Today** vol. 2 No. 4 (20.5.71) pp. 3 – 6.
- Stevenson, S (1989), 'Some social and political tides affecting the development of juvenile justice 1938 – 64', in Gorst A., Johnman, L & Lucas, W.S eds., **Post-War Britain 1945 – 64: Themes and Perspectives**, Pinter, pp. 68 – 94.
- Stewart, G and Tutt, N (1987), **Children in Custody**, Aldershot, Avebury.
- Stewart, M (1980), **Life and Labour**, Sidgewick & Jackson.
- Stolwijk, S A M (1988), 'Alternatives to Custodial Sentences', in Van Dijk, J., Haffmans, C., Ruter, F., Schutte, J & Stolwijk, S eds., **Criminal Law in Action: An overview of current issues in Western societies**, Deventer, Netherlands, Kluwer, pp. 279 – 291.
- Stone, D A (1989), 'Causal Stories and the Formation of Policy Agenda's', **Political Science Quarterly** 104 pp. 281 – 300.
- Stone, M (1984), **Intensive Intermediate Treatment for Persistent Young Offenders: A Study of the Junction Project**, Guildford, University of Surrey.
- Stone, N (1984), 'Editor's Comment', **Probation Journal** 31 pp. 41 – 42.
- Stone, N (1988), 'Obituary for Probation', **Probation Journal** 35 pp. 121 – 122.
- Stone, N & Patten, J (1988), 'A 'New World of Punishment': The View from John Patten's Window of Opportunity', **Probation Journal** 35 pp. 81 – 84.
- Stopard, P (1990), 'Punishment and Probation: The Rhetoric and Reality of the White Paper', **Probation Journal** 37 pp. 123-126 and 130.
- Street, H (1969), 'The Children Bill in Committee', **New Society** vol. 13 no 346 (15.5.69) pp. 751 – 752.
- Stroup, A L & Manderscheid, R W (1988), 'The Development of the State Mental Health System in the United States: 1840 – 1980', **Journal of the Washington Academy of Sciences** 78 pp. 59 – 68.
- Sublett, S (1977), 'An Illinois Perspective on the Problems of the Serious Juvenile Offender', in Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, US Department of Justice, **The Serious Juvenile Offender: Proceedings of a National Symposium Held in Minneapolis, Minnesota on September 19 and 20, 1977**, U S Government Printing Office, pp 103 – 114.
- Sugden, G H (1972), 'letter' to **The Magistrate** 28 pp. 42 – 43.
- Surrey Social Services Department, (1979), **Woodborough: A Study of Observation and Assessment**, Kingston, Surrey.
- Sutton, A (1978), **Reports to the Juvenile Court – Rituals or Revelations?**, Justice for Children (also appears in **Legal Action Bulletin** July, 1978 pp. 155 – 157).
- Sutton, A (1981), 'Science in Court', in King, M ed., **Childhood, Welfare and Justice**, Batsford, pp. 45 – 104.
- Switsky, H W., Dudzinski, M., Acker, R van & Gambro, J (1988), 'Historical Foundations of Out-Of-Home Residential Alternatives for Mentally Retarded Persons', in Heal, L W., Haney, J L & Amado, A R N eds., **Integration of Developmentally Disabled Individuals into the Community**, 2<sup>nd</sup> edition, Baltimore, Paul H Brookes, pp. 19 – 35.
- Sypher, H E., Hummert, M L., & Williams, S L (1994), 'Social Psychological Aspects of the Oral

- History Interview', , in McMahon, E M & Rogers, K L., eds., **Interactive Oral History Interviewing**, Hillside, New Jersey, Lawrence Erlbaum Associates, pp. 47 – 61.
- Szwed, E & Geach, H (1979), **Care, Treatment, Punishment or Control**, Justice for Children.
- Tak, P J (2001), 'Sentencing and Punishment in the Netherlands', in Tonry, M & Frase, R S eds., **Sentencing and Sanctions in Western Countries**, Oxford, Oxford University Press, pp. 151 – 187.
- Tamilia, P R (1976), 'Towards a More Credible Juvenile Justice System in the United States', **Juvenile Justice** 27: 2 (May) pp. 3 – 12.
- Tansella, M (1985), 'letter' to **British Journal of Psychiatry** 147 pp. 450 – 451.
- Tansella, M (1986), 'Community Psychiatry Without Mental Hospitals – The Italian Experience: A Review', **Journal of the Royal Society of Medicine** 79 pp. 664 – 669.
- Taylor, D (1980), 'Instead of Prosecution', **Justice of the Peace**, vol. 144 no. 19 (10.5.80) pp. 279 – 280.
- Taylor, L (1972), 'Prisons Splash', **New Society** vol. 21 no. 521 (28.9.72) pp. 618 – 620.
- Taylor, L., Lacey, R & Bracken, D (1980), **In Whose Best Interests?: the unjust treatment of children in courts and institutions**, Cobden Trust/MIND.
- Taylor, Lord Chief Justice (1993), 'Judges and Sentencing', **Journal of the Law Society of Scotland**, 38 April pp. 129 – 131.
- Taylor, M (1971), **Study of the Juvenile Liaison Scheme in West Ham 1961 – 1965**, Home Office Research Study 8, HMSO.
- Taylor, S H (1954), 'Results consequent upon training in a junior approved school', **Approved School Gazette** 48 pp. 256 – 263.
- Taylor, S.J., Biklen, D & Knoll, J eds. (1987), **Community Integration for People with Severe Disabilities**, New York, Teachers College Press.
- Terrill, R J (1989), 'Margaret Thatcher's law and order agenda', **American Journal of Comparative Law** 37 pp. 429 – 456.
- Tessler R C & Goldman, H H eds. (1982), **The Chronically Mentally Ill: Assessing Community Support Programs**, Cambridge, Massachusetts, Ballinger.
- Testa, M (1982), 'Child Placement at Deinstitutionalization: A Case Study of Social Reform in Illinois', in Handler J F & Zatz, J eds., **Neither Angels Nor Thieves: Studies in Deinstitutionalization of Status Offenders**, Washington DC, National Academic Press, pp. 825 – 871.
- Thomas, D A (1963), 'Sentencing Young Offenders: The effects of the Criminal Justice Act 1961', **Criminal Law Review** August pp. 536 – 45.
- Thomas, D A (1992), 'The Criminal Justice Act 1991: Custodial Sentences', **Criminal Law Review** pp. 232 – 242.
- Thomas, D A (1995), 'Sentencing Reform: England and Wales', in R Morgan & C Clarkson, eds., **the Politics of Sentencing Reform**, Oxford, Clarendon, pp. 125 – 147.
- Thomas, H A (1980), 'The Juvenile Court: A New Philosophy Required', **Justice of the Peace** vol. 144 no. 38 (19.9.80) pp. 562 – 565.
- Thomas, H A (1982), 'The road to custody is paved with good intentions', **Probation Journal** 29 pp. 93 – 97.
- Thomas, H & Wilbourne, R (1985), 'A view from the bridge', **Probation Journal** 32 pp. 131 – 134.
- Thompson, P (2000), **The Voice of the Past**, 3<sup>rd</sup> edition, Oxford, Oxford University Press.
- Thomson, A (2011), 'Memory and remembering in Oral History', in D. A. Ritche, ed., **The Oxford Handbook of Oral History**, Oxford, Oxford University Press, pp. 77 – 95.
- Thornicroft G & Bebbington, P (1989), 'Deinstitutionalisation – From Hospital Closure to Service Development', **British Journal of Psychiatry** 155 pp. 739 – 753.
- Thornicroft, G., Gooch, C & Dayson, D (1992), 'The TAPS Project 17: Readmission to Hospital for Long-Term Psychiatric Patients After Discharge to the Community', **British Medical Journal** 305 pp. 996 – 998.
- Thornton, D., Curran, L., Grayson, D & Holloway, V (1984), **Tougher Regimes in Detention Centres: Report of an Evaluation by the Young Offender Psychology Unit**, HMSO.
- Thorpe, D (1973a), 'Working with young people: some theoretical perspectives underlying intermediate treatment', **Social Work Today** vol. 3 No. 23 (22.2.73) pp. 3 – 6.
- Thorpe, D (1973b), 'Three kinds of intermediate treatment', **Social Work Today** vol. 3 No. 24 (8.3.73) pp. 8 - 11
- Thorpe, D H (1976a), 'The Practice of Intermediate treatment', in Welsh Office, Social Work Service,

- The Development of Intermediate Treatment: Report of the Residential Workshops held at Carmarthen and Llandudno in March, 1976**, Cardiff, HMSO, pp. 63 – 68.
- Thorpe, D (1976b). 'Comment: Intermediate Treatment – five years on', **Social Work Today** vol. 7 no. 4 (13.5.76) p. 97.
- Thorpe, D H (1976c), 'The Practice of Intermediate treatment', in Welsh Office, Social Work Service, **The Development of Intermediate Treatment: Report of the Residential Workshops held at Carmarthen and Llandudno in March, 1976**, Cardiff, HMSO, pp. 63 – 68.
- Thorpe, D (1977a), 'Controlling juvenile delinquents – the decriminalisation and decarceration strategies', **Community Home Schools Gazette** vol. 71 no. 9 (December) pp. 402 – 411.
- Thorpe, D (1977b), 'Monitoring and Evaluation of Intermediate Treatment', in DHSS, Social Work Service Development Group, **Aspects of Supervision and Intermediate Treatment** pp. 38 – 42.
- Thorpe, D (1978a), 'Intermediate Treatment', in Tutt, N ed. **Alternative Strategies for Coping with Crime**, Oxford and London, Basil Blackwell & Martin Robertson, pp. 64 – 81.
- Thorpe, D (1978b), 'Analysis and Evaluation of Intermediate Treatment Programmes', in Thomas, J., ed., **National Intermediate Treatment Conference Papers 1977**, Leicester, National Youth Bureau, pp 44 – 52.
- Thorpe, D (1979a), 'The Wakefield I.T project: A Radical Approach to Management of Delinquency', **Social Work Service** 20 pp. 45 – 48.
- Thorpe, D (1979b), 'Getting on with IT', **Social Work Today** vol. 10 no. 46 (24.7.79) p. 1.
- Thorpe, D (1981a), 'Conveyor belt to custody', **Social Work Today** vol. 13 no. 13 (1.12.81) pp. 7 – 9.
- Thorpe, D (1981b), 'Juvenile Justice and the computer', **Orchard Lodge Studies of Deviancy** 1:1 (Autumn) pp. 9 – 20, also in **Community Care** 365 (18.6.81) pp. 12 – 13.
- Thorpe, D (1981c), 'Diverting Delinquents' **Community Care** 366 (25.6.81) p. 21.
- Thorpe, D (1983a) 'Deinstitutionalization and Justice', in Morris, A & Giller, H eds., **Providing Criminal Justice for Children**, Edward Arnold, pp. 74 – 88.
- Thorpe, D (1983b), 'National Trends in Intermediate Treatment', in **Orchard Lodge Studies of Deviancy** vol. 3 no. 2 pp. 75 – 89.
- Thorpe, D (1984), 'Care and Custody: an unintended consequence', in Caul, B., McCarney, W & Cunningham, G., eds, **Alternatives to Residential Care and Custody**, Ulster Polytechnic, pp. 4 - 12.
- Thorpe, D (1994), 'Police and Juvenile Offending', in Stephens, M & Becker, S eds., **Police Force, Police Service: Care and Control**, pp. 169 – 190.
- Thorpe D, Green, C & Smith, D (1979a), **Punishment and Welfare**, Lancaster, Centre for Youth, Crime and Community, University of Lancaster.
- Thorpe D & Horn, D (1973), 'The shape of intermediate treatment', **Social Work Today** vol. 3 no. 25 (22.3.73), pp. 8 – 11.
- Thorpe, D., Paley, J & Green, C (1979b), 'The making of a delinquent', **Community Care** 261 (26.4.79) pp. 18 – 19.
- Thorpe, D., Paley, J & Green, C (1979c), 'Ensuring the Right Result', **Community Care** 263 (10.5.79) pp. 25 – 26.
- Thorpe, D H., Smith, D., Green, C J & Paley, J H (1980), **Out of Care: The Community Support of Juvenile Offending**, Allen & Unwin.
- Tibbenham A & Stephens, R (1983), 'The Community Works', **Community Care** 486 (3.11.83) pp. 23 – 24.
- Times, The (1967), letter; 'approved schools troubled by conflict of aims', 24.8.67, reprinted in **Approved Schools Gazette** vol. 61 no. 6 (September) pp. 284 – 288.
- Tipler, J (1989), 'Is Justice Colour Blind? Race and Juvenile Justice', **Research, Policy and Planning** 7 pp. 18 – 23.
- Tiratsoo, N ed. (1997), **From Blitz to Blair: A New History of Britain Since 1939**, Weidenfeld & Nicholson.
- Tomlinson, D (1988), 'Let the Mental Hospitals Close...', **Policy and Politics** 16 pp. 179 – 195.
- Tongue, A S (1984), 'Youth Custody: A Profile', **Justice of the Peace** vol. 148 no. 11 (17.3.84) pp. 170 – 172.
- Tonry, M (2007), 'Determinants of Penal Policies', in Tonry, M ed., **Crime, Punishment and Politics in Comparative Perspective: Crime and Justice: A Review of Research** vol. 36, pp. 1 – 48.
- Tonry M & Bijleveld, C (2007), 'Crime, Criminal Justice and Criminology in the Netherlands', in Tonry M & Bijleveld C eds., **Crime and Justice in the Netherlands: Crime and Justice: A Review of Research Volume 35** pp. 1 – 30.

- Toogood, A., Emerson, E., Hughes, H., Barrett, S., Cummings, R & McCool, C (1988), 'Challenging Behaviour and Community Services: 3: Planning Individualized Services', **Mental Handicap** 16 pp. 70 – 74.
- Tornudd, P (1993), **Fifteen Years of Decreasing Prisoner Rates in Finland**, Helsinki, National Research Institute of Legal Policy, Research Communication no. 8.
- Tornudd, P (1997), 'Sentencing and Punishment in Finland', in Tonry, M & Hatlestad, K., eds., **Sentencing Reform in Overcrowded Times: A Comparative Perspective**, Oxford, Oxford University Press, pp. 189 – 194 {Previously in **Overcrowded Times** December 1994}.
- Torrey, E F (1994), evidence to Senate Committee on Finance, **Deinstitutionalization, Mental Illness and Medications**, Washington DC, U S Government Printing Office, pp 17 ff and 103 – 113.
- Towell, D ed. (1988), **An Ordinary Life in Practice**, King Edward's Hospital Fund for London.
- Towell, D & Beardshaw, V (1991), **Enabling Community Integration**, King's Fund College.
- Tregilgas-Davey, M I (1993), 'Judicial Review of Police Cautions', **Justice of the Peace** vol. 157 (14.8.93) pp. 515 – 517.
- Trieman, N (1997), 'Residential care for the mentally ill in the community', in Leff, J ed., **Care in the Community: Illusion or Reality**, Chichester, Wiley, pp.51 – 67.
- Trieman, N & Leff, J (1996a), 'The TAPS Project 36: The Most Difficult to Place Long-Stay Psychiatric In-patients: Outcome One Year After Discharge', **British Journal of Psychiatry** 169 pp. 289 – 292.
- Trieman, N & Leff, J (1996b), 'Difficult to place patients in a psychiatric hospital closure programme: The TAPS Project 24', **Psychological Medicine** 26 pp. 765 – 774.
- Trieman N & Kendal, R (1995), 'The TAPS project 27: After hospital: Pathways patients follow in the community', **Journal of Mental Health** 4 pp. 423 – 429.
- Trieman N & Wills, W (1997), 'The Psychogeriatric Population: In Transition from Hospital to Community-Based Services', in Leff, J ed., **Care in the Community: Illusion or Reality**, Chichester, Wiley, pp. 109 – 120.
- Trieman, N., Wills, W & Leff, J (1996), 'TAPS Project 28: Does reprovision benefit elderly long-stay mental patients', **Schizophrenia Research** 21 pp. 199 – 208.
- True, J L., Jones, B D & Baumgartner, F R (1999), 'Punctuated-Equilibrium Theory: Explaining stability and change in American policymaking', in Sabatier, P A., ed., **Theories of the Policy Process**, Boulder, Colorado, Westview Press, pp. 97 – 115.
- Tuchman, B (1972), 'Distinguishing the Significant from the Insignificant', **Radcliffe Quarterly**, 56 pp. 9 – 10.
- Tulkens, H (1979), **Some Developments in Penal Policy and Practice in Holland**, NACRO.
- Turk, A T (1980), 'Analyzing Official Deviance: For Nonpartisan Conflict Analyses in Criminology', in Inciardi, J A ed., **Radical Criminology: The Coming Crises**, Beverley Hills, Sage, pp. 78 – 91.
- Turner, J (1976), 'Care away', **New Society** vol. 43 no. 799 (26.1.76) p. 195.
- Turner, J (1980), 'the Social Services at IT in Norfolk', **New Society** vol. 54 no. 933, (2.10.80), pp. 16 – 17.
- Tutt, N S (1970), 'In need, in care in-side', **Community Schools Gazette** vol. 64 no. 3 (June) pp. 152 – 155.
- Tutt, N (1971), 'Towards Reducing Absconding', **Community Schools Gazette** 65 pp. 65 – 68.
- Tutt, N S (1976a), 'Recommittals of juvenile offenders', **British Journal of Criminology** 16 pp. 395 – 398.
- Tutt, N S (1976b), 'Future Policy in Child Care', in Department of Social Studies, Selly Oak Colleges, Birmingham, **Observation and Assessment: A Changing Concept**, pp. 55 – 61.
- Tutt, N S (1976c), 'Intermediate Treatment', **Social Work Service** 11 pp. 3 – 8.
- Tutt, N S (1976d), **The Philosophy of Observation and Assessment**, unpublished paper: cited by Giller (1981).
- Tutt, N S (1976e), 'Introduction to Intermediate Treatment', in Welsh Office, Social Work Service, **The Development of Intermediate Treatment: Report of the Residential Workshops held at Carmarthen and Llandudno in March, 1976**, Cardiff, HMSO, pp. 7 – 17.
- Tutt, N (1977), 'Monitoring and Evaluation of Intermediate Treatment', in DHSS, Social Work Service Development Group, **Aspects of Supervision and Intermediate Treatment** pp. 43 - 50.
- Tutt, N, (1978a), 'Introduction', in Tutt, N ed., **Alternative Strategies for Coping with Crime**, Oxford and London, Basil Blackwell & Martin Robertson, pp. 1 – 20.
- Tutt N (1978b), 'Working with children in trouble: Delinquency – social work's changing role', **Social Work Today** vol. 9 no. 30 (4.4.78) pp. 13 – 18.
- Tutt, N (1979a), **Short sharp shock – There must be an Alternative**, Justice for Children.



- Tutt, N (1979b), 'How should we deal with the young offender?', **Municipal Review** vol. 49 no. 588 (January) pp. 208 – 209.
- Tutt, N (1979c), 'There must be a better way', **Community Care** vol. 284 (4.10.79) pp. 20 – 23.
- Tutt, N S (1980a), 'Reforming the juvenile justice system', **Journal of Adolescence** 3 pp. 11 – 16.
- Tutt, N (1980b), 'Janus pushes back justice', **Community Care** vol. 331 (16.10.80) pp. 26 – 27.
- Tutt, N (1981a), 'A Decade of Policy', **British Journal of Criminology** 21 pp. 246 – 56.
- Tutt, N (1981b), 'New Hall – Old Way', **Community Care** 377 (10.9.81) pp. 13 – 15.
- Tutt, N (1981c), 'Social work, the courts and the community', in DHSS (1981c), Social Work Service: North West Region Development Group, **Community Provision for Young Offenders: A Seminar at the Dalmeny Hotel, St Anne's-On-Sea, 28-30 April**, pp. 3 – 15.
- Tutt, N (1981d), 'Man, Machines and Social Work', **Orchard Lodge Studies of Deviancy** 1:1 (Autumn) pp. 2 - 8.
- Tutt, N (1982a), 'An Overview of Interventions with Young Offenders: The Political and Legal Contexts', in Feldman, P ed., **Developments in the Study of Criminal Behaviour: Volume 1: The Prevention and Control of Offending**, Chichester, Wiley, pp. 1 – 25.
- Tutt, N (1982b), 'Justice or welfare?', **Social Work Today** vol. 14 no. 7 (19.10.82) pp. 6 – 10.
- Tutt, N (1984a), 'Civil Liberties and Youth', in Wallington, P ed., **Civil Liberties 1984**, Oxford, Robertson, pp. 289 – 308.
- Tutt, N (1984b), 'Contemporary Approaches to the Understanding, Assessment and Treatment of Delinquents', in Nicholson, J & Beloff, H eds., **Psychology Survey 5**, Leicester, British Psychology Society.
- Tutt, N (1984c), 'Juvenile Justice: An incomplete success', **Community Care** 506 (5.4.84) pp. 26 – 27.
- Tutt, N (1984d), 'Diverting Children from Custody', in Muller, D J., Blackman, D E & Chapman, A J eds., **Psychology and Law**, Chichester, Wiley, pp. 361 – 373.
- Tutt, N (1986a), **Managing a Diminishing Problem**, Manchester, Social Information Systems.
- Tutt, N (1986b), 'Cautioning and Diversion', in **No Easy Option: Challenging The Use of Custody for Juveniles**, Northern Region Conference on Juvenile Justice: Report of a day Conference held in Newcastle Upon Tyne on Thursday 29<sup>th</sup> May, 1986, pp. 10 – 14.
- Tutt N S and Giller, H (1983), 'Police cautioning of juveniles: the practice of diversity', **Criminal Law Review** September pp. 587 – 595.
- Tutt N & Giller, H (1987), "'Manifesto for Management" – The Elimination of Custody', **Justice of the Peace** vol. 151 no. 13 (28.3.87) pp. 200 – 202 (also published in **AJJUST** 13 (June, 1987) pp. 4 – 8.
- Tuvsesson B & Ericsson, E (1996), 'Relatives' opinions on institutional closure', in Mansell J & Ericsson, K eds., **Deinstitutionalization and Community Living: Intellectual Disability Services in Britain, Scandinavia and the USA**, Chapman & Hall, pp. 199 – 208.
- Tweedie, I (1982), 'Police Cautioning of Juveniles – two styles compared', **Criminal Law Review** March pp. 168 – 174.
- Tyndall, N J (1963), 'A Note on Detention Statistics', **Prison Service Journal** 7 pp. 32 – 40.
- Uggen, C (2007), 'Dirty Bombs and Garbage Cases', **Social Research** 74 pp. 707 – 711.
- Uglow, S., Dart, A., Bottomley, A & Hale, C (1992), 'Cautioning Juveniles – Multi-Agency Impotence', **Criminal Law Review** (September) pp. 632 – 641.
- Utting, W (1991), **Children In The Public Care**, Department of Health Social Services Inspectorate, HMSO.
- Van Dyck, J J M (1989), 'Penal Sanctions and the Process of Civilization', **International Annals of Criminology** 27 pp. 191 – 204.
- Van Swaaningen, R (1989), 'Strategies of Reform: Some Historical Examples', in Rolston, B & Tomlinson, M eds., **Justice and Ideology: Strategies For the 1990s**, European Group For The Study of Deviance and Social Control: Working Papers no. 9, Belfast, pp. 223 – 246.
- Van Swaaningen, R (1997), **Critical Criminology: Visions From Europe**, Sage.
- Van Swaaningen, R & de Jonge, G (1995), 'The Dutch Prison System and Penal Policy in the 1990s: from Humanitarian Paternalism to Penal Business Management' in Ruggiero, V., Ryan, M & Sim, J eds., **Western European Penal Systems: A Critical Anatomy**, pp. 24 – 45.
- Vanstone, M (1985), 'Moving Away From Help?: Policy and Practice in Probation Day Centres', **Howard Journal** 24 (1985) 20 – 28.

- Vincent, J (1979), **New Initiatives in Intermediate Treatment**, Social Policy Research Ltd.
- Vincent, J (1980), **Planning Resources for Community Based Treatment of Juvenile Offenders**, Social Policy Research Ltd.
- Wade, S (1992), 'The use of imprisonment for juveniles: the Hampshire experience', **Criminal Justice** (magazine of the Howard League) vol. 10 no. 2 p. 11.
- Wade S J (1996), **The Development of the Juvenile Justice System in Hampshire (1987 to 1991), the Effects on the Criminal Justice Process, and the Implications for Establishing Radical Practice in Statutory Organisations**, M Phil Thesis, University of Southampton.
- Walker, N (1964), 'Crime and Punishment', **New Society** vol. 3 no. 76 (12.3.64) pp. 15 – 16.
- Walker, P (1968), 'Involvement in Intermediate Treatment for Children in Trouble', **Child Care News** vol. 80 November, pp. 9 – 10.
- Ward, D (1977), 'Broadening IT practice', **Social Work Today** vol. 8 No. 19 (15.2.77) pp. 10 – 11.
- Ward, D & Lacey, M eds. (1995), **Probation: Working for Justice**, Whiting and Birch.
- Ward, L (1982), **People First: Developing Services in the Community for People with Mental Handicap**, King's Fund Project Paper 37.
- Ward, T (1981), 'Short, Sharp Shocks and the Politics of Punishment', **Christian Action Journal** (Autumn) pp. 20 – 21.
- Ward, T (1982), 'Towards Abolition', **The Abolitionist** 12 pp. 20 – 22.
- Ward, T (1986), 'Symbols and Noble Lies: Abolitionism, 'Just Deserts' and Crimes of the Powerful', in Bianchi, H & Van Swaaningen, R eds., **Abolitionism: Towards a Non-Repressive Approach to Crime**, Amsterdam, Free University Press, pp. 73 – 82.
- Ward, T (1989), 'Rediscovering Radical Alternatives', in Lasocik, L., Platek, M & Rzeplinska, I eds., **Abolitionism in History: On Another Way of Thinking**, Warsaw, Institute of Social Prevention and Resocialization.
- Warder J and Wilson, R (1973), 'The British Borstal Training System', **Journal of Criminal Law and Criminology** 64 pp. 118 – 127.
- Wardrop, K R H (1961), 'Work of a Psychiatric Team in an Institution for Young Offenders', **Prison Service Journal** 3 pp. 19 – 24.
- Warren, C A B (1981), 'New Forms of Social Control: The Myth of Deinstitutionalisation', **American Behavioral Scientist** 24 pp. 569 – 586.
- Warren, C A B (1984), 'New Trends in the Social Control of Juveniles: Transinstitutionalization and Private Profit', in Brusten, M., Graham, J., Herrigard, N & Malinowski, P eds., **Youth Crime, Social Control and Prevention: Theoretical Perspectives and Policy Implications: Studies from Nine Different Countries**, Bamberg, Germany, Centaurus, pp. 33 – 38.
- Waterhouse, J (1978), 'Group Work in Intermediate Treatment' **British Journal of Social Work** 8 pp. 127 – 144.
- Webb, D and Harris, R J (1984), 'Social workers and supervision orders: A Case of Occupational Uncertainty', **British Journal of Social Work** 14 pp. 579 – 99.
- Webster, C M & Doob, A (2007), 'Punitive Trends and Stable Imprisonment Rates in Canada', in Tonry, M ed., **Crime, Punishment and Politics in Comparative Perspective: Crime and Justice: A Review of Research** vol. 36, pp. 297 – 369.
- Weible, C M., Sabatier, P A., Jenkins-Smith, H C., Nohrsredt, D., Henry, A D., & deLeon, P (2011), 'A Quarecentury of the Advocacy Coalition Framework: An introduction to the special issue', **Policy Studies Journal** 39: 349 – 354.
- Weinberg, S (1996), 'Sokal's Hoax', **New York Review of Books** 43 (13) 8.8.96 pp. 11 – 15.
- Weinberger, B (1995), **The Best Police in the World: An Oral History of English Policing from the 1930s to the 1960s**, Aldershot, Scolar Press.
- Weiner, S (1976), 'The Impact of the Closing of DeWitt State Hospital', in Ahmed P J & Plog, S C, eds. **State Mental Hospitals: What Happens When They Close**, New York, Plenum, pp. 65 – 81.
- Weller, M P I (1985), 'Friern Hospital: Where Have all the Patients Gone?', **The Lancet** (9.3.85) pp. 569 – 571.
- Weller, M P I (1989), 'Mental Illness – Who Cares?', **Nature** 339 (25.5.89) pp. 249 – 252.
- Wellingborough JLB (1985), 'Diversion Theory and Practice', in Yorkshire and Humberside Intermediate Treatment Association, **Training Anthology**, pp. 17 – 20.
- Wells, J (1995), 'Crime and Unemployment' in Coates, K., ed., **The Right To Work**, Nottingham, Spokesman Books
- Welsh Office (1977), **The Development of a Base for Intermediate Treatment: Report of the**

- residential workshop for intermediate treatment and liaison officers held at The Hill residential College, Abergavenny, 15 and 16 February 1977**, Social Work Service.
- Welsh Office (1978), **The Development of Intermediate Treatment in Wales**.: Working paper No. 2: **Report of the residential workshop for intermediate treatment and liaison officers held at The Hill residential College, Abergavenny, 24 and 25 January, 1988**, Social Work Service.
- Welsh Office (1979), **Wales and Intermediate Treatment** HMSO.
- Wertheimer, A (1982), **Bringing it All Back Home: Getting Mentally Handicapped People Out Of Hospital**, King's Fund.
- West, D (1982), **Delinquency: Its Roots, Careers and Prospects**, Heinemann.
- West, D J (1985), 'The Politicization of Delinquency', in Farrington, D P & Gunn, J eds., **Reactions to Crime: The Public, the Police, Courts and Prisons**, Chichester, Wiley, pp. 5 – 19.
- West Midlands Children's Regional Planning Committee (1980), **Community Homes with Education on the Premises**, Birmingham.
- When. F (2004), **How Mumbo-Jumbo Conquered the World**, Fourth Estate.
- Whitehead P & Macmillan, J (1985), 'Checks or Blank Cheque? Justifying Custody of Juveniles', **Probation Journal** 32 pp. 87 – 89.
- Whitehouse, A (1977), 'Moyle gives IT propaganda boost', **Social Work Today** vol. 8 no. 20 (22.5.77) p. 5.
- Whitlam, M (1979), 'letter' to **Community Care** 263 (10.5.79) p. 9.
- Widdowson, B (1989), 'Cautioning or excusing?', **Justice of the Peace** vol. 153 no. 11 (18.3.89) pp. 168 – 169.
- Wilkinson C & Evans, R (1990), 'Police Cautioning of Juveniles: The Impact of Home Office Circular 14/1985', **Criminal Law Review** March pp. 165 – 176.
- Wilkinson, C J (1964), 'The decline of a success rate', **Approved School Gazette** 57 pp. 391 – 393.
- Wilkinson, J (1971), 'editorial', **Community Schools Gazette** vol. 65 no. 8 (November) pp. 427 – 428.
- Wilkinson, J (1972), 'editorial', **Community Schools Gazette** vol. 65 no. 11 (February) pp. 595 – 596.
- Willcock, H D (1949), **Report on Juvenile Delinquency**, Mass Observation/ Falcon Press.
- Willer B & Intagliata, J (1984), **Promises and Realities for Mentally Retarded Citizens: Life in the Community**, Baltimore, University Park Press.
- Williams, C., Hewitt, P & Bratt, A (1999), 'Responding to the needs of people with learning difficulties whose behaviour we perceive as challenging: The Past, Present and Future: A perspective from Exeter Health Authority', in Harris, J ed., **Service Responses to People with Learning Difficulties and Challenging Behaviour**, Kidderminster, British Institute for Mental Health, pp. 20 – 24.
- Wilmot, D W (1967), 'Court Lees – Evidence challenged', **Approved Schools Gazette** vol. 61 no. 8 (November) p. 393.
- Wilson, H (1971), **The Labour Government 1964 – 1970: A Personal Record**, Weidenfeld & Nicholson and Martin Joseph.
- Wilson, H (1979), **Final Term: The Labour Government 1974 – 1976**, Weidenfeld & Nicholson and Martin Joseph.
- Wilson, H (1986), **The Making of a Prime Minister 1916 – 64**, Weidenfeld & Nicholson and Martin Joseph.
- Wilson, J (1987), 'Putting in a pleas for justice', **Community Care** 665 (18.6.87) pp. 18 – 19.
- Windlesham, Lord (1993), **Responses to Crime: Volume 2: Penal Policy in the Making**, Oxford, Clarendon.
- Windlesham, Lord (1996), **Responses to Crime: Volume 3: Legislating with the Tide**, Oxford, Clarendon.
- Wing, L (1989), **Hospital Closure and the Resettlement of Residents**, Aldershot, Avebury.
- Wolfensberger, W (1969), 'The Origin and Nature of our Institutional Models', in Kugel R B & Wolfensberger, W eds., **Changing Patterns in Residential Services for the Mentally Retarded**, Presidents Commission on Mental Retardation, Washington DC, U S Government Printing Office, pp. 59 – 177.
- Wolfensberger, W (1983), 'Social Role Valorisation: A Proposed New Term for the Principle of Normalization', **Mental Retardation** 21 pp. 234 – 239.
- Wolfensberger, W (2000), 'A Brief Overview of Social Role Valorization', **Mental Retardation** 38 pp. 105 – 123.
- Woods, C (1982), 'Clearing the Courts', **Youth in Society** 73 (December) pp. 14 – 15.
- Wootton, B (1978), **Crime and Penal Policy: Reflections on Fifty Years' Experience**, Allen & Unwin.

- Worrall, A (1997), **Punishment in the Community: The Future of Criminal Justice**, Longman.
- Worrall, A & Souhami, A (2001), 'Social Work Practice in the Criminal Justice System', in Cull, L A & Roche, J eds., **The Law and Social Work: Contemporary Issues For Practice**, Basingstoke, Palgrave, pp. 120 – 129.
- Wright, A (1993), 'Towards an Appropriate Model of Diversion from the Criminal Court Process', **Justice of the Peace** vol. 157 (20.3.93) pp. 185 - 186 and 184.
- Young, J (1979), 'Left Realism, Reformism and Beyond: From New Criminology to Marxism', in Fine, B., Kinsey, R., Lea, J., Picciotto, S., & Young, J., eds., **Capitalism and the Rule of Law: from Deviancy Theory to Marxism**, Hutchinson, pp. 11 – 28.
- Young, J (1986), 'The failure of criminology: the need for a radical realism', in Matthews, R & Young, J., eds., **Confronting Crime**, Sage pp. 4 – 30.
- Young, J (1987), 'The Tasks Facing a Realist Criminologist', **Contemporary Crises** 11 pp. 337 – 356.
- Young, J (1988), 'Radical Criminology in Britain: The Emergence of a Competing Paradigm', **British Journal of Criminology** 28: 2 pp. 159 – 183.
- Young, J (1991), 'Asking Questions of Left Realism', in Maclean, B D & Milovanovic, D., eds., **New Directions in Critical Criminology: Left Realism, Feminism, Peacemaking and Postmodernism**, Vancouver, Collective Press, pp. 15 – 18.
- Young, J (1992a), 'Realist Research as a Basis for Local Criminal Justice Policy', in Lowman, J & Maclean, B D., eds., **Realist Criminology: Crime Control and Policing in the 1990's**, Toronto, University of Toronto Press, pp. 33 – 72.
- Young, J (1992b), 'Ten points of realism', in Young, J & Matthews, R., eds., **Rethinking Criminology: The Realist Debate**, Sage pp. 24 – 68.
- Young, J (1997), 'Foreword' to Van Swaaningen, R., **Critical Criminology: Visions From Europe**, Sage.
- Young, J & Matthews, R (1992), 'Questioning Left Realism', in Matthews, R & Young, J., eds, **Issues in Realist Criminology**, Sage pp. 1 – 18.
- Young, L., Ashman, A., Sigafos, J & Grevell, P (2000), 'A Preliminary Report on the Closure of the Challinor Centre', **Journal of Intellectual and Developmental Disability** 25 pp. 119 – 126.
- Young, R & Hoyle, C (2003), 'Restorative Justice and Punishment', in McConville, S ed., **The Uses of Punishment**, Cullompton, Devon, Willan.
- Youth in Society (1973), 'Current Awareness Digest', **Youth in Society** 1 (September/October) p. CA 7 – 8: item 43.
- Yow, V (1995), 'Ethics and Interpersonal Relationships in Oral History Research', **Oral History Review** 22 pp. 51 – 66.]
- Yow, V (1997), "'Do I Like Them Too Much?": Effects of the Oral History Interview on the Interviewer and Vice Versa', **Oral History Review** 24 pp. 55 – 79.
- Yule W and Raynes, R D (1972), 'The behavioural characteristics of children in residential care in relation to indices of separation', **Journal of Child Psychology and Psychiatry** 13 pp. 249 – 58.
- Zahariadis, N (1995), **Markets, States and Public Policy: Privatisation in Britain and France**, Ann Arbor, Michigan, University of Michigan Press.
- Zahariadis, N (1999), 'Ambiguity, Time and Multiple Streams', in Sabatier, P A., ed., **Theories of the Policy Process**, Boulder, Colorado, Westview Press, pp. 73 – 93.
- Zander, M (1975), 'What happens to young offenders in care', **New Society** (24. 7. 75) pp. 185 – 187.
- Ziegler, P (1993), **Wilson: The Authorised Life of Lord Wilson of Rievaulx**, Weidenfeld & Nicholson.