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**Cavalcanti, R. P.**

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# British Society of Criminology Newsletter

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## Editors

Andrew Millie  
Charlotte Harris  
Loraine Gelsthorpe

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## Editorial

**Andrew Millie, Professor of Criminology, Edge Hill University**

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*It's that time of year again* when the BSC packs its bags and goes to conference. This year we are hosted for the first time by the University of Wolverhampton (postgraduate conference 1-2 July and main conference 2-4 July). The highlight will be the staging of "criminology on trial" - the case for the prosecution being led by Professor Steve Tombs with Paddy Hillyard and Simon Pemberton acting as witnesses. The case for the defence is led by BSC President, Professor Loraine Gelsthorpe with Shadd Maruna and Coretta Phillips as witnesses. The Judge's summing up should be interesting... It will hopefully be an opportunity to reflect on what criminology is about and how it remains relevant.

There is certainly a lot going on nationally and internationally that requires input from expert criminologists. An example considered in this Newsletter is the current shrinking and privatisation of probation. Loraine Gelsthorpe provides critique in her *President's Letter*. Articles by Michael Teague and Lol Burke offer further criticism of the 2013 Offender Rehabilitation Bill and the dismantling of public-sector probation.

An international issue that clearly requires input from criminology is the gun debate. Following the school shooting in Newtown, Connecticut in December 2012 - involving the death of 20 children and six women - there have been moves to restrict gun use in the US. As I noted in the last Newsletter, the initial talk from President Obama was encouraging. However, as expected, the gun lobby has been quick to step in with the usual second amendment arguments - which reminded me of the old Robin Williams joke:

It's in the constitution, it says you have the right to bear arms or the right to arm bears, whatever the Hell you want to do. National Rifle Association says you have the right to have armour piercing bullets if you're a hunter. Why? How many deer wear a bulletproof vest? Is there one big deer out there saying "I'm ready for your ass"? (*A Night at the Met*, 1986)

Twenty-seven years later the National Rifle Association (NRA) is still busy promoting the use of guns, and exporting their views worldwide. In this Newsletter Peter Squires reflects on a head-to-head debate he had with spokesman of the NRA, Wayne La Pierre. The debate was held in London in the run up to the 2012 Presidential election. I recommend watching the video recording! In her article Roxana Cavalcanti considers the referendum on gun control in Brazil. The NRA was clearly active there too. In his contribution Amitai Etzioni argues that there is little point in half-measures in political manouvres and negotiations on gun control, that: "A true liberal position, the place to start, is to call for domestic disarmament" (p5). Etzioni allows for few exceptions. He admits the final position may not be too different to the current one, but at least we get a "mobilizing vision of what liberals stand for" and domestic disarmament as "a vision that can educate future generations of voters" (p6).

Since the last Newsletter we have sadly seen the passing of Professors Stan Cohen and Geoffrey Pearson. In her *President's Letter*, Loraine Gelsthorpe provides a fitting tribute. On a happier note, the Newsletter contains news on the BSC's Outstanding Achievement Award, this year going to Professor Joanna Shapland. The Newsletter also includes details of other BSC prize winners, the QAA's subject benchmark review for criminology, news from the Teaching and Learning Network and news from various regional branches. I hope you find something of interest in this Newsletter and I look forward to seeing many of you at the Conference. Any suggestions for future Newsletters, please get in touch at: [Andrew.millie@edgehill.ac.uk](mailto:Andrew.millie@edgehill.ac.uk).

**Andrew Millie, June 2013**

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## A letter from our President

**Loraine Gelsthorpe**, *Professor in Criminology and Criminal Justice, Cambridge Institute of Criminology, University of Cambridge*

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*This has been a particularly sad year for Criminology* - with first the death of Professor Stan Cohen in January 2013, and then the passing of Professor Geoff Pearson early in May. Both have made major contributions to Criminology. Stan Cohen is credited with coining the term *moral panic* in his 1972 study *Folk Devils and Moral Panics* of the media and social reaction to the Mods and Rockers phenomenon in the 1960s. He was also one of an enlightened few to offer early reflections on the state of the discipline of Criminology in his 'Footprints in the Sand' article (1980). And his *Visions of Social Control* and related critiques, alongside work on human rights and the culture of denial in terms of state responsibility for harm, have inspired generations of students and scholars. In 2009 he was the first recipient of the (now annual) Outstanding Achievement Award from the British Society of Criminology.

I read Geoff Pearson's *The Deviant Imagination* (1975) when I was an undergraduate - I wasn't studying Criminology at the time, but it was a book that caught my eye and jumped off the shelf into my hands. I found it 'mind blowing' in its exploration of assumptions and ideological foundations of a wide range of theories and institutions. A later book, *Hooligan: A History of Respectable Fears* (1980) is similarly challenging in identifying recurrent fierce responses to 'youth' as a form of cultural pessimism. Geoff was Editor-in-Chief of the *British Journal of Criminology* for eight years, and although he retired from Goldsmith's College as Professor of Criminology in 2008, his passion for social justice led him to chair the Independent Commission on Social Services in Wales that produced a highly critical report in 2010. Both are missed, for sure.

From reflections on the loss of valued colleagues and scholars, let me turn to a different kind of reflection. We are about to witness radical changes to the Probation Service as we know it. Justice Secretary Chris Grayling is leading on major structural changes which will lead to the Probation Service being reduced to dealing with the rump of its current caseload. Probation currently deals with 250,000 cases a year. Probation will remain responsible for the 30,000 or so high risk cases, but management and control of approximately 220,000 low to medium risk lawbreakers will go to private firms and Third Sector organisations. Ironically, the Probation Service has been blamed for the persistently high reoffending rates of those in prison for under a year. But the problem with this argument is that the Probation Service was long since stripped of its 'aftercare' duties for this group of people. Indeed, it has had no responsibility for those receiving short sentences of imprisonment for nearly three decades (55,000 people received sentences of under 12 months in 2012), not through choice, but because of resources issues - as a Government made decision. Thus the Probation Service is being held responsible for a part of the system which is not working well, precisely at a time when, according to Ministry of Justice figures on Community Orders, it has managed to get reoffending rates down to 34 per cent. Structural changes are proceeding apace, which will mean a commissioning process (for which Probation Trusts will not be allowed to bid).

The interim findings from two pilot studies in regard to new providers for after prison work with offenders, and experiments with payment by results, show modest results. Under the first pilot scheme, which has been running for two and a half years at HMP Peterborough (a category B prison run by Sodexo), the reconviction rates for those serving under 12 months and who left prison between September 2008 and March 2010 fell from 41.6 per cent to 39.2 per cent for those who left the prison between September 2010 and March 2012. There are similar rates of reduction for work at HMP Doncaster (another category B prison - run by Serco) - with the lowest rate of reoffending achieved

thus far being 39.8 per cent between October 2010 and March 2011 (lower than the 41.6 per cent recorded for the previous year). Final results will be published in 2014.

The Coalition Government's 'Transforming Rehabilitation' push involves a strong case for a return to a greater focus on rehabilitation, one of the probation services' key tasks during the 20<sup>th</sup> Century, and addressing the needs of prisoners who have served sentences of less than 12 months is part of this push. But steps to involve private and voluntary organisations surely need to be informed by strong empirical evidence rather than ideological rhetoric. There is a clear role here for the scholarly community of criminologists to speak up for evidence-based change. Nothing in the proposed changes is convincing thus far. For sure, there is/was room for improvement in Probation - and with resources and increased scope to develop in evidence based fashion, every likelihood of such improvements being achieved...building on experience and expertise.

And may you enjoy the summer, when it comes...

**Loraine Gelsthorpe, June 2013**

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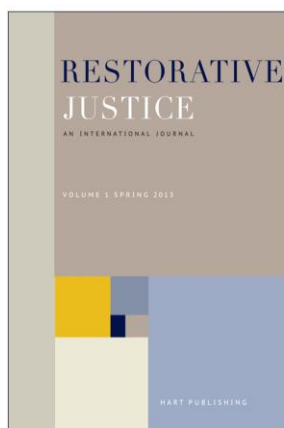
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# Guns do kill best

**Amitai Etzioni<sup>1</sup>**

*Professor and Director of the Institute of Communitarian Policy Studies, George Washington University, Washington DC*

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*Nowhere is the defeatist liberal approach* to American politics more evident than in the post-Newtown campaign for gun control. Liberals are rushing to repeat, like a devout incantation, hand on one's heart, that "we believe in the Second Amendment" - in an "individual's right to own a gun." Half of the legal and moral battle is lost right there and then. Instead, liberals should emphasize that throughout the total American legal history until 2008, the Supreme Court - which at times has been very conservative - has always held that the right to own guns belongs not to the individual but, as the Second Amendment states, to a "well regulated militia."<sup>2</sup> That the right to own guns is a communitarian right, not an individualized one. True, the Roberts Court recently ruled otherwise, but liberals are still free to urge the court to reconsider this ruling and fashion arguments that will make it easier for the Court to fall back in line with all who preceded it. It would also help to recall that other civilized societies hold that the fewer guns there are out there, the fewer people will be murdered by guns.

Next, liberals have started their gun control campaign, as they sadly so often do, by conceding most of their ground before the give-and-take is even underway. Thus, when dealing with health care, they did not start with a true liberal position (a call for a single-payer system) because they assume that such a position will not play and hence - being the reasonable people that they are - they proposed an option close to the conservatives' preferred policy. Then the give-and-take ensues - further watering down what was a very thin gruel to begin with.

As someone who fired guns for over two years in combat, I hate to tell you that the conservatives are right when they argue that banning big magazines and assault rifles - the current "liberal" opening gambits - will make very little difference. It takes only a second or so to replace an empty magazine with a loaded one, and there are so many assault rifles out there that it would take at least a generation (assuming no new ones were sold nor imported nor smuggled in nor stolen from military bases) before these guns would become significantly less available than they are at present.

Liberals, when challenged with these facts, engage in a rhetorical manoeuvre. True, they say, our favourite (mini) bans will not solve the problem, nothing will, but we can, as Obama put it in his State of the Union address, at least "make it harder for criminals to get their hands on a gun." True, but the difference, unfortunately, will be marginal. Indeed, in many of the jurisdictions that have gun control laws of the kind that liberals typically call for - and even in ones where the laws are stricter, still (Chicago, for instance) - murder by gun is very common.

A true liberal position, the place to start, is to call for domestic disarmament. That is the banning of the sale of all guns to private parties coupled with a buyback of those on the street (Mexico just moved to so control guns). Collectors can keep their guns as long as they remove the firing pin or fill the barrel with cement. Gun sports can be allowed - in closed shooting ranges. And hunters can be allowed to have long guns (if they pass background checks) with no scopes, which are not sporting.

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<sup>1</sup> Parts of this text were previously published in the *Huffington Post* as: 'Gun Control? We Need Domestic Disarmament' (19 February 2013, Available at: [www.huffingtonpost.com/amitai-etzioni/gun-control-we-need-domes\\_b\\_2718536.html](http://www.huffingtonpost.com/amitai-etzioni/gun-control-we-need-domes_b_2718536.html)), and 'Gun-Free Homes and Communities' (18 December 2012, Available at: [www.huffingtonpost.com/amitai-etzioni/gun-free-homes-and-commun\\_b\\_2322773.html](http://www.huffingtonpost.com/amitai-etzioni/gun-free-homes-and-commun_b_2322773.html))

<sup>2</sup> For details on the cases involved, see: Etzioni, A. (2012) 'NRA and bad law block a way to catch killers', *CNN Online*, 16 August, Available at: <http://edition.cnn.com/2012/06/26/opinion/etzioni-guns/index.html>



But, these exceptions aside, liberals should call for a gun-free nation and point out the much lower murder rates and fewer deaths due to accidental discharge of fire arms found in those civilized nations where most guns have been removed from private hands - and often even from those of the police.

Let the conservatives - who, of course, will reject such a policy, however strongly it is supported by evidence - tell us what they are going to do about gun violence. Improve mental health services? A good idea, assuming they will vote for the required spending, as well as recognize that there is no way such an improvement will make more than a marginal difference given the difficulties in both diagnosing who is prone to violence and in treating those individuals. Limit violence video games? Let them show that such a measure would make a difference. Enforce the laws on the books? Let them remove the blocks they have put in place to prevent these laws from being enforced. A good place to start: Let Obama appoint a director for the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives.

I acknowledge that the result, even after Newtown, of a truly liberal approach to gun control might not be very different from the current one. Conservatives are not about to allow sensible measures to be enacted. However, at least we shall have an honest, compelling, mobilizing vision of what liberals stand for regarding what it takes to save many thousands of lives that would be otherwise lost to guns. Domestic disarmament is a vision that can educate future generations of voters about that which must be done and that which the Second Amendment fully permits.

We should not wait for our elected officials, in President Obama's good words, "to come together and take meaningful action to prevent more tragedies like this, regardless of the politics." We should do our share. One way to proceed is to mark our homes, apartments and condos, with a "gun free" sign. Parents should notify their friends that they would be reluctant to send their child over for a play date unless the home was safe from guns. Residential communities should pass rules that ban bringing guns onto their premises, clearly marking them as gun free.

Anyone who puts up such signs will become an ambassador for gun control, because they are sure to be challenged by gun advocates to explain their anti-gun positions. Here are some pointers they may wish to use against the typical pro-gun talking points.

"Guns don't kill people, people kill people."

- Tragically, it is the case that there will always be dangerous individuals, but they can kill a lot more with easy access to guns. On the same day as the massacre in Newtown, Connecticut, a knife-wielding man targeted a primary school in a Chinese village. Twenty-two children and one adult were wounded, but none were killed.

"Guns deter crimes and save lives."

- Of the 30,000 gun deaths in America every year, only 200 are caused by self-defense. Studies have shown that a higher rate of gun ownership is correlated with higher rates of homicide, suicide and unintentional shootings. The U.S. has a firearms homicide rate 19.5 times higher than the combined rate of 22 high income countries with similar non-lethal crime and violence rates.

"Criminals would obtain guns anyway."

- Weak gun laws that exempt many private companies and gun shows from background checks already enable a thriving criminal market for guns. According to the Brady Campaign, "In most states convicted felons, domestic violence abusers, and those who are dangerously mentally ill can walk into any gun show, flea market, or even log on to the Internet and buy weapons from unlicensed sellers, no questions asked." True, dangerous people may still be able get their hands on weapons if tighter gun control laws are passed, but certainly less will do so when it is illegal.

“The right to private gun ownership is guaranteed by the Constitution.”

- No right is absolute. Even the right to free speech, considered the strongest of them all, is limited. You cannot shout “fire” in a crowded theatre - precisely because it endangers life. You can’t always make a speech with a loudspeaker at 2 a.m. in a residential area. We can limit gun ownership to people who have neither criminal nor mental health records and ban assault rifles for starters. Meanwhile, make our children safer by not allowing them to go to places that are not gun free.

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## **Papers from the British Criminology Conference 2013**

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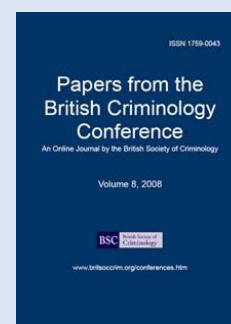
Edited by Professor Andrew Millie (Edge Hill University)  
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The 2013 BSC Conference is held at the University of Wolverhampton, 2-4 July (with the Postgraduate Conference running 1-2 July).

If you are presenting a paper at this year’s BSC conference we would gladly welcome submissions to the 2013 edition of the online journal.

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The final deadline for submissions is two months after the conference, on Friday 6 September 2013.  
The journal will be published in December 2013.



## Educating Wayne: Debating gun control with the NRA

**Peter Squires**

*Professor of Criminology & Public Policy, University of Brighton*

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*Watching Wayne La Pierre hectoring the world's media* for having the temerity to believe that the National Rifle Association (NRA) might compromise its strong stance on US gun rights - in the wake of the Newtown massacre - brought to mind a debate earlier in the year when things had not gone Wayne's way. On 21st December 2012, exactly one week following the Sandy Hook school shooting, where 20 children and six teaching staff had been shot and killed by a lone gunman with an assault rifle, Wayne La Pierre, spokesman for the NRA, used his long awaited press conference to give the assembled journalists a belligerent lecture on American gun rights. The NRA had kept its powder dry for a week; its website promising 'meaningful contributions' to the proposed Obama gun control plan. And now, here it was: armed guards at all schools. In La Pierre's words, echoing the masculine hegemony of a 1950s western, 'the only way to stop a bad guy with a gun is a good guy with a gun'.

Wayne had been at his manic best, forehead shining in the heat of the occasion, coiffured comb-over, flicking forwards with the urgency of his points, especially when protesters, unveiling banners 'NRA KILLING OUR KIDS', interrupted his flow. He would take no questions from the floor. It had been so different a few months earlier when Wayne La Pierre and the NRA's travelling road-show had come to London to film a debate, a remake of their 'Great Gun Debate'. This time the pressing issue was the UN Programme of Action on Small Arms and Light Weapons and an international Arms Trade Treaty (ATT).

George Bush had been reluctant to sign the USA to a UN programme that, the NRA argued, jeopardised the 2nd Amendment 'right to bear arms'. Bush's negotiators, led by John Bolton, had been blocking and stalling discussions at every point in the first phase of the UN's deliberations. Obama, however, had signed the USA up to the process, and US negotiators were now co-operating more effectively. This was, in the NRA's eyes, a useful card to be able to play in a closely fought election; an election described by David Keene, the new NRA leader, as 'the most important presidential election, from a 2nd Amendment standpoint, in our lifetimes'. The president, he claimed, was selling out on the people, giving up a cherished American freedom, 'the right to bear arms' to a foreign power, the United Nations.

And it had worked before. In 2004 La Pierre and his entourage had organised a televised gun debate at Kings College, London. On this occasion Rebecca Peters, of the International Action Network on Small Arms (IANSA) debated with him. I was present at the debate and, by any standards of rational argumentation, she clearly held her own, and more. She presented, clearly and concisely, the case for disarmament, demobilisation and reconciliation (DDR), in conflict zones and failed states. And that, in a sense, was where the problem lay; just like a microcosm of the US gun debate itself. NRA representatives seldom engage in debate, rather they assert. It turned out that this was precisely WLP's debating technique. Reading from a script, he spouted a series of assertions, bumper-sticker slogans all, about guns and freedom, the UN and totalitarianism and US 2nd amendment rights. WLP subsequently wrote about his performance in this debate in the early chapters of his book *The Global War on Your Guns* (LaPierre, 2006), although no-one actually present at the 2004 debate would have recognised it from his less than accurate account. All this was useful, however, when the NRA came calling again with the 2012 presidential election looming, it was handy to know their game plan.

In early 2012 I received an email inviting my participation in a debate to discuss the UN and gun control in London at an upcoming televised debate. I had not supposed for one moment I was their first choice, a relatively obscure British academic was not much of a scalp for the NRA compared with Rebecca Peters, who had been leading IANSA's negotiations at the UN. In any event, however, Rebecca had moved on.

As it happens, a few years earlier I'd participated in a gun rights conference in Washington DC, sponsored by a number of NRA academics at George Mason University Law School in Arlington. The conference was premised upon the human right to self-defence; in American terms, to carry firearms. My 'European' take on this debate was to contrast the individualism reflected by the 2nd Amendment, with a more collective public safety policy (Squires, 2006). The US right, I argued, was little short of a right to kill; whereas Europeans tended to think in terms of eliminating the need to do so. The NRA academics didn't get it, but the idea was to come in useful.

Phone calls with a few 'gun control' commentators in the UK confirmed that some of them had been approached to participate in the debate and all had passed. Their advice, for what it was worth, was to do likewise; the NRA doesn't 'debate'. Meanwhile, the LA TV company which had made initial contact were themselves being pretty cagey about who the American debater was going to be. They needn't have bothered, I already knew.

Closer to the date, the Apothecaries Hall, near Blackfriars tube station, was confirmed as the venue, while subsequent emails established the rules of engagement and the running order of questions and rebuttals was outlined. Finally, a day or two before the event itself, the identity of my opponent was finally disclosed.

Arriving at the venue on the appointed date, an outside broadcast truck was parked adjacent to the hall, inside there were 4 or 5 cameras and associated equipment with the hall laid out with seats for an audience of around 250. As the room began to fill, I began to recognise a number of prominent members of the UK shooting lobby filing in to their seats. The questions we were to debate asked about why the USA refused to be more of a 'team player' on matters of global disarmament; how the media reported gun control issues; the UN's role and achievements in violence prevention; the relationship between the UN programme of action on SALW and, finally, the 2nd amendment and the ability of free people to defend themselves from oppression, the case of Syria being specifically mentioned.

I thought I knew how WLP would play it, and here he was, reading from his script, just as before. I had resolved to attack him, not to debate, every step of the way. In the first exchange I made my point about the 2nd Amendment as a right to kill, suggesting it was a complete anachronism, celebrated by the NRA as an unchanging totem of American faith - even though the US had fundamentally reconstructed and reinterpreted its very meaning over the course of the last two or three decades, packing the Supreme Court to get this new interpretation enshrined in law. WLP had suggested that the fight for the 2nd Amendment was 'a battle for America's soul'. This was just as well, I replied, because if WLP and the NRA were any indication, the battle for America's brain had been lost long ago.

In the second exchange about the consequences of American 'gun liberalism' for the wider world, I drew attention to the proportions of crime guns intercepted in Canada which originated in the USA (about 50 percent) and, more alarmingly, how the exchange of drugs North, guns South, meant that as many as 80 percent of the drug cartel firearms (many of them combat style assault weapons) traced to crimes in Mexico, also originated in the USA.

During the exchange on the third question, I turned on WLP's ambitions for the debate. Much of NRA politics, I said, was about scaring people; usually scaring them so they would buy more guns. But here, in election year, he was trying to scare them about the UN and was on the stump doing a bit of scaremongering for the folks back home about how the nasty UN, aided by the president, the 'liberal' US media and other 'intellectual elites' are trying to subvert the US constitution and ridicule American values. None of this, of course, I added, is true. As the US State Department has clearly

confirmed, the proposed UN Arms Trade Treaty (ATT) will not impinge on US 2nd Amendment rights. 'There will be no restrictions on civilian possession or trade of firearms otherwise permitted by law or protected by the U.S. Constitution. There will be no dilution or diminishing of sovereign control over issues involving the private acquisition, ownership, or possession of firearms, which must remain matters of domestic law' (US Department of State, 2012). All of this rather tends to confirm a popular view that, while the NRA claims to speak for US gun owners, they speak rather more loudly for the gun industry where the ATT might have some impact.

It was also during this exchange that I drew the audience attention to the fact that, although the event had been billed as a 'debate', WLP was not, in fact, debating at all, but simply reading from a pre-prepared script. 'We don't,' I suggested, 'even know that he wrote it himself'. Wayne began to look visibly flustered, the debate was not going to plan, so in his next contribution he tried to engage more eye contact with his audience and, I assume, had to ad lib from his script a little more. It led to a fatal error. He was rattling off a list of 'UN failures', where the 'international human rights do-gooders' had supposedly failed to avert or prevent genocide and atrocity, or had even, in his view, disarmed or otherwise prevented the victims from protecting themselves. It was a long list, but he included 'Nazi Germany' as one of those occasions where the UN had failed to act on behalf of the oppressed and victimised.

Somewhat surprised by this claim, I pounced, breaking the 'turn-taking' protocol of the debate. It is a little harsh, I suggested, 'to blame the UN for failing to prevent something which took place at least a dozen years before the organisation was established.' The audience even laughed, Wayne looked perplexed and crestfallen: humour trumps concocted pomposity every time. And we sent him packing, with a flea in his ear. The NRA didn't get their result, and the debate didn't influence the presidential election and, anyway, Obama won. Job done, I think.

The film hasn't been 'broadcast', as such, or offered for sale. It has been made available on a website. It exposes the dark paranoid heart of the NRA leadership and a strange (I think) version of me:

[www.dropbox.com/s/369g57znbtoe1cq/UN%20Gun%20Debate%20051313%20iphone.mp4?dl=1](http://www.dropbox.com/s/369g57znbtoe1cq/UN%20Gun%20Debate%20051313%20iphone.mp4?dl=1)

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## Edge of a barrel: Gun violence and the politics of gun control in Brazil

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*The massacre of twenty school children and six women* in Connecticut, USA in December 2012 bore many resemblances to the slaughter of twelve school children in Realengo, Rio de Janeiro, earlier in the year. But what could be the sociological and criminological connections between these events in distinct parts of the globe? What lessons can social scientists learn from these tragedies and from the developments in gun control in these countries? Brazil presents itself as a fascinating case study for an investigation of armed violence, gun control and the politics of fear and punitiveness.

In 2005 Brazil held a radical referendum on gun control. The first of its kind in the world, the referendum was the culmination of years of ideologically charged political campaigns and disputes in diverse public spheres, in parliament and in the media, between gun lobbyists and anti-violence activists from civil society. The referendum was an attempt to curb the country's notorious record of violence - Brazil has the highest number of gun deaths among the twelve most populous countries in the world (Waiselfisz, 2013). In comparison to India, for instance, Brazil has twelve times more homicides with firearms and yet six times fewer inhabitants. The growth of lethal violence and the epidemic scale of fear of crime and death have been the most devastating changes in Brazilian society in the last thirty years (see Caldeira, 2000; Perlman, 2010).

In 1980, a total of 8,710 people were killed with firearms in Brazil. By 2010 the situation had got worse: 38,892 were killed with guns, an increase of nearly 346.5 percent in the overall number of victims of firearms in just thirty years. Even more troubling, among young victims (aged 15-29) the number of deaths increased by 502 percent (Waiselfisz, 2013). Armed violence has reached extreme levels in the country and has become the leading cause of death amongst young people. It is in this context that Brazil began its disarmament campaign, culminating in a radical referendum on the sales of firearms to civilians. In this paper, I will discuss how the referendum came about, who supported it and why it was unsuccessful in banning the sale of firearms to civilians. I will argue that firearm proliferation and barriers to gun control are largely driven by fear, commercial, private and personal interests. The political agenda sustaining these interests is made intelligible by neoliberal ideologies supporting the freedom to own a gun alongside ideologies of self-defence, promoted by gun lobbyists and international pressure groups such as the American National Rifle Association (NRA). Taken together, this 'gun crime complex' carries enormous social costs.

### Why a referendum on gun control?

Students from the law school in São Paulo began an anti-violence campaign in 1997, which gained media attention and spread across the country. A number of NGOs, academics and even celebrities became involved in the campaign. Over the years, they presented rigorous research evidence to parliament and politicians showing that (1) gun control was essential to reduce violence and (2) that there was popular support for a country with fewer firearms. After much debate, many delays and political manoeuvring from gun lobby members (some of whom I interviewed in 2010), anti-violence activists were successful in having the 'Disarmament Statute' approved during the Lula government in 2003. The statute introduced over 60 legislative bills on gun control, including mandatory psychological tests; it increased the minimum age for purchase from 21 to 25; and prohibited civilians



from carrying firearms in public. The Brazilian government also approved a period of ‘amnesty’ in which firearms could be voluntarily abdicated to the police for public destruction. Nearly half a million firearms were destroyed in public (Crespo, 2006). As a result of all these efforts, in 2004 the country experienced the first drop in firearm homicides: 13 percent. Ultimately, the disarmament statute established that a referendum would be held and the population would decide whether firearms should be banned or not.

### **Did the referendum have popular support? Where, with whom and why?**

Large opinion polls showed that prior to the referendum campaign, there was around 80 percent support for a gun ban in Brazil (Datafolha, 2005; Anastasia et al., 2006). However, groups profiting from the gun industry and represented in parliament were able to delay the referendum and manipulate efforts to control firearms. With such a high level of popular support, and elections approaching, populist politicians found support for a gun ban a useful way of voicing a public commitment to ‘law and order’. Correspondingly, a major survey by Soares (2006) revealed that the referendum and a firearm ban were most supported by women, low-income groups and residents of the northeast of Brazil. These were precisely the groups most affected by armed violence and for whom security (whether private or public) is least accessible. This support however, started to wane during the TV advertising campaign broadcast three weeks prior to the voting date.

### **Why did the referendum fail?**

Notwithstanding the already uneven competition between an NGO-based campaign led by anti-violence activists and a well-funded pro-gun campaign supported by the armaments industry, Brazil’s gun lobby had sought help from the experienced US NRA. In 2003, Charles Cunningham, an NRA lobbyist, had visited São Paulo on the invitation of the Brazilian Society for the Defence of Tradition, Family and Property, a pro-gun group, meeting privately with gun supporters to discuss strategies (Hearn, 2005). The NRA was able to offer campaign funding, ideological support and plenty of fear-mongering rhetoric and propaganda to the Brazilian lobbyists. Much of this material was hardly applicable to the Brazilian context. For instance, some adverts deployed US statistics claiming that citizens needed a gun for self-defence because the police could take up to seven minutes to arrive. In Brazil it is common knowledge that, if the police answered a call, they could take a lot longer than seven minutes to attend – assuming they came at all.

The anti-violence activists I interviewed explained that the Brazilian gun-lobby directly translated and used NRA propaganda materials. They used identical statistics and narratives as the NRA’s own US broadcast adverts. This is especially noticeable as the NRA’s conservative theme of security and the ‘right to own a gun’ were embedded in campaign discourses, leaflets and adverts widely circulated at the time of the referendum.

Another factor which influenced the result of the referendum was the infamous political ‘Mensalão’ scandal which emerged in June 2005. Monthly bribes of R\$30,000 (approximately £9,000) were allegedly paid to parliamentarians to vote in favour of the president’s key projects. The scandal received continuing media attention between the referendum approval and the voting date. It resulted in an association in public opinion between the federal government, the gun ban campaign and political corruption. This played into a familiar US NRA debating tactic, that free people needed their guns because governments couldn’t be trusted. (Crespo, 2006; Goldstein, 2007).

The NRA and Brazilian gun lobbyists argued that only an armed citizenry could prevent crime. In their view, citizens have a right to shoot and kill perceived ‘criminals’. This rather punitive rhetoric is easily marketed to fearful, unequal and spatially segregated societies where intolerance of the excluded ‘other’ is common. This has serious implications: it provides individuals with an alleged right to be the judge, jury and executioner, and it contributes to cycles of violence and intolerance.

What is more, the argument for an armed citizenry draws on a form of narcissism and on the belief that heroic individuals will have the ability to identify crime and fight back. These NRA themes: the rhetoric lauding individual freedoms (e.g. the freedom to buy and use a firearm), the narrative of 'self-defence' and 'protection of the family', which draws on traditional masculine ideals of 'honour' and bravado, were visible in the campaign material deployed in Brazil. As was their use of 'mistrust' narratives, such as 'don't trust the government who want to disarm you' and fear propaganda alluding to the well-known inefficiency (and corruption) of the Brazilian police and therefore to the need to 'defend oneself'... with a firearm; a proposition that clearly serves the interests and profits of the gun industry, which pumps millions of firearms around the globe each year.

The media campaigns and rhetorical discourses of the gun industry diluted and misinterpreted the original purpose of the referendum. The conservative agenda that dominated the pro-gun campaign with its focus on personal security and the individualism of self-defence had no scope to incorporate the more public agenda of collective security by means of disarmament and reduced gun availability.

## **Conclusion**

One of the lessons that social scientists can learn from this case study is that a 'public sociology' (or for that matter a 'public criminology') can have far reaching impact. Just as the aforementioned 13 percent drop in firearm mortality and the subsequent handover of nearly half a million guns for public destruction were the result of campaigning and active researchers who got their message across to a willing and leftist government. The time for political action was also ripe – the historical and social context played a key role too.

But referendums have not been known as an effective way of governing. The devolution of decision making power toward smaller units – in this case, individual voters – can work to increase inequality, both within and across groups. There is at all times the possibility that the more vociferous, economically privileged and energetic members of a small faction can dominate the discussion and push an agenda that is not widely supported, as was the case in Brazil, when the gun-lobby drew on the experience and marketing strategy of its international allies. Across groups, certain organizations typically possess greater political and rhetorical skills than others and can thereby prosper when there is competition for outcomes that can be politically profitable.

This commentary has argued that Brazil's potential firearms reforms were thwarted by pro-gun lobbyists with support from the US National Rifle Association (NRA). The various factors that led to the referendum are complex and various, and sometimes hidden from view. Thus I have not attempted a complete account of how and why the referendum was defeated. Nevertheless, the issues outlined sketch some of the context in which the debate on gun control developed; they show how it began to shape gun control initiatives and demonstrated the potential to halt the escalation of violence; but, finally, on encountering the internationally powerful, yet also deeply parasitic gun industry and its allies, the referendum ultimately failed to deliver the result that many ordinary Brazilians had hoped for.

The extent of concentrated disadvantage in Brazil remains exceedingly high, however the national political will to create a sense of collective interest has increased since the country's political turn to the left. The referendum demonstrates that the influence of global actors and political groups, in particular those of American origin, such as the NRA, also remains exceedingly high in Brazilian politics. The neoliberal ideologies of private security, of self-defence and gun ownership that these groups propose obscure larger-scale dynamics, and render more difficult the creation of a public interest, of a country with less lethal violence. These dynamics and ideologies deserve questioning.

In spite of the referendum's failure, states like São Paulo and Rio de Janeiro have launched violence reduction efforts with remarkable reductions in gun mortality. A recent study by IPEA shows that since the approval of gun control measures sales of firearms have dropped by 40 percent in Brazil (IPEA, 2013) - yet much still needs to be done, and it will take Brazil a very long time to rid itself of

the existing 17 million firearms in circulation (Dreyfus et al., 2005). Firearms were not banned in the country, they are still relatively accessible and the country still suffers from high levels of lethal firearm violence, while small but powerful sections of society continue to profit from the ideologies of a 'gun culture' (Squires, 2000), leaving behind a trail of blood and injustice.

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# Rehabilitation, punishment and profit: The dismantling of public-sector probation

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*Probation has been nurtured and developed for over a century* as the key cornerstone of our community justice system in England and Wales. However, a fundamental transformation in the way in which offenders are managed in the community is underway. After 106 years of rehabilitative intervention, the Probation Service is about to be dismantled - at least, in its traditional public sector incarnation. On 9 May 2013, Justice Secretary Chris Grayling formally confirmed the Conservative-Liberal Democratic coalition government's plans to privatise the majority of probation work by 2015.

Those plans had been outlined in the government's earlier consultation document 'Transforming Rehabilitation: a revolution in the way we manage offenders' (Ministry of Justice, 2013c). While few would argue with the principle of supporting rehabilitation, there was controversy over both how this could be achieved and which agencies might deliver it. The privatisation of probation was viewed as a key component of the government's "rehabilitation revolution", which was officially defined as the establishment of 'an offender management system that harnesses the innovation of the private and voluntary sectors, including options for using payment by results, to cut reoffending' (Ministry of Justice, 2010:3).

The Justice Secretary, fresh from implementing the Work Programme as employment minister, is leading a concerted push for payment-by-results in probation. The resources required to back successful bids for work currently undertaken by the Probation Service will inevitably bestow a significant advantage on those private companies that possess the infrastructure to support a bid. While efforts have been made to sugar the privatisation pill by emphasising the potential of charities and voluntary groups to bid, large multinationals like Serco, Sodexo and G4S - already enriching shareholders via privatised incarceration - may be ideally positioned to take over the bulk of probation's core public sector rehabilitative work. Revolutionary rhetoric notwithstanding, the privatisation of probation means the deprioritisation of rehabilitation and penal-welfare intervention.

## What will change?

The pace of change is fast. It is anticipated that around 70 percent of the core work of the Probation Service will be put out to tender by 2015. Many existing public sector probation staff will be transferred to private companies. The 35 existing Probation Trusts will merge into 21 contract package areas. The Probation Service was responsible for supervising a total of some 227,339 people in September 2012. The private sector (which may include third sector providers) will assume responsibility for all those supervisees who have been assessed as presenting a low or medium risk. This includes both those sentenced to community penalties and those released from prison on licence. Those assessed as posing the highest risk - up to 50,000 people - will continue to be supervised by a rump public sector Probation Service.

This may result in the smaller public sector Probation Service being left to work with the most problematic and difficult to manage clients, which could in turn set up the public sector rump for further delegitimisation in the future. Supervision will also be extended to include short-term prisoners serving 12 months or less (a group that previously could not access supervision or support on release

from prison). This new supervision will be undertaken by the private sector according to the principle of payment-by-results.

Critics have argued that outsourcing probation work privileges profit and ideology at the expense of public safety. The Probation Association, speaking for the Trusts, has expressed concerns about the inevitable fragmentation of probation work and a potential increase in public risk. Napo, the probation union, estimates that almost 70,000 - out of a total of 140,000 medium and low-risk cases that will be moved outside the public sector - may be individuals convicted of violent and sexual offences, domestic violence, burglary, and robbery (Justice Unions' Parliamentary Group, 2013: 6). Pushing over two thirds of probation's challenging workload into untrained private sector hands is viewed as an inherently risky strategy that may compromise public protection. Given the prevalence of mental health problems and substance abuse within probation's client group, there is unease about the ability of private companies to conduct adequate risk assessments. There are also concerns focused on decreased accountability and the dilution of inter-agency cooperation. One frontline probation practitioner, blogging anonymously - understandably so, given the Justice Secretary's edict that probation staff who publicly challenge the outsourcing of their work on social media face disciplinary action - observed that the Bill laid the foundations for a "perfect omnishambles" (Brown, 2013).

## **Reform or deconstruction?**

In addition to the evidence of probation's capacity to reduce reoffending and protect the public, the service also provided substantial fiscal value to taxpayers. The cost of a single place in prison for one year was £37,648 in 2011-12 (National Offender Management Service, 2012: 3). This sum would fund around nine community orders. In terms of staff numbers, the probation is relatively small. With just 16,466 full-time equivalent employees (Ministry of Justice, 2013a), the Probation Service is currently around one third of the size of the Prison Service, and a ninth of the size of the police. Nevertheless, the Probation Service supervises a total caseload of around three times the size of the current prison population in England and Wales. This serves to underline the scale of probation's achievement on relatively limited resources.

Out of the entire National Offender Management Service annual budget of £3.4 billion in 2012-13 (which includes the cost of imprisonment), less than a quarter was spent on probation (Comptroller and Auditor General, 2012: 5). The agency has not just achieved its targets, it was even awarded the British Quality Foundation's Gold Medal for Excellence - the first time a public sector organisation has won this prestigious honour. In short, probation already provides real value.

## **Probation: Reducing reoffending**

Determined ministerial efforts have been made to hold probation responsible for high reoffending rates amongst short-term prisoners, but the reality is that, prior to the current changes, the Probation Service had no statutory responsibility for the supervision of anyone who was sentenced to twelve months or less in prison. The proven re-offending rate for those starting a court order (Community Order or Suspended Sentence Order) is 34.2 percent, which compares well with the 47.2 percent proven re-offending rate for those released from custody (Ministry of Justice 2013b: 8). In any event, it is arguable whether rates of reconviction should be the solitary gauge of success given their inadequacy in measuring the process of desistance.

Yet, despite evidence of probation's success in reducing reoffending compared with imprisonment in like-for-like cases, the government appears determined to consign the service to the margins of history. There is a sense of scrabbling around for statistics to validate a policy already decided upon, rather than letting the evidence dictate the formulation of that policy. This adds weight to the view that, despite official insistence that this decision is rooted in achieving great efficiency and better value for taxpayers, the shift to the private sector is primarily propelled by neoliberal dogma.



## **Who will profit from probation?**

Probation may have a substantial history of embracing the rehabilitative ideal, but private companies focused on shareholder profit are not oblivious to the financial reality that it also amounts to a business worth some £820 million a year. The possibility of boosting shareholder profits by working with up to 190,000 people who are currently subject to supervision by public sector probation staff is potentially lucrative. The real imperative driving privatisation now is profit, which is now a logical imperative in the deindustrialised West. Do we really want to travel the American road of privatised probation? The evidence from the USA (Teague, 2011) suggests that the introduction of the profit motive into community justice does not enhance the rehabilitative process.

If the G4S Olympics security fiasco, which necessitated the army being called in to salvage the situation, is any indicator, then there must be concern for probation's future. The parliamentary Home Affairs committee's comments on G4S may strike a cautionary note for probation's privatised future:

The Government should not be in the business of rewarding failure with taxpayers' money. As private sector providers play an increasingly important role in the delivery of police and criminal justice services, it is vital that those commissioning services look at the track-records of prospective providers (Home Affairs Committee, 2012: para.40).

## **Neoliberalism and probation**

How has this come to pass? Neoliberal governments of both the right and the centre left have propelled the economic and social policies of the UK towards a standpoint which emphasises the centrality of market processes. It is hardly surprising that this prevailing neoliberal orthodoxy has now informed the debate on probation (Teague, 2012a), just as it has other areas of the justice system and wider public policy (Whitehead and Crawshaw, 2012). While the linkage between neoliberal governments and crime control can be complex and even ambiguous, neoliberalism has arguably prioritised punitiveness, de-prioritised rehabilitation, and engaged in the pursuit of private profit at the expense of social justice within the carceral and probation systems. We already possess the most privatised prison system in Europe. The impending large scale privatisation of policing, which may encompass crime investigation, suspect detention and street-level patrols, confirms the scale of change. The privatisation of probation provides a further example of the neoliberal endorsement of the processes of deregulation and wholesale marketisation (Teague, 2012b).

## **Probation's cultural value base**

Community sentences were first introduced in law over a century ago with the groundbreaking 1907 Probation of Offenders Act. The aim was unprecedented - to enable individuals who broke the law to be supervised in the community, whilst facilitating and supporting their rehabilitation. While for much of the twentieth century probation in the UK has operated as a relatively benevolent justice agency focused on changing rather than containing its clients, and facilitating their reintegration into society, contemporary probation may be a radically different agency to that constructed by the early rehabilitative pioneers. The service's shift away from a social work value base towards a culture of compliance and enforcement has been paralleled by a concomitant shift in the culture of probation.

The role of frontline probation practitioners has gradually been transformed under the aegis of neoliberal governments from that of rehabilitative agents who prioritise therapeutic intervention to agents who function in a marketised environment, preoccupied with the demonstration of their "effectiveness" by prioritising targets and meeting key performance indicators. Those individuals with whom the probation service worked began to be labelled as 'offenders' rather than 'clients'.



Probation's professional ethos has undergone upheaval as the service has embarked on a process of transformation from what had been, in essence, an organisation engaged in social work intervention to a more punitive, target-driven agency driven by the key imperative of law enforcement.

The changes in probation, then, can be viewed as part of the continuing transformation of our justice system into a competitive market place in which the attainment of financial return rather than social justice is a primary driver. It is hardly surprising that this process was likely to culminate in privatisation. Following decades of neoliberalism we can no longer view the growing privatisation of public sector justice services, including prisons, policing and now probation, as either tentative or experimental.

## **Conclusion**

Probation undertakes invaluable work - albeit work that is frequently undervalued - which offers real benefits to society. When probation thrives, communities benefit, individuals are rehabilitated, crimes are prevented and potential victims are protected. This essential component of our civil society, with its long humanitarian tradition of protecting the wider society by reducing reoffending and supporting vulnerable people to rehabilitate themselves, faces being dismantled. In the final analysis, the privatisation of probation is all about choice. The cost of corporate tax avoidance by the 700 largest corporations in a single year has been estimated to be approximately £13 billion. This sum alone would fund the probation service for at least fifteen years. The government is poised to dispense with over a century's experience of rehabilitation in order to comply with an established economic dogma.

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## The 2013 Offender Rehabilitation Bill: 'A curious mix?'

**Lol Burke**

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After more than a hundred years of work with offenders, often with little encouragement or recognition for their efforts, a small island of decency and humanity in the criminal justice system may be disappearing (Mair and Burke, 2012: 181).

*It was with this sombre warning* that George Mair and I concluded our overview of the history of the probation service in England and Wales in our book *Redemption, Rehabilitation and Risk Management*. Ultimately we argued that whilst community penalties might have a future, if only as an alternative to custody, whether the same could be said for probation was a different matter. The proposals contained within the 2013 Offender Rehabilitation Bill would suggest that the eventual demise of probation is now a step closer to becoming a reality. The existing 35 Probation Trusts will be replaced by a significantly smaller National Service dealing with the rump of high risk public protection cases. Some 70 percent of the services' rehabilitative work will be contracted to providers on a payment-by-results basis, most likely to be the large multi-national security corporations who have already gained a foothold into the delivery of criminal justice services in England and Wales. Probation staff will be split between the National Service and the range of providers of rehabilitative services, although it is unclear as to how and when this will be decided, who will do this and whether there will be a national recruitment process or some sort of allocation process based on matching roles? The timing of these widespread changes is all the more surprising given that reoffending rates are falling, the probation service has met all the targets set for it by government and only recently was awarded a British Quality Foundation Gold Medal for excellence in 2012. As Lord Ramsbotham (2013)<sup>1</sup> suggested in the House of Lords debate on the Bill:

Until last summer, the criminal justice system was embarked on a rehabilitation revolution led by a Secretary of State whose method included careful examination of practicalities and attention to the all-important role of people in the rehabilitation process. In the new rehabilitation revolution on which we are now embarked, people appear to be made to play second fiddle to the market, while the timing appears to be determined by the need to present tough achievements to the electorate in the 2015 election manifesto.

In this respect the direction and pace of the Offender Rehabilitation Bill would appear to be inextricably linked to the political ambitions of the current Justice Secretary who was appointed to 'put some bite' into his predecessor's proposals to reform community punishments (Travis, 2012). The Bill is thus big on rhetoric but short on evidence. One would expect that such radical changes would, at the very least, be properly piloted and evaluated before being rolled out; but the Justice Secretary decided to cancel the two community pilots in Staffordshire and the West Midlands and Wales, and refused to release details of the evaluation of these pilot schemes - whilst being quick to overplay the initial evaluation of the HMP Peterborough Scheme based upon limited findings. Worryingly, informed

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<sup>1</sup> House of Lords Hansard, 20 May 2013: Column 661

public debate regarding the desirability of the proposals by probation professionals has been discouraged and even censured, creating a climate of fear amongst those professionals best placed to contribute to these debates.

There are two main strands to the proposals. Firstly, there is a focus on improved resettlement outcomes through the extension of the licence and supervision requirements for those released from prison having served a sentence of less than twelve months. To facilitate this, a significant part of the prison estate will be designated as “Resettlement Prisons” enabling better “through the gate” provision. The focus on short-term prisoners, who currently get no support on release yet have high rates of reoffending is a particularly positive move but the practicalities of providing additional rehabilitative services for 50,000 to 60,000 additional offenders are huge and complex and barely addressed within the plans. The Justice Secretary has argued that the changes proposed have been necessitated by what are rightly unacceptable levels of reoffending amongst this group. But using this as a rationale for dismantling the probation service, even though it has no statutory responsibility for these prisoners, is at best disingenuous and betrays a fundamental ignorance of the service’s work. It is worth remembering that the probation service’s lack of involvement with those sentenced to imprisonment of twelve months or less was not the result of wilful neglect by the organization, but because of legislative changes brought about by a previous Conservative government in the 1991 Criminal Justice Act. And the most recent attempt to do something similar in the form of custody-plus in the Criminal Justice Act 2003 was curtailed on cost grounds (Newburn, 2013). The government’s intention to utilise the potential of ex-offenders as peer mentors is also a welcome but untested initiative on the scale envisaged. The deployment of peer mentors certainly has the potential to provide positive role models and in the right circumstances might be an appropriate means of engaging those still involved in criminal activity, but as Fletcher and Batty (2013: i) point out:

... the pool of individuals possessing the requisite experience, aptitude and skills may be small; high rates of peer turnover may compromise service delivery; the ambiguity of the role means that mentors are placed in a “grey area” where they are neither service users nor professionals; and peer programmes require considerable maintenance and support.

It is important therefore to make sure that everyone supervising offenders has the right kind of training and expertise and that mentoring schemes are not done on the cheap and as a means to replace services rather than complimenting them. As the Prison Reform Trust (2013: 4) has pointed out ‘Even if additional mentoring and support for short sentenced prisoners proves successful for people who have committed non-violent and less serious offences, it will nearly always be cheaper and more effective to impose a community sanction rather than a short prison sentence.’

During the course of the short consultation leading to the publication of the Bill there was a significant change in the language used to describe the services offered to those short term prisoners serving less than twelve months on their release from ‘support’ (which is more in line with a mentoring relationship) to ‘supervision’. The notion of ‘compulsory mentoring’ is an oxymoron if ever there was one! Supervision implies a much more formal structure with obvious detrimental repercussions for non-compliance. This could have the unintended consequence of further increasing the levels of breach which have already led to an unacceptable number of individuals returned to prison for what are sometimes minor infringements of their licence conditions rather than the commission of a new offence. The Bill proposes a sanction of two weeks imprisonment for non-compliance which is in reality unlikely to contribute anything in terms of rehabilitative outcomes. The impact assessment accompanying the Bill provides no assessment of how many additional short-term sentences are likely to be awarded or the potential for increase rates of breaches. If previous sentencing practices are anything to go by, there is a strong likelihood that magistrates in particular might feel that, by imprisoning the offender, they can get the best of both worlds: both the punitive impact of imprisonment and supervision of the offender when he or she is released. Of course, such an approach

could undoubtedly be counter-productive as even a short period of custody can lead to an individual losing their accommodation, employment and fracturing family links, thereby undermining moves towards desistance. Whilst the provision of post-release supervision to *all* prisoners, even those imprisoned for a matter of weeks, might be based on good intentions, it does raise the question as to whether it is really necessary. As Lord Beecham pointed out in the House of Lords debate on the Bill (2013) a more productive approach might result from ‘concentrating resources on those offences and offenders to which they are most likely to be relevant; otherwise, in a payment by results, the low-hanging fruit will be too readily plucked by the providers, to the cost of the taxpayer’<sup>2</sup>. Adding, ‘the provision forbidding somebody to change residence without permission and the power to impose compulsory attendance at drug appointments look little more than further examples of a creeping culture of control’<sup>3</sup>.

The second main strand to the Bill concerns the national commissioning of services in the form of 21 contract areas to support the requirements. The current proposals envisage the commissioning of services on a national basis with delivery being located within 21 contract package areas. The contracts will be held by a small number of private *Community Rehabilitation Companies* (CRCs) who will then subcontract service delivery to a complex mix of providers. At present the shape of these new Community Rehabilitation Companies is unclear but Kuipers (2013) provides a useful summary some of the key elements:

- The CRCs will be the contract holders of the business with Ministry of Justice/National Offender Management Service (MoJ/NOMS) and will remain as the contract holders regardless of who owns them in due course;
- CRCs will be limited liability companies;
- The government will hold a ‘golden share’ in the CRCs, ensuring that the government has a controlling interest;
- The CRCs in themselves will not be mutual, but they can be owned by a mutual. However, the design of the CRCs (in the hands of the MoJ/NOMS) may include incentives for staff in the CRC;
- Probation Trusts cannot bid to be the owners of CRCs, but staff from Trusts can be part of businesses (mutual, companies, consortia, etc.) that can bid for the CRCs, as long as there are ‘ethical walls’ between those staff and their current Trust responsibilities (often described to be very difficult to achieve).

The probability of introducing national commissioning with multiple contracts within a timescale of 18 months looks questionable when the competition for Community Payback in London took over two years, and this of course was restricted to a single intervention in a single area. If they go ahead all the indications are that the contract packages will be over a lengthy period in order to reward private providers for their investment and performance (Webster, 2013). As I have indicated elsewhere, this has all the hallmarks of a ‘scorched earth’ policy which a subsequent change of government would find difficult to untangle even if it were so inclined (Burke, 2013). It has been suggested that what we are witnessing is the emergence of a ‘shadow state’ of extremely powerful private providers (White, 2013). The government contends that the old monopolies in the prison and probation system need to be opened up to create a more diverse range of suppliers of criminal justice services. However, just three companies (G4S, Serco and Sodexo) dominate the management of

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<sup>2</sup> House of Lords Hansard, 20 May 2013 : Column 637

<sup>3</sup> House of Lords Hansard, 20 May 2013: Column 645

private prisons in England and Wales and economies of scale suggest that the same situation will emerge in the contracting of rehabilitative services.

The proposals contained within the Offender Rehabilitation Bill inevitably pose more questions than answers. Potential providers of key rehabilitative services are being asked to develop bids without knowledge of the scale of competed services, the additional costs of working with those prisoners serving short sentences, and the specifics of the payment mechanisms. The government believes that the measure contained within the Bill will lead to cost savings but the start up costs of establishing a new National Service and developing a complex commissioning framework will almost inevitably have the opposite effect. Longer term savings are likely to be achieved through reductions in service delivery and the quality of interventions provided which could ultimately compromise public protection. There are real dangers and difficulties ahead including the danger of fragmentation of services; the bureaucratic nightmare of expensive contractual structures that could so easily push out local initiatives and existing expertise; the risks of perverse incentives to providers; and ensuring that claims to commercial confidentiality do not act as barriers to sustaining effective communication between all parts of the system. There is also the thorny question of accountability. The Bill is short on detail regarding how risk will be managed across private and public bodies in a world of multiple providers. It has been estimated that a quarter of offenders change risk category during their sentence<sup>4</sup> but it is not clear as to whether or not a change to a higher-risk category would constitute a reason for withholding payment in whole or in part, or would that happen only in the event of re-offending?

Perhaps the ultimate failing of the current proposals is the lack of understanding of the complexity of supervision which cannot be reduced to an instrumental means of reducing reoffending at the lowest cost. Offenders are presented as a homogeneous group, differentiated only by the category of risk assigned, and there is little acknowledgment of diversity issues. For example, there is a glaring lack of any specific policies for dealing with women offenders in the Bill despite the Government's acknowledgement in their *Transforming Rehabilitation* (Ministry of Justice, 2013) strategy of the widespread support among those consulted that services specifically tailored to women offenders' needs should be further developed and delivered. In this respect the proposals contained within the Offender Rehabilitation Bill contain all the elements of what Loraine Gelsthorpe has insightfully described in a previous edition of this newsletter as a 'curious mix of political posturing, populist punitiveness and measures to reduce costs' (2012: 3). A more constructive course of action would be to reduce the use of short-term prison sentences in the first place and preserve and develop existing partnerships, although this more measured approach is unlikely to appeal to a Justice Secretary in a hurry.

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<sup>4</sup> Lord Beecham, House of Lords Hansard, 20 May 2013: Column 637



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## The BSC Outstanding Achievement Award to Professor Joanna Shapland

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The BSC is delighted to announce that its 2013 Outstanding Achievement Award is given to Professor Joanna Shapland of Sheffield University for her groundbreaking work on restorative justice. This research, which Joanna undertook with Anne Atkinson, Helen Atkinson, Emily Colledge, James Dignan, Jeremy Hibbert, Marie Howes, Jennifer Johnstone, Gwen Robinson, and Angela Sorsby, together with Becca Chapman and Rachel Pennant of the Home Office, was the first ever randomised controlled trial of restorative justice in the UK and evaluated three Ministry of Justice-funded schemes (Justice Research Consortium, REMEDI and CONNECT) dealing with offenders within the criminal justice process.



The schemes included adult and juvenile offenders at all stages of criminal justice from pre-court to prison and probation sentences, using both conferencing and mediation. The evaluation followed the implementation of the schemes, interviewing offenders and victims, observing conferences, and looking at reconviction. It was the first large-scale evaluation of restorative justice for adult offenders and serious offences in Europe. The first report was delivered to the Home Office in October 2002 and published by them in 2004. The second report was delivered to the Home Office in January 2005. The third report was published by the Ministry of Justice in June 2007 and the final report in June 2008. Theoretical articles stemming from the research have been published by *Theoretical Criminology* (2006), *Criminology and Criminal Justice* (2007) and the *British Journal of Criminology* (2008). A book bringing together all the material to satisfy the worldwide interest in these results was published in April 2011 by Routledge (*Restorative Justice in Practice*). The research has heavily influenced the Ministry of Justice's commissioning of sentencing options in England and Wales, directly informing legislation implementing restorative justice from 2012.

The project has directly led to further research (which Joanna was also involved in) looking at conferencing and mediation world-wide and to the Best Practice Guidance for Restorative Justice Practitioners in the UK, published in February 2011 and developed by the Restorative Justice Council and the Ministry of Justice. The key messages from the research have been taken up by the Scottish Government and by the Commission of the Republic of Ireland which has been considering what restorative justice to introduce there.

Joanna is currently the Edward Bramley Professor of Criminal Justice at the University of Sheffield. Before that she worked at the Centre for Criminological Research at the University of Oxford and King's College London. She is Executive Editor of the *International Review of Victimology*; a Member of the Editorial Board or International Board of *Déviance et Société*, the *Security Journal*, the *European Journal of Policing Studies*, and *Restorative Justice*; a member of the Expert Group of Victim Support Europe; and the UK representative on the Comité de Groupement (governing council) of GERN (Groupe Européen de Recherche sur les Normativités: a French- and English-speaking European network of criminologists and those working in socio-legal studies, with some 35 institutional members).

A chartered forensic psychologist, along with her pioneering work on restorative justice Joanna has researched in the areas of victimisation and victimology, business and crime, the informal economy, desistance, crime prevention and social control, and comparative criminal justice. Professor Stephen Farrall, who nominated Joanna for the award, said:

The research which Joanna and her team undertook is testament to the value of well-designed social science research and the impact which this can have on government thinking and society in general. Joanna is a first-rate academic herself and a powerhouse of ideas and energy.

BSC President Professor Loraine Gelsthorpe, said:

I am delighted that the BSC is awarding the Outstanding Achievement Award for 2013 to Professor Joanna Shapland. Amongst many other laudable research achievements she has made major contributions to policy developments in both the UK and elsewhere in Europe through innovative and robust empirical research, leading to clear evidence-based policy recommendations. The award is richly deserved.

Joanna will be presented with her award during the opening ceremony of this year's BSC annual conference at Wolverhampton University (2 July 2013 starting at 1pm).

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## **BSC in cyberspace**

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The BSC can be followed in various ways on the internet. The first port of call is the BSC website at: [www.britsoccrim.org](http://www.britsoccrim.org). The Society is also on Twitter at: <https://twitter.com/BritSocCrim> and on Crimspace at: [www.crimspace.com/group/britishsocietyofcriminology](http://www.crimspace.com/group/britishsocietyofcriminology).

Students can join the British Society of Criminology postgraduate community on Facebook at: <http://www.facebook.com/groups/116889601731834/>

Some of our networks and regional groups also have their own websites or blogs:

- BSC Learning and Teaching Network: <http://bscltn.wordpress.com/>  
(also on Crimspace: [www.crimspace.com/group/bsclearningandteachingnetwork](http://www.crimspace.com/group/bsclearningandteachingnetwork))
  - BSC Policing Network: <http://bscpolicingnetwork.wordpress.com/>
  - BSC Women, Crime and Criminal Justice Network: [www.jiscmail.ac.uk/cgi-bin/webadmin?A0=WCCJ](http://www.jiscmail.ac.uk/cgi-bin/webadmin?A0=WCCJ)
  - BSC Crime and Justice Statistics Network: [www.jiscmail.ac.uk/cgi-bin/webadmin?A0=CRIM-BCS-USERS](http://www.jiscmail.ac.uk/cgi-bin/webadmin?A0=CRIM-BCS-USERS)
  - BSC Youth Criminology/Youth Justice Network: [www.jiscmail.ac.uk/cgi-bin/webadmin?A0=YCYJ](http://www.jiscmail.ac.uk/cgi-bin/webadmin?A0=YCYJ)
  - BSC South West Branch: [www.bsouthwest.org/](http://www.bsouthwest.org/)
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# The BSC Learning and Teaching Network

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## Teaching Award

The National Award for Excellence in Teaching Criminology is administered by the BSC Learning and Teaching Network (BSC LTN) which is a collection of people within the criminology community who have an interest in the learning, teaching and assessment of criminology and criminal justice. The three judges of the 2013 award are Pamela Davies, Azrini Wahidin and Richard Sparks. The award winner will be announced at the SAGE wine reception at the BSC annual conference in Wolverhampton.

## Learning and Teaching project awards

Three projects were funded by the BSC LTN in 2013 and have now completed. Further information will be disseminated via the blog - <http://bscltn.wordpress.com/>

### Enhancing Study Skills in Criminology

Dr Claire Fox, University of Manchester

This project designed a set of study skills resources focusing on key topics that are most relevant to criminology students (for example, the need to develop critical skills early in their academic careers) and that are not always addressed elsewhere (for example, a set of commonly asked questions about criminology/academic study).

### Studying Criminology in Higher Education: An Online Open Access Forum

Dr Tina G. Patel, University of Salford

This project sought to provide early clarification and insight into what criminology (at higher education) is, including what the subject offers and what it should be concerned with in contemporary analysis of crime and justice matters. The project established an online open access 'Criminology Forum' to provide: (a) Access to subject resources such as articles, research reports, policy documents and works in progress; (b) Connections with external real-world groups and organisations, including any of those which may have routes of employment or volunteering placement opportunities; (c) Engaging discussions on criminological matters by providing a space for debates to move beyond the physical confines of lecture theatres and seminar rooms.

### Enhancing Applying Research within Criminology

Jill Jameson, Kate Strudwick and Jan Gordon, University of Lincoln

This project produced a 30 credit research methodology module. The resource sought to overcome barriers customarily faced by this kind of subject by encouraging students to critically analyse existing research, from a methodological and ethical perspective, to plan and undertake a real practical research project, and to learn about and apply statistical analysis to that research project using SPSS.

**Helen Jones,  
Manchester Metropolitan University & Higher Education Academy**

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## QAA subject benchmark review - criminology

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Subject benchmark statements provide a means for the academic community to describe the nature and characteristics of programmes in a specific subject or subject area. As we work within a dynamic discipline this means that the benchmarks need to be periodically reviewed. The QAA is working closely with the BSC and the Higher Education Academy to review our discipline benchmarks.

An initial draft is currently being prepared and the aim is for the draft to be available for wider consultancy across the sector during August/September.

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## BSC prizes

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The BSC award a number of prizes each year. Details of the Outstanding Achievement Award to Professor Joanna Shapland have already been given. Details of other prizes and winners are given below. Congratulations to all winners and also to all those shortlisted. And a big thank you to all those who helped judge this year.

### BSC Book Prize

There were 8 books on our shortlist this year. All had to be the author's first sole-authored book. It was very close between the titles but two books could not be separated so the prize of £500 and £100 of book goes jointly to Coretta Phillips (LSE) for *"The Multicultural Prison: Ethnicity, Masculinity, and Social Relations among Prisoners"* and Deborah Drake (Open University) for *"Prisons, Punishment and the Pursuit of Security"*. The full list is set out below:

- Daniel Briggs (2012) *Crack Cocaine Users: High Society and Low Life in South London*, Routledge.
- Deborah Drake (2012) *Prisons, Punishment and the Pursuit of Security*, Palgrave.
- Simon Harding (2012) *Unleashed: The Phenomena of Status Dogs and Weapon Dogs*, The Policy Press.
- Arlie Loughnan (2012) *Manifest Madness: Mental Incapacity in the Criminal Law*, Oxford University Press.
- Demetra M. Pappas (2012) *The Euthanasia/Assisted Suicide Debate*, Greenwood Press
- Coretta Phillips (2012) *The Multicultural Prison: Ethnicity, Masculinity, and Social Relations among Prisoners*, Oxford University Press.
- Gilly Sharpe (2012) *Offending Girls: Young Women and Youth Justice*, Routledge.
- Helen Wells (2012) *The Fast and The Furious: Drivers, Speed Cameras and Control in a Risk Society*, Ashgate.

This award, which is sponsored by Routledge, will be made at the Conference Dinner.

## The Brian Williams Prize

The Brian Williams Prize was established to honour the memory of Dr Brian Williams, who was Professor of Community Justice and Victimology at De Montfort University, and who died tragically in 2007. The prize reflects the desire of the British Society of Criminology to encourage and recognise the achievements of new members of the criminology profession, and is awarded to the author of a criminological article, who is a 'new' scholar, published in a refereed academic journal. Like the book prize this was closely contested and again a joint prize of £250 will be awarded to Ron Dudai (Queens University Belfast) and Alisa Stevens (University of Kent) at the Conference Dinner.

Ron Dudai (2012) 'Informers and the transition in Northern Ireland', *British Journal of Criminology*, 52(1) 32-54.

Alisa Stevens (2012) 'I am the person now I was always meant to be': Identity reconstruction and narrative reframing in therapeutic community prisons', *Criminology & Criminal Justice*, 12(5) 527-547.

Other shortlisted articles were:

- Ana Aliverti (2012) 'Making people criminal: The role of the criminal law in immigration enforcement', *Theoretical Criminology*, 16(4) 417-434.
- Daniel McCarthy (2013) 'Gendering 'soft' policing: Multi-agency working, female cops, and the fluidities of police culture/s', *Policing & Society*, 23(2) 261-278.

## Learning and Teaching Project Awards

Details of these awards are given in the BSC Learning and Teaching Network section of this Newsletter. The award winners will be announced at the SAGE wine reception at the BSC conference.

## BSC Poster Competition

An award of £75 in book vouchers from Sage may be awarded to the best postgraduate poster at the BSC conference.

**Nic Groombridge,  
St Mary's University College Twickenham, and Chair BSC Prizes Committee**

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## **BSC Regional News**

### **BSC Northern Ireland Branch News**

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The Northern Ireland Branch (along with the British Convict Criminology group) is planning a day-long event in autumn 2013 (date TBC) exploring ex-prisoner led initiatives in prison reform, reintegration, and prisons research. It is intended to be the largest gathering to date of individuals and groups working in these areas. In an era in which even the Coalition Government has formally recognised the value that so-called “old lags” can bring to criminal justice thinking, this conference could not be timelier. And, with the unique role that former prisoners have played and continue to play at every level of government and civil society here, Northern Ireland is an ideal location to open this discussion.

Contact NI Branch director Shadd Maruna at [s.maruna@qub.ac.uk](mailto:s.maruna@qub.ac.uk) for more information or to register an interest.

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### **BSC Southern Coastal Branch**

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The Southern Coastal BSC Branch will be holding an academic/practitioner forum on 22 October (6pm), at Mayfield House on the Falmer Campus, Brighton. All welcome: students, practitioners, academics.

Dr Wendy Fitzgibbon of London Metropolitan University will be the guest speaker, talking about Probation and politics in a ‘post-rehabilitation’ era.

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### **BSC South East Branch**

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The South East Branch continues to cooperate with the London School of Economics’ Mannheim Centre to offer seminars including in the Autumn of 2012 Professor Rosie Meek (now of Royal Holloway) on sport as crime prevention, Professor Jon Silverman (Bedfordshire) on the press and crime policy and Dr Matthew Bacon (University of Sheffield) ‘Behind the Scenes: The Hidden Politics of Drug Detective Work’.

In the Spring of 2013: Dr David Scott (UCLan) spoke on prison officers, Dr Ros Burnett (Oxford) on false accusations, Professor Mike Nash (Portsmouth) on the end of home visiting by probation and finally Professor David Wilson (Birmingham City University) on serial killers

The current Chair is Nic Groombridge and Secretary Deb Drake.

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## **BSC Wales Branch**

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The Wales Branch held several seminars during the year. The highlight of the year - and the best attended event - was “Desert Island Mike” in which Professor Mike Levi was interviewed Roy Plomley-style (or should that be Kirsty Young-style?) about his long and successful career at Cardiff University and his choice of eight pieces of music to take to his desert island. By coincidence, Mike will be taking over as Branch co-chair, jointly with Dr Fiona Brookman of the University of South Wales, as my term of office has come to its end.

The year was rounded off with a joint seminar with WISERD (the Wales Institute of Social & Economic Research, Data & Methods) and the Bangor School of Social Sciences at which Dr Gilly Sharpe of Sheffield University spoke on “Doing justice to girls?”

**John Minkes, University of Swansea**

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