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INSIDE YOUTH JUSTICE: CONFLICT AND CONTRADICTION IN THE REMAND MANAGEMENT OF YOUNG OFFENDERS

Robert Alexander Hornsby

PhD Thesis

University of Durham

Department of Sociology and Social Policy

2005

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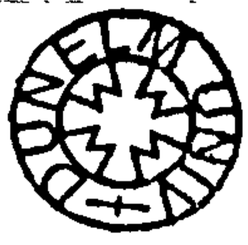

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Abstract

Inside Youth Justice: Conflict and Contradiction in the Remand Management of Young Offenders

by

Rob Hornsby

A thesis based on research conducted at a Youth Offending Service in the North of England. As an essential part of the Youth Justice Board's central aim to 'reduce youth offending' bail supervision and support projects, integrated with Youth Offending Services are an intrinsic factor of this overall aim. Bail supervision and support is targeted at those young offenders perceived to be at risk of being remanded into custody or, local authority accommodation while awaiting trial for their suspected offences.

The research presents an ethnographic case study of one such project in the north of England. For a significant minority of 'hardcore' persistent young offenders referred to and accepted onto the project, this thesis argues that this particular aspect of youth justice intervention offers little in its central aim to reduce re-offending by young people on bail. The study contends that bail supervision and support proposes pragmatic interventions for the majority of its target group for a significant sub-sample of its population the project offered little by way of intervention that were aimed at transforming the criminal lifestyles of this problematic group of young offenders. The study examines the role of inter-agency partnerships in dealing with young offenders and utilizes an ethnographic approach in which to examine this aspect of the new youth justice system.

The thesis argues that although welfare approaches in dealing with young offenders appear, on the surface, to be child focused interventions, the entrenched organisational cultural disparities limit the potential of the youth justice system in

addressing juvenile delinquency, whilst paradoxically attempting to deal with them as 'children in need'. The strains, conflicts and contradictions involved with the delivery of multi-agency approaches within the contemporary milieu are examined and questioned. It is argued that the current system for dealing with this category of young offenders requires a far more welfare-orientated focus in order to deal with a heavily flawed youth justice system.

Table of Contents

List of Tables.....vi

List of Diagrams and Charts.....vii

Acknowledgements.....ix

Chapter One: Introduction.....1

Chapter Two: Methods.....14

Chapter Three: Locking Up or Bailing Out.....52

Chapter Four: An Appropriate Adult.....85

Chapter Five: Conflict and Contradiction.....139

Chapter Six: Between a Rock and a not as Hard Place.....182

Chapter Seven: Bail Supervision and Support in Practice.....229

Chapter Eight: Overview and Conclusion.....280

Bibliography.....294

Appendix A: A Dispossessed City.....320

List of Tables

Tables

Table One: Police Bail Decisions: Detention/Release from Police Stations 1998-2001.....63

Table Two: Cases at Magistrate's Courts' 1998-2001: Types of Remands.....69

Table Three: Police and Magistrates Courts Opposition to Bail 1998-2001.....69

Table Four: Children and Young People Denied Police Bail: July-September 2000.....134

Table 5: Funding of Project.....147

Table 6: Local and Regional Magistrates' Courts' Custodial and Community Sentencing Rates of Young Offenders: 2000.....202

Table Seven: Remand Decisions by Age and Gender in Sunderland: 01/04/00-31/12/2000.....203

Table Eight: Remand Episodes Ordered by Courts' in Sunderland: 01/04/00-31/12/2000.....205

Table Nine: All England and Wales Remand Episodes 01/01/01 to 31/12/01.....227

Table Ten: Young People's Views of Specific Areas of BSS Focus.....265

Table Eleven: Sunderland Population Estimates and Projections 1961-2011.....324

Table Twelve: Housing Statistics: Number of Dwellings April 2000.....333

Table Thirteen: Average House Prices November 2000.....334

Table Fourteen: Permanent Sickness Figures 1986.....336

Table Fifteen: Increasing Incapacity Benefit Recipients (1986 & 2002).....337

Table Sixteen: Working Aged Incapacity in the City of Sunderland: Number of

Incapacity Benefits Claimants, August 2002.....337

Table Seventeen: Incapacity Rate.....338

Table Eighteen: Working Aged Population, Employment (EA), Incapacity in Sunderland 1999-2000.....338

Table Nineteen: Employment Deprived Population of Sunderland 1998-1999.....339

Table Twenty: National, Regional and Local IB Figures.....339

List of Diagrams and Charts

Diagrams

Diagram One: The Bridge Police Station Charge Room.....88

Diagram Two: The Flow of Youth Justice Bail and Remand Decisions.....157

Diagram Three: Multi-Agency Approach of the BSS Project.....163

Diagram Four: The Office: The Key Players.....231

Charts

Chart One: Interventions and Level of Supervision and Support.....161

Chart Two: Rates of Remands by category by the courts' in Sunderland: 01/04/00-31/12/2000.....206

Chart Three: All Remand Decisions and BSS Decisions.....207

Chart Four: Young People Charged Whilst Subject to BSS and RLAA Remand 01/04/00-31/12/00.....208

Chart Five: Re-Offending & Breach Rates on BSS Nov. 1999 – Jan. 2002.....268

Chart Six: Aggregate BSS and Breach Re-Offending Data.....269

Chart Seven: Remand Management of Target Group.....270

Chart Eight: BSS Target Group and Remand Decision Outcomes.....273

Chart Nine: Remand Totals Nov. 1999 – Jan. 2002.....274

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Chapter One: Introduction

Setting the Scene: Context and Rationale

Aims of the Study

This study has two distinct aims. First, to present a study of the relationship of young offenders to the current youth justice system. The second aim is to provide empirically based insights into human relationships, the activities, the processes and experiences of delivering and receiving a distinct youth justice intervention, namely Bail Supervision and Support (BSS). This thesis discusses the policy rhetoric supplanted onto the new youth justice system and provides an empirically grounded understanding of the cacophony of relationships involved in the delivery of youth justice within the contemporary milieu.

The Research Context

The research provides analysis of young offender's involvement with, and Youth Offending Service (YOS) worker's delivery, of the youth justice system. The study is intent upon providing rich insights of the inner workings of that system. The research was based at a local YOS in the North East of England and access was gained by way of a Youth Justice Board evaluation into one of its newly sponsored interventions, Bail Supervision and Support.

In 1998, the new Labour Government implemented fundamental reforms to the youth justice system, the most significant of those reforms being the Crime and Disorder Act (Card and Ward, 1998; Goldson, 1999a, 2000b; Haines and Drakeford, 1998; Home Office, 1997a; Leng *et al.,* 1998; Muncie, 1999; Pitts, 2000a, 2001a; Newburn, 2002; Smith 2003). During the mid-1990s there was growing anxiety amongst some politicians and sectors of the media that the youth justice system was failing (Sasson, 1995; Audit Commission, 1996, 1997; Crime and Disorder Act, 1998; Garland, 2001; Reiner, 2002). The concerns focused

upon a relatively small number of persistent young offenders (Hagell and Newburn, 1994) committing criminal offences, on a frequent basis, and then being dealt with by the youth justice system, only to be allowed back onto the streets and continuing to re-offend (Audit Commission, 1996; Home Office, 1997a; Crime and Disorder Act, 1998).

The Crime and Disorder Act's aim and objectives were to undo much of what was perceived to have been wrong with the previous youth justice system (ibid.). The Labour Government acted hastily upon its election pledge (Pitts, 2000) of 'being tough on crime' and 'tough on the causes of crime' by acting on the recommendations of the Audit Commission's report 'Misspent Youth'. This report observed that:

> The current system for dealing with youth crime is inefficient and expensive, while little is being done to deal effectively with juvenile nuisance. The present arrangements are failing young people-who are not being guided away from offending towards constructive activities. They are also failing victims-those who suffer from young people's inconsiderate behaviour and from vandalism and loss of property from thefts and burglaries. And they lead to waste in a variety of forms, including lost time, as public servants process the same young offenders through the courts time and time again; lost rents, as people refuse to live in high crime areas; lost business, as people steer clear of troubled areas; and a waste of young people's potential.
>
> (1996: 96)

This thesis is an analysis of a number of the above statements. With the re-configuration of youth justice policy and practice, over-seen by the newly implemented Youth Justice Board (YJB), and organised at the local level by Youth Offending Teams/Services (YOT/S), major changes were planned for those delivering and receiving youth justice. This study was based within a local YOS at its Bail Supervision and Support

(BSS) project[1]. The study deals with a range of disparate practices and conflicting cultures found within the youth justice system. The experiences and views from a sample of young people engaged within the system, its frontline workers delivering it and a range of other youth justice personnel who engaged with the project are considered.

The research initially began as an evaluation of the BSS project. However as time progressed, my own interests involving the daily workings of BSS, from the views of those involved with it, began to develop in a way that transcended the scale and scope of the aims of the evaluation process. It became clear to me that during the initial implementation process of Crime and Disorder Act 1998, a range of conflicting actions were apparent within the new multi-agency approach in dealing with young offenders (see, Crawford, 1999; Burnett and Appleton, 2004; Souhami, forthcoming).

Within the current agenda of youth justice research the majority of academic studies have focused upon policy orientated evaluations of Youth Offending Teams (YOTs) and their practices (see, for example, Bailey and Williams 2000; Holdaway *et al.* 2001, Burnett and Appleton 2004) and other areas of YOTs specialist interventions (see Newburn *et al.* 2002; Crawford and Newburn, 2003). To date, there has been little sociological insight into the organizational culture and associated conflicts involved in the delivery of youth justice (Souhami, forthcoming, stands out as an exception) and there is even less recognition of young people's experiences within the current system. To date, the research emphasis has been policy focused in attempting to demonstrate 'what works' by way of 'evidence-based' criminal justice practice (Hester, 2000; Smith, 2003). However, this emphasis has largely produced limited insights, if at all, of the internal mechanisms and associated discord that is inherent within the delivery of that system (see, Goldson, 1999a; Worrall, 1999).

Despite the emphasis upon evaluation research of youth justice interventions, it is rarely the case that the intricate details of interaction within such organisations are exposed (Crawford and Newburn, 2003). What is often representative of the current evaluation agenda is that the machine of criminal justice is examined, but rarely are those mechanisms

---

[1] Throughout this thesis Bail Supervision and Support will interchangeably be referred to as BSS, Bail Supervision and Support, bail support, and the project or project. For those who worked in and around BSS all of these terms were applied to Bail Supervision and Support.

stripped down to expose many of the internal faults within the machine. Indeed, the current research emphasis, in the main, continues to be embedded within a 'science-for-government' agenda (Garland 1994: 60). These forms of 'establishment criminology' (Young 1997: 493) are developed and targeted at the management of risk (Feeley and Simon 1994; van Swaaningen 1997) and that:

> ...of designing barriers, evaluating surveillance, and calculating the risk of disturbance...[A] flourishing evaluation industry develops much of which is of little scientific validity, with few bothering to ask whether all the cost is worth it to maintain a system which is at basis fundamentally flawed.
>
> (Young: 1997: 494)

This study seeks to go a little deeper than most that have been located within that 'evaluation industry' of contemporary youth justice. It provides empirically detailed insights into many of the social-relational dynamics and the lived realities engaged within this system of social control. This study provides evidence of a range of organisational cultural disparities, conflicts and contradictions that occurred in working within, receiving and delivering youth justice.

The study is interpretative, working within an interactionist paradigm. It aims to shed light on how those participants involved with the youth justice system experienced the situations they were involved with. As an interpretative sociological account of actor's experiences of the contemporary youth justice system, the study aims to reflect many of the profound contextual realities involved with delivering bail supervision and support. It argues that within the contemporary youth justice system, despite many areas of good practice which indeed assist young people away from offending and re-offending behaviour, the cultures that are imbedded within any organisation can contradict and can work against the policy rhetoric (Morgan, 1986). Within the grounded operational realities of the project the underlying values, workers beliefs and practical codes (i.e. the *culture* within the BSS

project) were in a state of flux to that of the YJB championing of the new system's managerialism strategy (see Newburn, 1998). Connected to other organisation's often non-complimentary ideological stances on 'how best' to deal with young offenders, the social interactions in and between the organisational cultures involved with BSS did not cultivate a harmonious state of affairs.

And then there were the young offenders. Within this group who came onto BSS, many of them were from a different cultural mind-set to that of 'mainstream society'. They often broke the law and by way of their offending-related histories, they had attained a dubious status as some of Sunderland's most prolific young offenders. Few of the young people who came onto BSS went to school. Many had been without consistent mainstream education for years. Dealings with the police, the courts, the local YOS and its predecessor, the Sunderland Youth Justice Service, were common occurrences for many of the young people who came onto BSS. Via a range of inter-relating sub-cultural practices, their involvement with the youth justice system was an intrinsic aspect of their natural habitat. Their associations with the system had often gone on for years, sometimes consistently, with little to no respite. Their disassociation (Downes, 1966) from mainstream aims was often compensated by way of entrenched engagement in deviant action (ibid.). Conscious of their place in society, they often accommodated the structural arrangements that aligned their status by rejecting both middle-class and respectable working-class norms (Gill, 1977). They were, what would have previously labelled as 'deprived', 'poor' or 'marginalized' youth and within the present-day context are termed as socially excluded young people. The majority came from the most run-down and economically depressed local authority housing estates that ringed the periphery of the city.

Within the city, unemployment and long-term sickness (incapacity) of the adult population is high, school leavers educational attainment is low, the denizens health is poor, teenage pregnancy rates well-above the national average, wages below the national rate and a range of other key characteristics of social exclusion are embedded within the city's cultural composition (TWRI, 2001; TWDR, 2001, 2002; City of Sunderland, 2000, 2001). Despite a proud yet withering industrial heritage (House, 1969; Dennis, 1970; McCord,

1977; Townsend, *et al.*, 1986; Corfe, 1988; Milburn and Miller, 1988.), the city now takes on the appearance of a 'clapped-out industrial dump' (Byrne, 2001: 59. [See Appendix A for a discussion]). As the third, fourth and fifth generations of the city's economically dispossessed stratum, disassociation had become the norm for the young offenders who came onto BSS.

To a range of the new youth justice system's 'stakeholders', Bail Supervision and Support seemed to offer a less austere 'remand management' strategy to that of remanding young people to prisons and local authority care homes. In dealing with the cultural disassociation of its 'target group' and in promoting its service to other agencies who were often in favour of following more punitive pathways in dealing with the more serious types of young offenders, a range of organisational and culturally embedded obstacles littered this particular youth justice trail. Despite government and YJB embellishment of the workings and effects of the contemporary youth justice system (Burnett and Appleton, 2004), this thesis argues that there are many divisions which impede its aims and objectives.

Researching the New System

Studies of the contemporary youth justice system have tended to focus upon the policy implications of the system (Haines and Drakeford, 1998; Goldson, 1999a, 2000b, 2001; Pickford, 2000; Newburn, 1999, 2002; Pitts, 2000; Padfield, 2002; Smith, 2003); distinct theoretical 'models' of youth justice (Pratt, 1989; Newburn, 1997; Goldson, 1999b; Muncie, 1999b); preventing youth crime (Hagell and Newburn, 1994; Audit Commission, 1996; Farrington, 1996; Rutter *et al.*, 1998) and delivering the new youth justice system through multi-agency partnerships (Chapman and Hough, 1998; Pitts and Hope, 1998; Crawford and Newburn, 2003; Burnett and Appleton, 2004; Smith, 2003). This thesis acknowledges that the above discussions and arguments relating to the contemporary youth justice system provide useful insights as to how the state views, and attempts to deal with troublesome young people. However, they do have a tendency to omit one intrinsic factor; this being the grounded experiences of a range of actors involved with this system.

The current youth justice criminological predisposition has been dominated by the 'government project' (Garland, 1997, 2001; Morgan, 2000) and is guided by political objectives and indeed, dealing with youth offending is viewed as a potential vote-winner within the political agenda (Pitts, 2000a, Goldson, 2000c). The majority of the literature relating to youth crime and youth justice has become an element of the current 'managerialism' (Newburn, 1998) strategy in dealing with deviant youth (Pitts, 2001a; Muncie, 2002).

This thesis goes beyond, whist still maintaining sight of the policy implications of youth justice, and delves deeper into the arena of BSS by gaining understandings of participant's social lives and personal experiences. The participants in this study came from a cross-section of actors within the contemporary youth justice system. They include for example; young people (young offenders), their parents or guardians/carers, Youth Offending Service (YOS) workers, police officers and magistrates.

BSS: A Brief Overview

The intervention of BSS is targeted at young offenders in at the deep-end of the youth justice system. It is aimed at those young people who are in danger of being remanded into custody (either a Young Offenders Institution [prison], local authority-secure accommodation or, a local authority care home). The intervention is managed by Youth Offending Teams/ Services (YOTs/YOS) and attempts to step into the breach if magistrates consider applying a 'remand' decision to young people by taking away their right to bail. BSS central aim is to assist young people in not re-offending while they are on bail. The BSS 'target group' were the higher risk offenders within the city.

As a 'remand management' intervention, BSS attempts to safeguard young suspects' rights to remain at liberty during episodes of engagement with the youth justice system. Following arrest, charge and the court pre-trial process a range of different agencies become involved in making decisions that might affect a young suspect's right to bail. In such situations the danger is that young people can be 'remanded' into institutions (either

secure or un-secure). This is recognised as a damaging consequence for such young people (Monaghan, 2000; Goldson, 2002), whilst at the same time re-assuring a number of criminal justice agencies and local communities that such remand decisions are required in order to protect the public.

For the majority of young people who enter the youth justice system and appear at court, most will not require remand management services (Thomas, 2004). Following arrest, charge and bail by the police, the courts subsequently follow this course of action in 87% of pre-trial hearings (ibid. 91). In the majority of cases young people will be placed on unconditional or conditional bail and will be at liberty to remain within their communities whilst their cases continue (YJB, 2003).

However, the Crown Prosecution Service (CPS) may object to bail being granted for those young people. Such objections are raised when it is *assumed* that young suspects, if granted bail, might not appear at court at a later date or, the young person will continue to offend or, for those who might interfere with witnesses and obstruct the justice process or, because of the seriousness of the offence that they have been charged with (PACE, 1984; Cavadino and Gibson, 1993). For these types of young suspects the application of remand management services will become the focus of the youth justice system. The aim is to limit the potential that the refusal of bail might see young suspects being remanded into an institution. Bail Supervision and Support, as a remand management service, aims to rescue such young people from the clutches of far harsher remand management regimes (i.e. prison, secure local authority accommodation and un-secure local authority accommodation). As an integrated YOS intervention, BSS (implemented nationally by the Crime and Disorder Act 1998), is an intrinsically welfare-orientated intervention.

The central focus of BSS is to rescue its target group from the damage that institutional remands are known to have upon young people. Remand episodes are recognised as problematic to those who have a tendency to self-harm, and it also causes disruption to education and family-life, and impacts upon mental-health and is linked to intimidation and bullying (Liebling, 1996; HMIP, 2000; Moore and Smith, 2001; Goldson, 2002). The BSS project would offer the courts bail related 'remedies' in to appease the

concerns of the courts relating to young suspect's potential adherence to bail conditions. In such scenarios the BSS project offered to undertake the 'supervision and support' of young people given conditional bail (BSS being one of those conditions), by way of individually tailored interventions aimed at reducing the risks of re-offending whilst on bail.

BSS links into a number of multi-agency perspectives within the 'new youth justice system' (Goldson, 2000b). This thesis will explore the extent of inter-connected dilemmas found within the system and in providing BSS. Throughout this thesis the guiding thread will be to unravel the policy and practice of delivering and receiving youth justice.

The Structure of the Thesis

The thesis is divided into eight chapters. Each chapter's aim is intent in demonstrating the chronological flow of inter-related youth justice processes that are involved in the provision of BSS. The structure of the thesis aims to follow the narrative of youth justice decisions that are connected to the project at innate stages of procedures that occur at relevant stages of the youth justice process.

In the following chapter there is a discussion of the methods that were undertaken in order to conduct the research. As an intervention, BSS crosses and overlaps with a number of other youth justice agencies within the system. It involves the police, magistrates, social workers, YOS workers, young people and a host of other individuals and agencies. This meant that in conducting a participant observation study my time in the field saw me engage with a range of actors, a variety of research-sites and also involved the 'observer' participating in a number of research roles. Thus, the researcher engaged with this study as a 'worker and as a witness' (Smith, 2001: 229) of the youth justice system. Within this chapter I provide details relating to the trials and tribulations of conducting research from within the youth justice system.

In *Chapter Three* there is a discussion of what happens once young suspects have been arrested and charged for committing criminal offences. This chapter provides a number of critical perspectives associated with bail decisions. A number of interrelated bail

matters are considered. These vary from the legislation of bail from a legal perspective to the cultural practices of the police, Crown Prosecution Service (CPS), and magistrate's courts'. The discussion also reviews much of the theoretical implications relating to this facet of the criminal justice system.

For a clear understanding of what bail is, how it operates, and as to how it fitted into the youth justice provision of bail supervision and support, the determining issue of bail decisions is required to be discussed. This chapter includes an analysis of bail law, policy and practice within a socio-legal framework of discussion in order to understand as to how the provision of BSS connected with a range of other determinant factors involved in the provision of youth justice. The analysis will be grounded in an understanding of what bail is, what constitutes a bail decision, and the ways this crucial component of the criminal justice process can affect individuals during the pre-trial stage and later involvement within the system.

Chapter Four develops the previous chapter's examination of the right or, refusal of bail decisions made at police stations and subsequently at magistrate's courts. This chapter will extend this analysis at the level of practice from within the mechanisms of the youth justice system, by way of an ethnographic study of the role of the Appropriate Adult and of young suspects held at police stations. This is based upon fieldwork conducted as an Appropriate Adult at police stations in the North east of England. It offers an insight into police decision making processes as to who 'gets out', and who 'stays in' at police stations after charges to young suspects have been made by Custody Officers. The findings of this chapter demonstrate issues relating to a police sub-culture, and areas of malpractice relating to young suspects. From a theoretical perspective an examination of three models of the criminal justice system are reviewed and considered.

Chapter Five deals with the central factor of this research, this being bail supervision and support. As a youth justice intervention bail supervision and support was intent of rescuing the more troublesome of young offenders from the worst case scenarios that could be offered by the youth justice system, often involving remands into custody. This chapter details a case study of one such bail supervision and support project in the North of England. I

examine the organisational strains and pragmatic realities involved in delivering this aspect of the youth justice system. A central tenet of this chapter focuses upon the aims of the YJB of overseeing Bail Supervision and Support as an intervention designed to reduce the institutional remands of young people. This chapter examines the organisational strains of the BSS project in its attainment of this and other objectives relating to the delivery of this service.

In this chapter the relevant issues relating to the local BSS project's 'clients', these being the young people who went onto BSS, will add a further dimension in understanding the structure and function of this particular aspect of a youth justice/social work welfare orientated intervention. Paradoxically, this can also be viewed, as a system of social control, targeted towards some of the city's most serious and/or persistent young offenders.

Chapter Six examines the inter-related issue of the state's inherent failure in providing 'alternative' accommodation, to that of remanding young people into custody. There is a discussion of a number of inter-related problems in providing an all-encompassing range of interventions that the youth justice system claims to provide in attempting to maintain the equilibrium between the welfare and punishment of young offenders. This chapter examines other alternative accommodation interventions, which were utilised by the project, in order to influence local magistrates that other welfare-orientated interventions were available for young people in danger of being remanded into custody.

I examine the provision of local authority secure accommodation for young offenders which is intended to offer a 'better' and more welfare focused alternative to that of remanding young people into Young Offenders Institutions (YOI). It is argued that public and state apathy towards the treatment of young offenders within the youth justice system, encourages a continued denial of the damaging effects that remands into custody have upon young people.

In *Chapter Seven*, there is a summary of findings relating to the intended aim of the bail supervision and support project. In this section a number problems, failures, and successes of the project's delivery are discussed. This will involve considering the tensions and weaknesses that are to be found within this aspect of youth justice delivery. In this chapter there is discussion of some of the unsanctioned and informal activities that were to

be found in the delivery of bail supervision and support. There is a discussion of the youth justice 'shop-floor' relations, which involved considerable conflicts and resistance to the new policy rhetoric imposed by new youth justice system.

With the implementation of the Crime and Disorder Act 1998, major changes were planned for the delivery of youth justice within the conceptualisation of multi and inter-agency approaches in dealing with young offenders (Crawford, 1998; Anderson, 1999; Hester, 2000; Muncie, 2000; Newburn, 2002). The drive within the new policy rhetoric was one of a corporatist approach (Pratt, 1989) to youth justice. This approach placed a far greater emphasis upon managerialism (Newburn, 1998) in a system intent on reforming the 'data-free zone' failings of the previous mode of youth justice delivery (Allen, 2004: 27). The envisaged strategy of this '*systemic managerialism*' (Newburn, 2002: 558) was one that fully endorsed the achievement of goals by way of '*inter-agency cooperation*', '*overall criminal justice strategic planning of services*', '*the creation of performance indicators and their meeting of 'mission statements*' and '*the active monitoring relating to the functioning of the system*' (ibid. 558-559. *Own emphasis added*). This chapter discusses the-inter and infra-agency social relationships that often impeded the attainment of the project in meeting its aims and objectives in relation to the national strategy of the youth justice system (ibid.).

The concluding chapter provides the overall assessment relating to this study and its findings. It is argued that that the provision of 'youth justice' was locked within a protracted state of flux. The occupational cultures within the project revealed a somewhat disparate engagement with policy rhetoric. These internal tensions were further compounded by the resistance of other agencies involved in the attainment of the project's aims and objectives that subsequently created a multitude of dissonant factors that ultimately restricted the success of the project.

The transformation of the youth justice system and its dynamic and conflicting organisational cultures and ideologies, often retaining competing approaches in how best to deal with young offenders, disrupted the potential of BSS from fully attaining its desired aims. The inconsistent organisational practices within the youth justice system created a far

less congenial approach within the practice of delivery than the policy rhetoric would have us believe.

Chapter Two: Methods

Introduction

The research for this thesis began as an YJB sponsored local evaluation of bail supervision and support. The evaluation commenced in November 1999 and ended in March 2002. The aim of the evaluation was to inform the YJB national strategy of the local YOS attainment of *National Standards* (YJB, 2001c) in the delivery and practice of BSS.

The Bail Support Policy and Dissemination Unit - Nacro Cymru, were contracted by the YJB to act as national supporters and evaluators to 124 BSS projects, funded under development grants from the YJB. My role as evaluator was to examine one such project delivering BSS in Sunderland. As a statutory requirement of the 'remand management' policy within the national delivery of youth justice, the aim of the evaluation was to examine a range of key areas in the delivery of BSS (see Thomas and Goldman, 2001, Thomas and Huckelsby, 2002).

The role of the BSS programme evaluation[2] undertook a systematic collection of information about the activities, characteristics, and outcomes of the project and made judgements about the project's effectiveness in meeting the aims and objectives of BSS. Those aims were:

a) To prevent offending on bail

b) To ensure the appearance of young people at court in order to reduce delays in the court process

c) To ensure remands to custody and secure remands were kept to the *essential* minimum. The Sunderland project also aimed at keeping un-secure local authority remands to a minimum, as this remand factor had long been identified as a 'drain' upon social services resources.

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[2] For a full overview of the areas of evaluation undertaken taken by this process see Thomas and Goldman, 2001 and Thomas and Hucklesby, 2002.

The local BSS project targeted its resources at four distinct groups of young people. The target groups identified as benefiting from the services the BSS offered were within the following criteria:

- Those young people for who the CPS were objecting bail
- Those at risk of a Remand in Custody (RIC) or a remand into local authority accommodation (RiLAA)
- Those young people who were already RIC or RiLAA
- PYOs and ISSPs and those who had committed a single very serious offence.

The referral process of young people to the BSS project came via a number of distinct routes of access involved in the youth justice system with the referral processes and the project's intended 'target group' coming from a range of inter-locking areas involved in dealing with young offenders. These areas of entry to BSS will be discussed in more detail at later and overlapping areas of this thesis.

The focal concern of the evaluation process involved a rigorous examination of the BSS project's core provisions of resources. These resources included:

- *inputs* (the financial and human resources)
- *outputs* (products utilised during the period of the project's implementation)
- *impacts* (the results gained from the project's outputs that aimed to intervene with the identified individual risks associated with re-offending on bail);
- *outcomes* (the consequences of BSS during its intervention which connected to its aims and objectives).

As a quasi-experimental youth justice strategy (Farrington and Petrosino, 2000), the aim of the evaluation was to evidence the strengths and weaknesses of the aggregate data produced by local evaluations relating to the outcomes of BSS. The aggregated data from 124 local BSS projects across England and Wales were instrumental in informing future practice and standards in the delivery of this youth justice intervention.

The purpose of evaluations is perhaps best defined as a task of judging if a course of action is working or not. The evaluation was highly prescriptive with no scope to merit any deviation away from its focal concerns. There were also competing interest groups involved (YJB/Nacro/, the local YOS and the BSS project) often with distinct definitions of the situations encountered in the policy and practice of BSS. In a number of ways evaluation programmes and policies are inherently political (Weiss, 1993). In evaluating the BSS project, I was making decisions about its practice and reporting them through a four-way channel of stakeholders, these being Nacro, the YJB, the management of the local YOS and subsequently the BSS workers. This in turn had potential workplace implications for those involved at the practice level of BSS in attaining the project's core objectives and therefore altering the working practices of those involved within the system (Robson, 2002: Chp. 7).

As Newburn terms it, this '*systemic managerialism*' (2002: 558) within the new youth justice system, constructed by the reforms legislated by the Crime and Disorder Act 1998, are governed by some or all of the following procedures:

1. An emphasis on inter-agency cooperation in order to fulfil the overall goals of the system.
2. An emphasis on creating an overall strategic plan for criminal policy.
3. The creation of key performance indicators, related to the overall 'mission statement' of each agency.
4. Active monitoring of aggregate information about the system and its functioning.

(ibid: 558-559)

All of the above were considered in the examination of the BSS project and the findings of each area have been reported elsewhere (Hornsby 2000a, 2000b, 2001a, 2001b, 2002). In attempting to improve the 'functioning of the system' (Newburn, 2002: 559) the evaluation reports I provided were expected to inform both local and national (at the aggregate level) management of BSS. This external evaluation of BSS was 'funded by the

Home Office which serves an elected government more or less carrying out manifesto commitments' (Morgan 2000:72). Rarely are such evaluations 'critical' in their approaches in providing definitions and analysis of the mechanisms being evaluated (Jefferson and Shapland, 1994). The general contextual pattern of evaluations is to provide evidence that makes recommendations that are intended make the system work better.

The BSS venture I was asked to study was '...neither of his choosing nor under his control' (MacDonald, 1993: 105). Essentially, the evaluation provided me with funding to undertake research with the aim of writing a thesis for a PhD. I had developed an interest within the field of deviant youth and had also completed an MA in the study of criminal justice. However, what knowledge I had of the youth justice system hardly made me an 'expert' and this could also have been said about my knowledge of evaluation techniques in the field of criminal justice. My understanding of the debates and arguments about the policies involved with youth justice were barley competent and in accessing this area of study I had a lot to learn before I entered the field and as I progressed through it. I had no pre-conceptions of what I might find once I entered the youth justice arena and took with me no 'youth justice' problems or, theoretical perspectives which I believed required further scrutiny. The fact of this matter was that I was an innocuous novice. However, this allowed me to enter the youth justice arena with an untainted and potentially objective mind-set in which to conduct the research. The fact of the matter was that I had few, if any, preconceptions and value-laden judgements that 'required eradicating' (Durkheim, 1938: 31) or, at least 'suppressing' (Denzin, 1970: 331-341) them on entering this area of research.

Evaluating BSS

The aim of the evaluation was to examine the delivery of BSS of its achievement of the aforementioned aims. The methods involved required that the assessment required both quantitative and qualitative data collection, of an on-going analysis into the following areas of the delivery and practice of BSS. As a somewhat simplistic overview of the evaluation focus, the following areas of referral to the project were assessed:

- The numbers of young people who were referred to BSS
- Where the young people were referred to BSS from (e.g. courts (crown, magistrates or youth courts; police stations)
- How many young people referred to BSS were detained overnight/weekend by the police prior to the referral
- In what ways assessments by the BSS project for referral were undertaken
- The remand situation (how many young people were remanded to local authority care; custody, secure accommodation).

The next stage of evaluation examined a range of contextual processes involved in the delivery of BSS for young people referred to the project. For example:

- Young people's previous highest bail/remand status
- Previous most serious sentence
- Previous most serious offence type
- Total number of current offences
- Number of outstanding court dates
- Identified offending related issues

The following stage of the evaluation examined the programme details for accepted referrals to specific interventions that dealt with 'risk factors' related to offending behaviour. For example:

- Drugs
- Education
- Health care
- Offence focused work
- Advice with court proceedings
- Monitoring bail conditions

From this point, the process involved the examination of young people's compliance and progress on the projects and looked at, for example:

- If the young people had been reported for breach of BSS
- Outcome of those breaches (was the programme terminated?)
- Attendance at court (did the young person attend all court hearings; number of BSS court hearings?)
- Offending on bail (were young people arrested and charged for offences committed on BSS; what types of offences were committed; was the programme terminated because of those offences?)

The final stage of the evaluation process examined the outcome of BSS. This considered the following areas:

- Start and end date of individual programmes
- Number of days young people were on the programme
- How BSS ended (for example, episode ended; episode was terminated; young person was sentenced)

In essence, the evaluation role was to make assessment of the project implementation and to make appraisals of the impact that BSS had for its target group of young offenders. For example the evaluation methods involved:

- Interviews with project managers, project workers and project participants and its intended young beneficiaries
- Assessment of project management, planning and implementation
- Analysis of project documents
- Site surveys

The data obtained were analysed and forwarded to Nacro for aggregation to assess how BSS was progressing at the national level. In turn, Nacro fed-back the results of the evaluation to the YJB, who then reported the aggregate findings to the Home Office.

Quantitative local data returns were sent to Nacro on a quarterly basis as where interim reports (Hornsby, 2000a, 2000b, 2001a, 2001b) and a final local evaluation report (Hornsby, 2002) which presented a range of interim and final findings of the project's delivery of BSS.

In a number of ways the monitoring and evaluation methodology did not differ from applied methods commonly used in qualitative research studies. There is also to be seen some characteristics that loosely resemble the ethnographic approach to conducting fieldwork (Robson, 2002). In order to obtain data I interviewed a range of participants or, in evaluation terminology, 'stakeholders' involved with BSS. These stakeholders included managers and workers at the project and within the larger organisation of the local YOS, young people placed onto BSS and police officers. The 'sites' included the local project and the courts.

During the initial stages of the evaluation I began to become focused on range of inter-locking organisational disparities involved with BSS that required a far deeper level of observation and description. Other areas of connecting processes and decision-making relating to bail for young suspects began, in no specific order, to connect to the delivery of BSS which I believed were instrumental in restricting the granting of bail (with BSS as a condition of it) to those young people. Intrinsically, the evaluation had little scope of what magistrates thought about the young people they dealt with or, with BSS in general. It had no qualitative interest of the relationship of police officers' bail decision-making that could and often did impact upon future bail outcomes. It wanted brief and sterile insights of workers' views of the how they went about delivering BSS and some of the problems they encountered.

Research and access into the youth justice system, due to the current political agenda and emphasis upon 'evidence-based practice' (see, for example, Baldwin, 2000; Hester, 2000; Mair, 2000; Monaghan, 2000; Morgan, 2000; Newburn, 2002) has a obvious tendency to come by way of the 'narrow, technical, evaluative studies that the Home Office will fund' (Morgan, 2000: 76). However, as Morgan also suggests, where there's a will, there is also a way. In being granted access to such a social setting this opens a number of potential channels in order to deploy other areas of vested research interests in order to

exploit potential sources of data. This offers opportunities for 'the budding critic or the seasoned campaigner from using the multiplicity of criminological data collected by these means' (ibid. 85) as a way to attempt to explain a range of inter-connected variables that constitute the delivery and receipt of the youth justice system. What Morgan is suggesting here is that within the current governmental evaluation agenda into areas of criminal justice, the opportunity is available for the researcher to exploit the access that the evaluation has granted and to use it as a tool to prise open other areas of research and subsequent data. In essence this was the strategy I adopted.

My initial observations from within the system began to steer me, in a far more critical approach, to examining the often deeply-ingrained inter and infra agency discrepancies involved within the youth justice system and as to analyse how these issues impeded the delivery of BSS. Although this may initially sound as if the approach is of an 'organisational study' (and in a number of ways it is) it also relies heavily upon individuals experiences of work (Smith, 2001) and of the receipt of such work.

Into the World of Experience

The evaluation, as a 'test and survey instrument' (MacDonald, 1993: 105) involving value free analysis of BSS, was intent on providing a de-personalised procedure of its administration and analysis (ibid.). However, in conducting the evaluation it became clear to me at least, that the relationships within the youth justice system were much more complex and indeed, so highly personalised that these issues also required clarification. The sterilised and de-personalised context of the evaluation presented to me a major problem. Simply, the question that this raised for me was, 'How can the remanding of young people denied bail and sent to jail be *de-personalised*?' Of course, it can't and I wanted to know how the system functioned, in that the remanding of young suspects continued and as to how the system intended to combat the harsher elements of that arrangement. In order to do this, a methodological approach developed and ensued (whilst still continuing the evaluation exercise) that looked at a range of personal perspectives of those involved in the delivery of

the youth justice system. My approach became one that was to observe and 'reconstruct the action' (Armstrong, 1993: 37) involved in delivering and receiving BSS.

As I will briefly point out in this and in more detail in later chapters, the methods I employed in order to conduct this research discovered a range of organisational disparity that affected the delivery of BSS. These observations directed further areas of interest that developed from observing the day-to-day practices of BSS and then considered as to how the functioning of BSS integrated with other competing organisational outlooks in dealing with young offenders.

When closely observed the social relationships of working with young offenders convey 'vivid, dynamic and processual portrayals of lived experience' (Smith, 2001: 229). Ethnographies of the youth justice system within the UK are lacking[3]. And this occurs despite the current criminological trend, which under the Crime Reduction Programme has seen a host of emergent potential research sites. The political climate in how best to deal with young offenders has opened up a range of potential funding and research sites for the budding or well-seasoned researcher to focus his or her gaze upon (Morgan, 2000) and produce knowledge that is 'well worth having' (Rock, 2001: 31). Why this dearth of ethnography from within the system has occurred is unclear, but perhaps it may be that the problems in conducting fieldwork are notably difficult and time-consuming exercises (Bosk, 1992; Zussman, 1992). Conducting ethnography often involves a state of temporary withdrawal of the observer from the academy (see, Hobbs, 1988, 1993; also see Hammersley and Atkinson, 1983) whilst also removing themselves from the *actual* and sometimes deviant practices of the social group that attracted those researchers to such social worlds in the first instance (see, for example, Hobbs, 1988, 1995; Wright and Decker, 1994; Guilianotti, 1995; Armstrong, 1998). Ethnographies of the distinct organisational cultures at work within the British criminal justice system *au natural* have been undertaken in probation (e.g. Harris, 1977; May, 1991); the police (e.g. Banton, 1964; Reiner, 1978;

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[3] An exception to this situation will be Souhami's (Forthcoming) Transforming Youth Justice: Occupational Identity and Cultural Change.

Holdaway, 1984; Hobbs, 1988; Fielding, 1994); magistrate's courts' (Baldwin, 1985; Bartle, 1985; Parker *et al.* 1989; Brown, 1991); crown court (Rock, 1993) and social work (Redmond, 2004; Wade *et al.* 1998) but to date there has been a notable absence of studies adopting ethnographic principles in which to illuminate areas of the inner-functioning of youth justice (see, Souhami, forthcoming).

My own divergence away from a purely evaluative account of BSS towards an ethnography of it, which offers a flavour of some of the contextual realities involved with it, rested upon providing understanding of the varying perspectives and grounded realities involved within the system. For example, as some of the chapters that follow will highlight, would the YJB have been interested in issues of police brutality upon young people? Would they have been interested in police intimidation and threats of violence to young suspects who had been placed onto BSS (see Chapter. 2)? Would they be interested in the lived experiences of young people being remanded into custody, due to the fact that there were too few local authority secure accommodation places available (see Chapter. 6)? Of young people self-harming, due to not being afforded the 'luxury' of BSS or, the opportunity to be remanded in a local care home, by way of the consistent lack of secure placements or, of a young man's terror at being 'remanded' causing him to attempt to strangle himself (see Chapter 4)? My suspicions were that the YJB would not or, could not have found the scope for such data and its analysis and a variety of other observations from within the system, which were directly or indirectly connected to young offenders and youth justice workers experiences of that system.

The evaluation process had little to no scope in which to provide a range of less than savoury linkages that do occur within the youth justice system and its sterile emphasis upon the 'clarity of objectives, consistency of approach and targeting of resources' (Newburn, 2002: 559). In observing youth justice 'at work' and the interaction between the system, its workers, and the decisions they make within the organisational arrangements they are expected to fulfil, the strains between policy and practice, the petty individual gripes and systems failures. The scope of the evaluation exercise was restricted in which to highlight the hidden back room organisational arrangements and lived experiences of youth

justice. My aim is to use the ethnographic angle of the methods employed to conduct the evaluation to advance our knowledge about this type of work and to explain the inter and intra-organisational tensions that exist when agencies, groups, and individuals come together in order to fulfil a social function such as youth justice.

During the initial stages of conducting the evaluation, it appeared that there were embedded organisational conflicts and contradictions that appeared, to me, to be inherently contradictory to the strategic development of the new youth justice system which impacted upon the successful implementation of interventions, such as BSS. My attention began to focus (whilst still adhering to the evaluation process) upon other dilemmas situated within the youth justice workplace, at the frontline delivery of it, which noted the '...("artful practices") through which people come to develop an understanding of each other and of social situations' (Silverman, 1993: 60). Within these practices the everyday shop-floor relations within the system revealed a range of disparate professional identities and non-complimentary occupational cultures, during a period of fundamental organisational change. The evaluation exercise had no scope to identify such distinctive inter-organisational contexts, which impacted upon the wider implications of such cultural obstacles (Morgan, 1986, Smircich, 1983) embedded within the youth justice system. As access to a variety of inter-locking youth justice research sites had been granted, I exploited this good fortune which presented a multiplicity of data sources to attach onto and around the problems encountered by the BSS project, its workers, and young offenders. As Rock suggests,

> The social world is taken to be a place where little can be taken for granted *ab initio*, a place not of statistics but of process, where acts, objects, and people have evolving and intertwined local identities that may not be revealed at the onset to the outsider.
>
> (2001: 29)

As I was observing the system, I wished to explore how the system dealt with young offenders and how the workers at the project viewed their experiences of delivering youth

justice. The methods for the data collection and its subsequent selection worked within the interactionist paradigm (Blumer, 1969) in which actors interpret the symbolic meanings of their environments and how social life is constructed in interaction with others (Rock, 2001). This approach;

> ...rests upon the premise that human action takes place always in a situation that confronts the actor and that the actor acts on the basis of *defining this situation* that confronts him.
>
> (Blumer, 1997: 4. *Original emphasis*)

As I was in and around the system and the young people involved with it, it seemed the obvious choice in which to try to make more of the access that had been provided by way of the evaluation. This strategy involved a somewhat rambling journey on my part, through the many inter-connected aspects of youth justice that were involved with the delivery of BSS. In researching these social groups, for example of young offenders, magistrates, BSS workers and police officers it became clear that they all:

> Develop a life of their own that becomes meaningful, reasonable, and normal once you get close to it, and that a good way to learn about any of these worlds is to submit oneself in the company of the members to the daily round of petty contingencies to which they are subject.
>
> (Goffman, 1968: 7)

And this was my approach. The world of youth justice involves an interlocking array of contingencies, of the police wishing for a young person to be denied bail and attempting to persuade magistrates of the likelihood that a young person if granted bail would re-offend; of magistrates frustration at seeing the usual suspects up in front of them again, and believing themselves to have run out of the youth justice welfare orientated

options in which to allow a particular young person to be supervised within his or her community; of the parents of young parents sick to their back teeth of their sons and daughters offending and throwing in the towel in refusing to allow the young person back home; of the local YOS attempts to offer alternatives in which to protect the best interests of the young person and keep them at home, or at least in the care of the local authority.

If the Hat Fits...

I observed and participated with a range of inter-connected youth justice experiences and the conflicts and contradictions that regularly occurred. At all times, I bore in my mind that I was observing how the State deals with troublesome young people. At times, within the machinery of youth justice the wheels would fall off and the welfare-orientated aspect of the machine would grind to a halt. Underpinning the 'spanners in the youth justice works' hypothesis, is the concern that despite a strategic focus upon counter-balancing the objectives of punishment (for the offence or, in the case of BSS, for the *suspected* offence), to that of welfare objectives (after all these were children and young people). The aim of BSS as a 'remand management' intervention was intent on rescuing such young people from the harsher elements (remand institutions) of the youth justice system. In conducting the research I found that:

> Life in the field involves the same emotions as life at home: elation, boredom, embarrassment, contentment, anger, joy, anxiety and so on. To these are added, however, the necessity of being continually on the alert (of *not* taking one's surroundings and relationships for granted), and the necessity of learning new routines and cues.
>
> (Gulick, 1977: 90)

As discussed earlier, the current enterprise of evaluation studies such as the one I was conducting was neither one of my ideal choosing (however it did provide funding) or,

of my immediate contextual and content control. However, the access to it provided a wealth of potential data sources that counter-acted against the welfare-orientated aims of BSS. On my part, this involved the adaptation of a number of research roles that encountered inter-action with a diverse range of participants involved with bail decision processes for young offenders. These roles included one as an Appropriate Adult, one as the local evaluator and one as a post-graduate research student. In essence I was all of these things. The research also involved a host of mistaken identities, on the part of some of the participants about my roles, including mis-understandings of me as a 'spare pair of hands at the BSS project' (see a brief discussion later in this chapter) and of me as a 'social worker' (see Chapter 4).

Shrouded Methods

In conducting this research most, but by no means all, of the participants were aware that 'I was looking at bail support'. So, for the majority of participants involved they were aware that the functioning of BSS was being examined. However, my guess is that many of them would be surprised with much of the contextual analysis that informs this thesis. My reason for this suspicion is that none were aware that the evaluation process began to and continued to highlight a range of other areas of social interaction and the participant's contextualised understandings of working practices within the youth justice arena. From one viewpoint it is then argued that by way of the evaluation participatory consent was given. However, if not fully covert, the research methods applied for this research were somewhat hidden and at times disguised. And here is situated the deceptive approach involved with this study. I very much doubt that any of the 'participants' would have appreciated my undertaking of continued and shielded action in scribbling down field notes of loose workplace conversations. Such shameless approaches in deceitfully obtaining data have continued to be discussed, defended and criticised within the academy of social science.

Defendants of covert observational research studies (for example Holdaway, 1982; Homan, 1980; Humphreys, 1970), have argued that the undeniable deceit involved on the

part of the researcher, in conducting research unbeknown to those being studied, are justified by way of the findings of such research and often outweigh the consequences of compromising participants rights. The normally upheld ethically correct sociological research methods quest of 'informed consent' by participants, and the full explanation of what the research is 'about' (British Sociological Association Statement on Ethics, 2002) are, as far as is possible, the 'correct way' in which to conduct any research project of social enquiry. In transgressing those norms, by way of conducting covert research, this method remains the black sheep of the qualitative research family in a field of pure white sociological fuzziness. If only life were as simple.

Many of the settings in which the study was conducted were 'closed settings'. For example, I gained access via the evaluation into youth justice sites that are normally closed to or, in the least shielded from public gaze and are often difficult to gain access to by way of research (see for example, Denzin, 1970; Holdaway, 1983; Rock, 1993). These, for example, included Young Offenders Institutions, police stations, youth courts, local authority care homes and the local YOS itself. Few, if any, of these youth justice arenas could be viewed as 'open' or 'public settings'. Previous research within similar research sites have illuminated a range of potential difficulties in gaining access, and where and when successful in doing so, a number of them have illuminated the problems of conducting research in such social settings.

Parker *et al.* (1989) study of magistrate's courts' have shown us that having access commissioned and granted by 'those from above' (in this case, the Home Office) allowed the research team access to juvenile courts usually uncomfortable in allowing access to academic gaze. Parker and his colleagues observational research provides detailed insights as to how the magistrate's culture in sentencing procedures for young offenders was often a law upon itself, in has to how magistrates conducted sentencing procedures which often went beyond the 'outside control' of the state. The research developed important discussions relating to the 'imperviousness' (ibid. 39) of the magistrate's culture to that of state legislation directed to the youth courts, in setting agendas and protocols relating to the sentencing of young convicted offenders.

Goldson (2002) provides detailed insights of 'remanded' young suspect's and prison officer's views of their situations by way of his interviews conducted from within the walls and barbed-fences of Young Offenders Institutions. The study provides a critical analysis of the contemporary youth justice system, and many of its policies that continue to rely upon inappropriate decisions and protocols, which lock up young male offenders who, at that stage of the youth justice process, had not been convicted. Again, the research to this study came by way of access being granted by the Prison Service, after Goldson had been conducting research into a number of other inter-related areas of state sponsored research (having previously evaluated BSS at its local delivery level) from within the youth justice system.

It is a rare occurrence within the contemporary youth justice research milieu that it is the case that access to an 'associated agenda' will be brought forward to and accepted by those involved in delivering youth justice (see, Souhami, forthcoming). Indeed, in conducting the 'evaluation', I engaged with a number of what I believed to be important areas youth justice issues in explaining the conflict and resistance that are to be found within the study of any organisation (Smith, 2001), than the formal evaluation process had prescribed. The evaluation of BSS had little scope for any contextual meandering away from the youth justice managerialism (Newburn, 1997; Goldson, 1999b; Muncie, 1999b) task at hand in which to produce a range of narrow research questions that examined the re-organisation of the system (Muncie, 2000). The rapid expansion in state sponsored youth justice research programmes (Morgan, 2000) has created an academic criminological culture which has led to the 'growth of "safe", narrowly-focused, policy-relevant research, and a decline in critical research' (Jefferson and Shapland, 1994: 268).

Furthermore, being accredited with 'official authorisation' (ibid: 227) to gain access and to get amongst the organisational practice and its 'natives' (Jones, 1970) does not, and will not, guarantee a rooted in-depth organisational examination of the social phenomenon that they select or, in the case of the current youth justice activities of 'what works' (Chapman and Hough, 1998) evaluations and who gets 'selected' in order to carry-

out such evaluations (Morgan, 2000). As Smith suggests, the fact that a researcher has been granted official access to the site may also encompass that:

> ...they also run the risk that they are being allowed contacts with and glimpses of people, situations and events carefully selected by company managers.
>
> (2001: 227)

At the BSS office I had a desk and generally I was there for three to four days of the average working week (on Wednesdays I taught at my University). I made tea and coffee and paid into the 'kitty'. I collected sandwiches for workers lunches, laughed, joked and griped about the daily working practices and rituals from within youth justice. I heard sexist, racist, localised and regionalist jokes and stereotypes and of intra-agency conflict, tension, bitterness and grudges which at some point had to, and indeed did, impact upon the youth justice system *per se*. However, I was still only an 'observer'. As others who have undertaken substantive ethnographic research have suggested that being 'in it' does not necessarily constitute as 'being a fully-fledged part of it' (see for example, Hobbs, 1988). In order to be considered as 'one of them' from within the system, I attempted to become as fully-fledged as was possible (albeit a part-time and sessional) member of the local YOS, by taking on a paid-role as an Appropriate Adult (see Chapter Four) and this in itself led to a range of research role conflicts (see for example, Adler and Adler, 1987; Gold, 1958; Hobbs, 1988) and a variety of ethical dilemmas.

But a few studies conducted within the criminal justice system have openly revealed that they have rejected the role of willing and informed participants, and have instead decided to opt for the far more ethically dubious methods of covert observation. Holdaway (1982) as a police officer, conducted a covert ethnography which he argues was the only realistically viable method in which to research the characteristics of the institution, its organisational culture and the day-to-day realities of lower-ranked officers retaining substantial control in their working lives from inside of the British police. Quite simply he

argues that any other form of method would have been 'unrealistic' (1982: 63) in providing illuminating insights of routine police work and the organisational culture that officers were embedded within.

Due to the nature of the various research sites I engaged with (for example, the YOS, BSS office, police stations, a variety of young people's residences and courts) in a continually shifting terrain of youth justice associated contextual experiences, there was little prior methodological knowledge at hand in which to offer research guidance within such a complex area. Substantive methodological insights have been provided for reviewing ways in which to conduct ethnographic research in a variety of criminal justice agency settings, for example, with the police (Hobbs 1988; Holdaway 1982; Punch 1979; Reiner 1978, 2000; Maanen 1978); of courts (Baldwin 1985, 2000; Brown, 1991; Darbyshire 1984; 1972; Rock 1993; Parker *et al.* 1989); of prisons (Cohen and Taylor 1972; Irwin 1970; King 2000; Morris and Morris 1963): and of community penalties (Ditton and Ford 1994; Fielding 1986; May 1991). Of ethnographic research of deviant youth groups there are many studies, with far too many to provide a comprehensive overview here, of the methods and associated problems in conducting research with delinquent/criminal young people (however, for a British overview see for example, Campbell 1993; Corrigan 1979; Downes 1966; Gill 1977; MacDonald 1997; Mayhew 1968; Mays 1954; Parker 1974; Patrick 1973; Willis 1977).

The Sample(s)

The clusters of individuals in this study came from, for example, the local YOS, its BSS Scheme, young offenders, the police, magistrates, local authority care homes, prisons and a range of non-statutory agencies whose collective aim, under the Crime and Disorder Act 1998, was to prevent the offending of children and young people. It was a diverse sample of individuals with a focus in dealing with young offenders. In this thesis I aim to present empirically detailed slices of the trials and tribulations involved in delivering youth justice to a disassociated subculture of young offenders.

I interviewed all of the BSS staff, from managers to Welfare Assistants, often with these individuals being interviewed on two or three occasions over a twenty-two month period of time. In total I conducted twenty-two interviews with staff members involved in the delivery of this youth justice intervention. I took extensive field notes (often written covertly under the noses of those providing the data) throughout the period in the field. Other workers connected to the delivery of BSS were also interviewed and spoken to. These included local authority care home workers, prison and police officers and to a lesser degree magistrates.

The sample of young offenders within this study totalled 188 young people all of whom had been placed onto BSS. Of the 188, 172 were male and 16 were female. Their collective age range was from 10 to 17 years of age (this being the age group in BSS can be applied to). Access to the sample came from their involvement with the project between November 1999 and March 2002. All of these young people were representative of the BSS 'target group'. This sample of 188 young people is to be viewed as the 'access sample' to this study. By this I mean that these were the young people placed onto BSS that I had potential access to. However, this does not mean that they had to, and indeed the majority did not engage in any substantive way with the qualitative aspect of the research. But, at the same point, I was able to obtain other forms of data, for example by studies of case records, Police National Computer records and other forms of primary and secondary data sources relating to *all* of that sample.

In total 18 young men, and three females were interviewed[4]. It was generally the case that the initial interview topic would be focused upon those young people's subjective experiences of BSS, for example, what they thought of it, had it helped them, how it could be bettered and what impact they believed it had had upon them re-offending (Hornsby, forthcoming). Of the twenty-one, eight young men agreed to engage with further interviews at a later time. However, due to my presence in and around the inter-connected youth justice observational field sites (the BSS office, courts, and care homes) my 'face' became

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4 Females constituted eight per cent (16) of the total number of the 188 young people who came onto BSS between November 1999 and March 2002.

known. Within this aspect of my participation between me and six of the (young male) participants I 'established respectful, on-going relationships with interviewees, including enough rapport for there to be a genuine exchange of views and openness in the interviews for the interviewees to explore purposefully with the researcher the meanings they place on the events in their worlds' (Sherman-Heyl, 2001:369). On occasion I also spoke with young people's family members which assisted in gaining data for some wider-contextual relations involving the delivery of youth justice (see Hornsby, forthcoming).

I attended eighteen magistrate's and youth court hearings which involved young people who were being referred to or, having been placed onto BSS. The vast majority of these visits were for observational purposes of the referral process of BSS to the courts. As a chain of criminal justice locations often encompasses BSS and its outcome access to such significant sites was of importance. The youth justice chain of remand management decisions at this stage, involved the police station following arrest, the initial pre-trial hearing at court, acceptance onto BSS or, the refusal of acceptance onto BSS which might often be followed by remands to custody or local authority accommodation. My aim was to incorporate as many of these events as possible as a way to inform understanding of cases through a grounded approach of inductive theory building (Glaser and Strauss, 1967). This qualitative method was undertaken in order to make legitimate claims regarding knowledge from inside the system. Collins argues that in providing understanding of life experiences those conducting research should 'have lived or experienced their material in some fashion' (1990: 232). However, being around 'it' does not necessitate being part of 'it'. The Appropriate Adult role aside (where I was experiencing, by way of work, an aspect of the youth justice system), I was a visitor to that social world and knew when my 'time' with it would be done, and at the end of the research I was more than pleased to be leaving it. For the participants involved in this study they were stuck with it. For the 'shop-floor' workers at the front-end wedge involved in delivering or attempting to block BSS it was work, nothing more nothing less, and they had to turn up. For the young offenders involved with my study it was, by most accounts, a 'natural' and continuing aspect of their lives. Most had

had some form of continued youth justice involvement in their lives during my two-year period in the field.

For many of them this involved three bail appointments per week with the project, often they might be involved with other areas of 'justice' interventions and in many ways the substance of their lives were co-ordinated by the bail process. They were banned from entering certain areas, they were restricted at what times they were allowed out (curfews), they had surveillance devices placed on them ('tags') or, in their homes (Voice Verification surveillance). They inter-acted with BSOs, Social Workers, Probation Officers, Police Officers, magistrates and a gamut of other agency professionals within or connected to youth justice. This was a major slice of their lived-experience and I was now a part of it.

Protecting the Participants

Within this thesis all of the participants names have been changed, as have many times and date's of specific observations which might jeopardise participant's anonymity. Due to what are of course valid ethical concerns, a significant amount of data that were obtained, and have been used within this thesis, came by way of covert observations and subsequent note-taking the research, and indeed the researcher may be considered ethically questionable. However, the gradual adaptation of this covert role, which hid behind various other roles (the evaluator, the Appropriate Adult) I considered to be suitable as I was savvy enough to realise that had I made clear all of my research intentions, say for example, to the police while attending police stations as an Appropriate Adult, that in coming clean and informing the participants I may have altered the 'nature of interactions and behaviours taking place' (Wardhaugh, 2000: 325). Such ethically questionable methods are of issue and I have attempted to adhere to the British Sociological Association's ethical code of practice in protecting the study's participants from any form of harm. Ideally, I would like to have changed the name of the town. Yet, due to an Appendix (A) to be found in the thesis, which refers to city by name, it would not take any impressive investigative skills to find out where the research was based. Therefore, the town stays in, it is Sunderland.

Throughout the thesis all names have been changed, where possible place names have also been distorted. In some areas (mainly policing) dates and times have also been altered as to limit the potential for someone to back-track over records and identify any of the participants involved at that particular stage. I was and am conscious that some of the data used in this thesis could be considered as somewhat incriminatory. However, I have taken a number of safety orientated measures in which to reduce those possible negative outcomes. My aim was and continues to be to protect the participants of this study (Denzin, 1970). If this entails having to bury and restrict access to this document then I consider that to be a price worth paying in order to protect the participant's safety and interests (ibid.).

Too Many Hats and Too Many People

The multi-participatory research approach raised numerous dilemmas. In researching youth justice this brought me to a range of participants within it. Some were youth justice workers, some were young people involved with it. Others were parents and often the participants were from other agencies involved with BSS, for example the police. On occasion young people would confess, brag or concoct crimes they'd been involved with which had not come to the attention of the authorities. What was I to do? Sometimes the level of offending went beyond the scale and scope that the current focus of the BSS project was dealing with and after all, it could only deal with what it knew. Tony, a prolific young offender from the town told me that he'd lost count of the crimes he'd committed and not been apprehended for. He had a weakness for other people's cars, to the extent that he'd already served a prison sentence for this type of offence. He came from a 'criminally known family' where other males within that family group were known for 'chopping up' stolen vehicles and selling them on. Geoff, one of the social workers at the BSS office opinion of Tony and his car-crimes was that, '*He's just like the typical Twocker. Young, daft and just out for a laugh when he steals them*'. Tony's view was somewhat different. '*I've been 'moving' cars onto certain people for years. What cars* (stolen) *I've been done for or TICd for there's loads more that I haven't been done for*'.

Now sixteen, Tony's view of his criminal activities (whether true or not-it was how he viewed the situation) was somewhat removed from Geoff's professional knowledge and risk assessments made against Tony. Once I got to know the young people and a level of trust developed I would always ask them to give me an account, by way of a show of fingers (representing the crimes they had got away with), how many crimes they'd actually committed. Without fail the response was always of ten or more digits on display. Sometimes they got bored flashing their fingers up and down and in a similar vein to Tony's response retorted with '*a fuckin' hundred more, at least*'. His involvement with youth justice and data obtained from the Police National Computer (PNC) highlighted that Tony had been busy from an early age committing offences and his 'fuckin' hundred' may not have been a simple display of youthful bravado. But again, what was I to do with this information? As the project evaluator I was supposed to be there to measure whether the intervention was meeting the needs of its target group (Robson, 2002), with Tony being one of them.

There are, of course, no easy and quick solutions to such dilemmas. I took the easiest available way out and kept my mouth shut. With this and other dilemmas that arose throughout the duration of the fieldwork, I adopted the approach that if in doubt, say nowt. I was advised by a senior academic with years of experience 'to sort it out by writing it all down'. These were *my* dilemmas, no one else's. Tony was busy thieving cars on an entrepreneurial not a hedonistic basis. Geoff was simply doing his job. The fact that the targeting of the young offenders may have been somewhat skewed would be too difficult to resolve, as the chances of these types of young offenders performing some form of youth justice confessional for the crimes the system was unaware of, is an unlikely scenario.

Gaining Access

Access had been approved via the evaluation process and trust and relationships were being forged with many of the participants involved in the evaluation. However, I did not seek consent for the 'other' side of the research, which to a large degree informs much of the

content and context of this thesis, and I will talk about this in more detail later in this chapter. Rock adds some clarity to the murky theoretical conditions ethnographers can be expected to find themselves situated within by suggesting that ethnographic research;

> ...is a process that does not start from fixed conditions and a clear vision but changes with each stage of enquiry so that many important questions emerge only *in situ*. It is virtually impossible to anticipate what will be encountered...
>
> (Rock, 2001: 30)

The research (not the evaluation, it is important to remember the distinction between the two) and my 'learning role' (Agar, 1986: 12) effectively determined how I responded to what I discovered at certain stages of the research. Perhaps the term learning *roles* might be a more precise definition. The research, and who and how I presented myself to a variety of social groups all associated with BSS, took on a metamorphic role throughout the time in the field

The research sites included young people's homes, remand institutions, courts, the BSS Office, police stations, a local YMCA, and street corners. In particular *situ* I could be referred to and thought of as what I was *expected* to be by those actors within these distinct social settings. All of the settings had the key elements that guided, in a somewhat meandering fashion, the selection process for the research.

It was not until the final stages of the field work that I became fully conscious that my research may have involved too many people in too broad field a of activity for the ethnography to be considered as such by my peers (see Fielding, 1993: 155). Classical ethnographies have generally focused their empirical gazes upon small social groups in order to obtain rich data, and 'thick descriptions' (Geertz, 1973) in rarely 'more than one or two settings' (Fielding, 1993: 156). My own study is based on young offender's interpretations of the youth justice system, of those delivering the system and of the 'social

factors' (Becker, 1963: 8) which had influenced these young people to continue committing deviant acts, despite the intentions of the youth justice system (Hornsby, forthcoming).

The research involved participating with a range of actors involved with young people across a number of social settings that were often involved with youth offending. It would have been far easier a study to manage had I been able to pin down the field settings to one or two distinct sites, for example, the BSS Office and the residences of the young offenders. However, this would not have been a realistic picture or explanation of what young offender's realities within the system involved. Neither would it been an adequate explanation of much of went on in delivering BSS to young offenders in order to stem their offending behaviour. The delivery of BSS was not isolated to the office where the project was based. For example, the local courts, police stations, YOIs, care homes and the YMCA all played significant roles in not only the delivery of BSS but also in the day-to-day experiences in lives of young people who came onto it.

Despite a host of useful insights and potential ethnographic problem 'solutions' offered by all of the above works, none could offer any substantive advice as to how I could merge together the ethnographic methodology between a range of quite distinct, and culturally diverse organisations and individuals involved with the youth justice system. To date, there has been little to no ethnography conducted into the distinct area of multi-agency youth justice delivery. This of course may be due to the relatively new approach within the system of delivering the contemporary youth justice strategy by way of this policy directive. However, it may also be suggested that the current emphasis upon evaluation techniques in providing 'evidence based practice' (Chapman and Hough, 1998) has instigated a closure of opportunities into practising research into many other significant areas of sociological enquiry within this system of youth justice (Morgan, 2000). The aim of this thesis is to produce a detailed reflection of the real on-the-ground contexts of the experiences and meanings of the social-life from within the youth justice system.

As a somewhat simplistic and brief example of the inter-connecting roles of all of these agencies, a 'typical' period of BSS for a young person might involve the following. The young person would be arrested for an alleged offence, sometimes they would be

released from police custody on bail, sometimes they would not and would detained by the police and then presented at court. Sometimes the parents of the young offenders would refuse to have their sons and daughters back home, which meant that the young people would often have no suitable bail address for the magistrates to release them on bail. In these situations BSS would attempt to apply a variety of alternatives in which to lessen the threat of the young person being remanded.

Collecting the Data

The methodological triangulation of data (Denzin, 1970; 1997) collection is, I believe an extremely useful approach to provide the corroboration of data and improve the validity of interpretations of them (King, 2000: 306). The 'Cross-method' (Webb *et al.* 1966) approach and use of data involves the use of different types of methods in the study of the same phenomenon (ibid.) Throughout the duration of the evaluation I attempted to apply this data triangulation approach by way of the interviewing young offenders and where possible their parents or guardians, YOS workers, police officers, magistrates, defence solicitors, Crown Prosecution Service personnel, and other personnel involved with the multi agency partnership approach in dealing with young offenders. The methods in which to conduct the research involved observation, participation, semi-structured interviews, covert and overt note taking.

The participants came from a range of organisations involved with delivering youth justice. They included for example, YOS workers, police officers, magistrates, health representatives, educational representatives, local authority care home workers, parents' and young people. I also observed, participated and undertook the examination of BSS and Youth Offending Information System (YOIS) databases as a way of understanding and interpreting the delivery and receipt of BSS for those involved with it. Four interim and one final reports were written for Nacro regarding the outcomes of BSS, which were expected to inform youth justice policy in the practice of BSS (see Nacro/YJB, 2001b; Thomas and Hucklesby 2002).

To date, the closest the YJB have got to reporting the findings of this national evaluation of BSS are to be found in a report of '*Remand Management*' written on behalf of the YJB by Thomas and Hucklesby (2002). This example may perhaps add a little more validity to the Midas touch of YJB self-congratulatory 'hyperbole' (Burnett and Appleton 2003) in often claiming that every youth justice intervention it implements 'works' to the highest expected outcome.

The evaluation I conducted at the project found that this was far from the reality of what actually occurred in the project's intended aims, objectives and intended outcomes (see Hornsby 2000a, 2000b, 2001a, 2001b, 2002). A further criticism of the evaluation process was that it was atheoretical in its approach and analysis. The young offenders were taken as given that they committed crime and needed dealing with. There was little to no approach in understanding or interpreting their involvement in crime that went beyond the current managerialist trend in dealing with them (Newburn, 1998).

As Morgan argues, criticisms directed at the 'criminological enterprise' of evaluations funded by the Home Office, Research Development and Statistics Development (HORSD) this type of Home Office funded research is almost entirely 'atheoretical *fact gathering...narrowly focused*...and in its final product invariably is, *policy-friendly*' (2000: 71). However, the New Labour commitment to 'what works' is also to be commended in turning around previous Conservative administration's pursuit and implementation of criminal justice policies, which went against and defied a substantial tide of research evidence in dealing with offenders (ibid: 85).

The evaluation I conducted on the local BSS project has been reported elsewhere (see Hornsby, 2000a, 2000b, 2001a, 2001b, 2002) and the aim of this thesis is not to replicate the overall context of that evaluation research exercise. As Morgan has suggested, in his advice to post-graduate researcher's serving their apprenticeships, and also to seasoned practitioners involved in evaluation research of the criminal justice system, the issue of access does not need to be overcome because it is handed to us (2000:85). This provides the opportunities in which to break through the narrow constraints of policy

focused evaluation exercises on crime, and in particular to my own study, on young offenders and youth justice by way of using:

> the multiplicity of criminological data collected by these means, and attaching them to the broader socio-economic data streams, in order to demonstrate, or suggest, that there is another interpretation or pathway.
>
> (ibid.)

Methodological Triangualtion

As I have already mentioned I obtained data from the young people, YOS workers, police, solicitors and magistrates all engaged with, to varying degrees with BSS. I observed situations at courts, police stations, young people's homes and 'residences', on the streets and at the local BSS office. I employed a data triangulation approach in which to obtain and validate 'stories' told to me by the young offenders. They were, I would assume, unaware that I had access to their case files, detailed data-bases of a great deal of 'official' and classified information that had been recorded about their lives.

I could use these secondary data sources to view their criminal histories, involvement with Social Services, case notes about their family situations, medical and psychological problems, education, housing and Pre-Sentence Reports. These data came in the format of individual case-files and statistics from within the YOS. These data contained information on crimes, victimisation, sexual and physical abuse, homelessness, poverty, pregnancy and abortion and drug and alcohol addiction. There were YOS workers views of young offender's improvements and success stories, worsening situations, denial, disrespect and non-compliance. For the apprentice academic scholar it was a data feast and I gorged myself upon it.

At no point did I inform the participants that I was using and indeed plundering these resources. The local YOS and its BSS project were quite aware that I had access to its information systems. I had a password to enter the system and they would have expected

that at times, relating to the project's inputs, outputs and outcomes that there would be some requirement to view some areas of data. However, much of what I was to obtain from these information systems had little direct bearing upon the evaluation. These were some of the ingredients for my thesis and I was filling my pantry.

At the BSS office, police stations, youth and magistrate's courts' and a variety of other youth justice settings I would often take field notes covertly. This was not always possible and in such cases I would scribble down field notes at the first opportune moment. For such situations I always had a small notebook and biro handy in my trouser pocket. On occasion, where the notes I intended to make I considered very important that I didn't want to forget any of the detail that had moments earlier had been divulged, I would leave the office and similar to Ditton (1977) the workplace toilet provided the most sheltered and secure area in which to scribble down the content and context of the earlier conversation. Unlike Ditton's (ibid: 5) 'Bronco paper', my notepaper was lined not shiny and I had little trouble later in remembering what had been said or, in writing up the field-notes in full.

Other data, for example, quantitative data of the numbers of young people on BSS, their gender, ages, reasons for arrest, number of breaches of bail conditions, re-arrest while on bail and remands to local authority accommodation and custody were obtained without deceit as these were the data that informed substance of the evaluation. A questionnaire survey was also conducted in order to obtain data about the views of young people, who had recently finished their episodes of BSS, regarding their opinions of it. This methodological triangulation (Denzin, 1997), and is also referred to as 'multi-strategy research', (Bryman 1988, 1992) approach assisted the research in conjunction with the evaluation. I grabbed at everything that I considered to be useful data sources to validate the primary qualitative data I was continually obtaining. The aim, as Rock advises is to check '...everything, getting multiple documentation, getting multiple *kinds* of documentation, so that evidence does not rely on a single voice, so that data can be embedded in their contexts, so that data can be compared' (2001: 34).

There existed a precarious balance between my undertaking of the evaluation and then conducting my own academic research. My draft evaluation reports were requested by

the local YOS to be presented to it prior to being forwarded to the National Evaluators. On a number of occasions requests were made by the local YOS that certain compromising data be dropped from the reports. This placed my role as an 'independent' external evaluator in jeopardy, as some of these requests asked that highly significant weaknesses and evidence of the inappropriate use of funding in the provision of BSS were cut. Furthermore, the staff at the BSS office were far closer to me, in friendly terms, than most of the trainee academics and their time served supervisors at the university where I studied were. I spent far more time at the office than I did at the university. With the Appropriate Adult work which took over a significant amount of time in the field, I spent as many hours in and around youth justice as I did my friends, family and my own home, as I was often called out to attend police stations during nights, early mornings and weekends. I was asked of favours that, from both a youth justice professionalism and a sociological ethical position deserved to have been criticised.

For example, four weeks into the research I was attending my second fieldtrip to the local courts. At this stage I was still an amateur, in terms of experience, of what went on in the courts and its maze of corridors. Dee, a senior social worker at the project had taken me to court with the intention that I was to observe the workings of a BSS application. The young man in the dock was given BSS. The magistrates set the conditions and the young man was free to leave the court accompanied by his mother (fathers or male partners rarely attended often because there were none and where there were it was not considered important enough an event to attend). Dee was in a rush and had been called to attend another BSS application that she was now running late for. With the pre-trial case that had just ended, there was still some preliminary youth justice paper work to get through and appointments for the young man to be available for his first bail supervision visit in the following twenty-four hours.

Dee: *Rob, do us a favour will ya? Grab the lad and his Mam and get their full names, address and a telephone number. Ask him if he has any other current court orders against him. Make sure he understands the bail conditions* [I couldn't remember all of them, and hadn't had time to scribble them all down in my notebook]. *Just fill in the details*

on this form [hands me a clipboard with form attached, thankfully Dee had written down the conditions], *and tell them someone will be in contact with them later to arrange the bail visit tomorrow.*

The lad and his mother were walking past us. Dee called out, '*Michael, hang on a second. This is Rob* [pause] *he...umm...*[a coy sideways glance directed at me], *works with me at bail support and needs some details off you and your Mam*'. And with that, Dee sprinted up the corridor of Court No. 2 to the next hearing, in some far flung corner of the red-brick Edwardian magistrate's court. In turn, I took on the role of 'youth justice worker' by bumbling and stuttering my way through the relatively simple process of recording some basic details. I was unsure of what next to do, as it would be a further twenty-four hours before a bona fide youth justice worker made contact with Michael and explained his bail conditions to him. Flustered, I told him to '*Stay in doors until someone from the project comes to see you tomorrow. You're not at school are you? I thought not, then just stay in until the Bail Support Officer comes to see you tomorrow, OK? Good lad.*' Despite the ethical criticism that this situation obviously merits, it does provide insight and detail of my roles and other's perceptions of them while carrying out the research. I later had a quiet word with Dee and politely explained that such a situation should not occur again, due to the legal and ethical circumstances that could arise.

As I was interested in the daily encounters of youth justice these could only be witnessed *in situ* (see, for example, Punch, 1979; Parker *et al.* 1989). I had been given a free reign as to where I could enter in terms of access for connected issues relating to BSS, and this provided countless opportunities to witness 'backstage' performances (Goffman, 1969) in places where aspects of youth justice 'action' occurred (Goffman, 1971). The essence of this method of my extensive participation as a researcher was to study the daily lives and interaction of young offenders and youth justice workers. The ethnographic practice, with the researcher as the 'research instrument' (Coffey, 1999), and 'digging out' (Hobbs, 1988: 14) the lived experiences of youth justice from inside of the system incurred a sequential process of access, sampling, data collection and its interpretation and occurred as a concurrent procedure (Parker, 1974; Hobbs, 1988; Armstrong, 1993). As an 'appreciative'

(Matza, 1964) and descriptive study, the aim is to explore the 'complex social realities that are not always amenable to more formal methods' (Punch, 1994: 85). This approach compensated for the lack of any real concern of the BSS evaluation in explaining the nature of life within the group and its conduct (Blumer, 1969: vii). I attempted at all points to remain empathic, to all the participants, no-matter which side of the fence they were situated, and to the norms, values and behaviours to be found within those groups (Becker, 1970).

Key Informants

The role of gate-keepers in conducting ethnography are vital resources in which to gain substantive insights into the phenomenon in which the social researcher focuses his or her attention upon (see for example, Armstrong, 1993; Bourgois, 1995; Campbell, 1984; Cromwell *et al*, 1991; Downes, 1966; Hobbs, 1988, 1995; Patrick, 1973; Shaw, 1930; Whyte, 1955). I relied heavily upon informants at every corresponding stage of the fieldwork. These gatekeepers came from inside specific areas of the research where I placed my gaze upon and often adopted the role of 'reporters' with detailed and contextualised knowledge of specific areas within the youth justice system and active participants in youth offending. In searching out and observing as many as inter-related areas of BSS a number of key informants emerged and stayed the course of my time in the field. Throughout this thesis a number of consistent names and voices will appear.

At the BSS office all of the staff were informants too lesser or greater degrees to this study. However, the likes of Geoff, George, Norm and Jack were relied upon heavily. To this day I'm still undecided as to how they emerged and remained as the key-informants at the office, as there were others *in situ* who were around as often, were usually willing to talk and appeared to accept my role as much as the aforementioned. My inclination is that it was 'personality' that drove our interaction to the extent that they became the 'keys' to unlocking some of the organizational mysteries from within BSS.

With this perspective I aimed to 'reflect the real on-the-ground contexts of the meanings of social life in a given milieu' (Bottoms, 2000: 22). As I have referred to earlier, Morgan (2000: 85) suggests that for academics involved in evaluation exercises there is scope to stretch the reams of available data in order to build upon sociological and criminological knowledge. However, there is also a danger involved, in using these evaluations for 'other' shrouded research interests, that we may be biting the hands that feed us. I am confident in my claim that few, if any, of the youth justice workers who participated in this research would have expected to see this thesis presented with the content and context that it now appears as. In substantial areas it is a long-way removed from the outcomes of the managerialism evaluation it was believed to be and in what the evaluation was intended to produce. The overall evaluation exercise was conducted for one audience, while this thesis is intended for another.

Summary

The evaluation provided access to a wide-range of participants involved with youth offending in the city. These individuals included young people [offenders], members of their families and friends, YOS workers, Social Services Department workers, the police and magistrates, all of whom participated to greater and lesser degrees in this study. My time researching the delivery of BSS was split, in no precisely formulated time-scales, between the local YOS, the YOS BSS office [which was on a separate site to the YOS], YOIs, police stations, courts, streets and the young people's places of residence. It is fair to say that I covered much, if not all of the trodden pathways that involved the young people's interaction with youth justice at the level of delivery involving BSS.

Other agencies and individuals were not informed and did not know that they were a part of the research. For example, six-months into the research I was recruited by the local YOS as an 'Appropriate Adult', whose role is to attend police stations for young people aged 10 – 17 whose parents or guardians cannot or will not attend police stations following their child's arrest. In attempting to 'show how things are' at particular stages of young

offenders involvement with the system, this is an interactionist venture into the day-to-day experiences of delivering and receiving youth justice. I used this opportunity, the access again provided by the evaluation, in order to examine the processes that occurred for young people entering into the criminal justice system.

This aspect of the research provided an ideal opportunity to observe the beginning of the bail process for young offenders as it is at the police station that the bail process generally begins. This access and participation permitted me with the opportunity to grasp the meanings of situations and events of those studied while under arrest at police stations. This appreciation of the situation of some of the sample of young offenders allowed me, as described by Matza "to comprehend and illuminate the subject's view and to present the world *as it appears to him*" (1969: 25). This method was applied not only at police stations, where I had become a participant of the delivery of youth justice and to some degree had gone 'native', but also at a number of other 'closed settings' involved with youth justice. As I have pointed to earlier much of the research I conducted was covertly shrouded as something else, although the research I conducted in police stations was intrinsically covert. None of those under study at police stations where aware that my furious scribbling of observations, field-notes and verbatim conversations into my note-book which was shielded from view behind a large Sunderland YOS clip binder and could have been viewed as a diligent youth justice worker, duplicating the custody record details of the young people's alleged offences.

At the BSS Office I observed the daily workings of delivering youth justice at its grounded practice level. Here, I was with the front-line youth justice troops aimed at providing a criminal justice intervention targeted for a distinct category of children and young people. I spent such a considerable amount of time at the BSS office that during the two and a half-year period in and around it I became one of its fixtures.

Over time, I became more entrenched in the daily workings of BSS and observing, whilst participating, in studying the interactions of the work of the organisation and many of the contextualized understandings from within youth justice. This was not going to be 'armchair academe' (Smith, 2001: 220) as I was now up-close and getting into 'it'. As time

progressed I would become fully immersed within the workings of BSS, and like previous studies involving ethnographies of the workplace this would provide the opportunity, which to date in the has been widely under-researched in the UK from within the contemporary model of youth justice, in illuminating the internalised complexities of work. Studies of the work place, for example, have shed light upon paralegals (Pierce, 1995), night-club back-room bar staff (Silverston, forthcoming), food servers and cocktail waitresses (Spradley and Mann, 1975), phone sex operators (Flowers, 1998), police detectives attending dead bodies (Jackall, 1997) and the changing of elderly people's clothes, 'diapers' and the moisturising of their bodies (Diamond, 1992), all regarding insights into the contextualisation of workers experiences.

First, is that the practice of *non-maleficence* (Beauchamp et al. 1982: 18) [that researchers should avoid harming participants] should be upheld. The danger in spilling the beans was that reprimands, or worse, might occur to some of those involved with this issue. These were data being fed back to the YJB in order to inform the Home Office of the successes and failures relating to BSS. *Second*, is that the practice of research in the field should adhere to the principles of *autonomy* or *self-determination* (ibid.) [meaning, that the values and decisions of research participants should be respected].

I witnessed miscarriages of justice, inappropriate police behaviour, incidents of young people harming themselves and evidence of good and practice in the delivery of youth justice. In conducting the research I dipped my head to magistrates as I entered and left courts. I provided money and cigarettes to young offenders, became knowledgeable of the fiddles that were undertaken by some of the YOS workers on petrol expenses claims forms and understood the processes that occurred in fraudulently claiming extra hours worked as an Appropriate Adult. On occasions I also had to consider particular incidents where my own ethical conduct could have been questioned.

The contract for my role as the local evaluator from the YOS stated that I 'was an employee of the Sunderland Youth Offending Service and subject to the rules and disciplinary procedures of this organisation'. I was uncomfortable with this as it had the emphasis that I had now become 'their man' and despite my discomfort I signed up. I

received a Youth Offending Service photo ID card which at times I used to get me into places, organisations and institutions which had previously refused me entrance when I had told them I was a researcher from the University of Durham. This offered a range of opportunities in which to broaden the potential scope of the degree of participation that I could undertake within a range of agencies involved in the delivery of youth justice.

A common complaint of those working within the new youth justice system in these early stages of its development was that the YJB had rushed ahead in its dramatic overhaul of the system (Bailey and Williams 2000:83). A senior manager from the Nacro national evaluation team told me:

The YJB have thrown a bucket full of money at BSS without much thought as to how we are going to use it to its best effect. At this stage it's a 'suck it and see' exercise. We'll have to figure it out as we go along. Don't worry...things will get better as time goes along.

(Fieldnotes: December 1999)

At specific stages of the research the process moved on from 'observing' youth justice to the actual 'full-participation' within it (see, for example, the Chapter as an 'Appropriate Adult'). I soon discovered that in partaking and participating within the 'system' I had to learn and engage with a host of simultaneous, shifting, emotionally draining, long-hours between a range of multi-agency sites and interact with a range of actors within the system who were often scared, angry, confused, depressed, jovial, sarcastic and nonchalant in their various experiences of being involved (from a variety of guises) with the youth justice system.

This time in the youth justice field provided me, in the first instance, with the scope of conducting the evaluation. Second, it provided me with the time, contacts, acceptance of the participants to conduct, somewhat clandestinely, my own research which broke free of the constraints of the evaluation and its set managerialist agenda. This I argue offered a far-wider scope in which to explore a range of often sealed criminal justice back-spaces to offer some perspectives on the informal organisation of the youth justice system. Therefore this opportunity offered me the chance to find access to areas of youth justice 'dirty-work'

(Hughes 1984: 338-447) that operated beyond the lofty-ideals of much which is promoted from the 'official' agenda regarding young offenders and the youth justice system. I had little prior experience of conducting ethnography prior to this. It is rarely the case, often because of the 'uniqueness' of social settings and situations, that there was much research methods text in which to inform my knowledge and offer advice of how best to go about the business. It was, quite simply, a case of sink or swim, occasionally stopping to tread water, and learning as I went along (Nader 1970: 98).

To date, there has been a lack of ethnographic studies conducted into multi-agency youth justice delivery. This of course may be due to the relatively new approach within the system of delivering the contemporary youth justice strategy by way of this policy directive. However, it may also be suggested that the current emphasis upon evaluation techniques in providing 'evidence based practice' (Chapman and Hough, 1998) is instigating a closure of opportunities into practising research into many other significant areas of sociological enquiry within this system of youth justice. The aim of this thesis is to produce a detailed reflection of the real on-the-ground contexts of the experiences and meanings of the social-life from within the youth justice system.

At specific stages of the research the process moved on from 'observing' youth justice to the actual 'full-participation' within it (see, for example, the Chapter as an 'Appropriate Adult'). I soon discovered that in partaking and participating within the 'system' I had to learn and engage with a host of simultaneous, shifting, emotionally draining, long-hours between a range of multi-agency sites and interact with a range of actors within the system who were often scared, angry, confused, depressed, jovial, sarcastic and nonchalant in their various experiences of being involved (from a variety of guises) with the youth justice system.

This thesis, through a process of first-hand experiences explores the social setting of one distinct area of the contemporary youth justice system, this being bail supervision and support. By means of participant observation, and a range of other research techniques including, *complete participation* as an Appropriate Adult where I became a fully functioning (Gold, 1958) member of the youth justice system in a role that aimed to protect

young suspect's rights at police stations. By way of the right of entry that was granted through the evaluation process, on-going access to a range of participants occurred throughout the twenty-two months I spent in the youth justice arena observing and participating with a range of actors at work within, and being worked on by, the youth justice system. In other areas of the youth justice field different roles were adopted and these roles normally took on the ethnographic role of *participant observer*. In such situations, unlike the role adopted for complete participation as an Appropriate Adult, people were aware that I was evaluating the BSS scheme. However, as I have suggested earlier they were not generally aware of the double-edged aspect of my participation with and amongst them. The overall research strategy was neither fully overt nor fully covert, although the role adapted to research in police stations perhaps bordered the fully covert research technique[5].

The following chapter begins by examining the issue of bail at police stations and courts. It is within this distinct area of the criminal justice system that suspects' come to the attention of the system and that the issue of bail becomes a paramount issue within the many pathways that can be taken by the youth justice system, in as to how a young person is dealt with following arrest.

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[5] Staff at the BSS scheme were of course aware, indeed they offered me the role as an Appropriate Adult, that I was evaluating the system. However, none I am certain, would have known that I spent much of the time hanging about police stations throughout the North east of England and that I was taking fieldnotes and observations of the interaction between young people and police officers and an intrinsic youth justice perspective related to BSS. Many of the young people I attended police stations for in my role as an Appropriate Adult (AA) I would find, following their arrests, charge, and subsequent court hearing would be placed onto BSS. This role was often the starting point of the BSS journey through a maze like system of interconnected youth justice protocols. Likewise, they were unaware of the verbatim transcripts I took of conversations within the BSS office.

Chapter Three

Locking Up and Bailing Out: Bail at the Police Station and the Magistrate's Courts

Introduction

Bail is the conditional release of individuals who are suspected of or, charged with a criminal offence. The questions that arise within the criminal justice system in England and Wales as to 'what to do' with those accused of offending and are awaiting trial, hinge upon suspect's right to bail. In theory, bail is a condition that an individual who has not been convicted of an offence should not be imprisoned unless their liberty presents a significant risk to the safety of the public or, interferes with the due course of justice. However, in practice for criminal justice agencies this agreement to the right of bail often breaks down. The decision whether or not bail should be granted originates during a number of pivotal stages of the criminal justice process.

This chapter discusses issues that arise once suspects have been arrested and charged for committing criminal offences. The chapter is divided into a number of critical perspectives associated with bail law. Here, interrelated bail matters are considered and range from the legislation of bail from a legal perspective, to the practical processes undertaken by the police, Crown Prosecution Service (CPS), and magistrates with regard to bail decisions. The discussion that follows reviews the theoretical implications of this facet of the criminal justice system.

It should be noted that in this chapter bail as a legal and practical aspect of the criminal justice system is examined *per se*. In this chapter bail relating to the distinct delivery of youth justice is left aside until a later chapter (see, Chapter Five). The reason for this is that for the most part, bail-is-bail, and except for a few notable differences between 'adult' and 'youth' bail decisions, there are but few distinctions within the operation of bail decisions.

The discussion that follows includes analysis of bail law and its policy and practice within a socio-legal perspective. In this way the study will offer an understanding of what bail is, what constitutes a bail decision, and the ways this crucial

component of the criminal justice process can affect individuals during the pre-trial stage of their involvement within the system.

It is at the police station or, in most cases from the initial youth or magistrate's court hearings following arrest that young people arrived from for their episodes of Bail Supervision and Support (BSS). Their entrance into the criminal justice system was very much dependant upon what had occurred at the earlier decision making stages relating to police and court bail decisions. Bail decisions relating to young offenders were the basis of the Youth Offending Service's involvement in the provision of Bail Supervision and Support. For a significant minority of Sunderland's young offenders, the bail decisions made at court often encountered a scenario where the right to bail could be removed and that they might be 'remanded' to institutions. In such cases BSS offered a remand management intervention which aimed at rescuing those young people from the threat of a remand.

This area of the study discusses that in theory bail, be it in policy or in practice, remains an intrinsic right of those suspected of criminal offences. However, as will be discussed, this 'right' undergoes scrutiny at a number of critical stages of the criminal justice system which can deny that fundamental right to bail. The 'policy' in terms of securing the right to bail is often juxtaposed by policing methods. As will be discussed the police targeting of known individuals, and of particular social groups, play a major role in the gate-keeping functions of entry into the criminal justice system (Choongh, 1997, 1998). The police can, and often do, influence the decision-making processes of other agencies within the system who afford the right or denial of bail (Morgan, 1996; Hucklesby, 1997; Sanders and Young, 2000), and also influences which suspects come onto this platform of the youth justice process.

Bail Law

The purpose of bail is an intention, as a code of bail law, which affirms the presumption of innocence to allow for the release of suspects who have been arrested, and/or arrested and charged, with a suspected offence prior to trial or sentence (Sanders and Young, 2000: 511). Paradoxically, the provision of bail also allows the arrest and detention of suspects in order to bring them before court and permits pre-trial remands into custody. The concept of bail is therefore fraught with contradictions. On the one hand, it promotes the rights of those suspected of committing criminal offences with a presumption of innocence until guilt has been proven (Cavadino and Gibson, 1993).

Yet, on the other hand, bail can be refused when initial evidence is assumed to object to and refuse the right to bail (Sanders and Young, 521).

The refusal of bail and an order to be remanded into custody can only be considered and implemented 'when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so' (Sanders and Young, 2000:512). The law concerning the liberty of suspected individuals who may be charged with criminal offences, is governed by the Police and Criminal Evidence Act 1984 (PACE) and the Bail Act 1976. PACE deals with the powers of the police to detain suspects and with magistrates' powers in extending the usual maximum amount of time a suspect can be detained by the police. PACE, as with the notion of bail as a legal concept, aim is to protect the welfare of suspects, albeit riding alongside a commensurate objective to protect the public from further criminal offences by suspects' once a criminal charge has been made.

The Bail Act 1976 preserves an individual right to bail and is a covenant once a suspect has been charged with a criminal offence and is brought before the court. The intended aim of both provisions is to accredit considerable safeguards concerning the liberty of the suspect (Cavadino and Gibson, 1993:9). It does however; provide a number of areas relating to the suspect and the offences which are to be dealt with by the refusal of a suspect's right to bail.

Bail or Jail?

During the early 1990s, the issue of bail within the criminal justice system became a prominent item within the political agenda. Many of the concerns regarding bail were raised from public, media and law enforcement perspectives directed toward a notion of the impotency of the criminal justice system in dealing with persistent offenders receiving bail and then continuing re-offend while on bail. During this period political involvement within the criminal justice system increased in order to appease the concerns of the electorate (Pitts, 2001a; Muncie, 2000). The functions of bail and its associated 'failings' became a suitable target for those concerned with early action within the criminal justice system (Cavadino and Gibson, 1993:11).

In England and Wales the question as to whether bail should be granted originates during a number of key areas of the criminal justice process. When a suspect is arrested for a criminal offence the police must decide at some point, whether the suspect is to be released without charge, cautioned, or prosecuted (PACE 1984).

The refusal of bail at police stations and courts and subsequent remands into custody that will often occur contradicts a crucial element of the criminal justice rhetoric. This maintains that defendants are presumed innocent until proven guilty (Hucklesby, 2002:116). Therefore, it can be assumed that remands into custody following the denial of bail, are a criminal justice process that deals with legally 'innocent' people (ibid.). Lord Hailsham commenting on the refusal of bail, suggests that it 'is the only example, in peace time, where a man can be kept in confinement without a proper sentence following conviction after a proper trial. It is, therefore, the solitary exception to the Magna Carta' (quoted in Cavadino and Gibson, 1993:69).

Hucklesby argues that the right to bail has, since the 1980s, been eroded with a far greater emphasis placed on the importance of protecting the public and the rights of the victim (2002:117). Hucklesby highlights a number of problems encountered by defendants when their right to liberty has been refused as "defendants remanded in custody are more likely to plead guilty, less likely to be acquitted, and more likely to have custodial sentences imposed" (2002:116; also see; Bottomley 1970; King 1971).

Research has also found that during the initial stages following arrest and court hearings, that the threat of being remanded in custody is used as coercive tactic to place pressure on suspects and defendants to confess, during detention at police stations or, to plead guilty to suspected offences at court (see, Bottoms and McClean, 1976; McConville, Sanders and Leng, 1991; and McConville, Hodgson, Bridges and Pavlovic, 1994). If remanded, such prisoners do have more additional basic rights to those of convicted prisoners. Yet, the potential damage that can occur to remand prisoners is immense. The significant effects on adult defendants and their families regarding the refusal of court bail include the loss of employment and/or future employment prospects, and a multitude of emotional and practical long-term problems encountered by defendants and their families (Hucklesby, 2002: 117). Lord Justice Woolf describes the effects of imprisonment as:

> Being imprisoned people lost their connections with the outside world. They lost their jobs, if they had them. They lost their homes, if they had them. Their families deserted them, if they had them. Their attachments to the outside world, were weakened and their attachments to the prison society, the illegal society were straightened.

(Woolf, 1991: Para.1.196)

For many remanded prisoners the problems highlighted by Woolf (ibid.) are encountered during imprisonment despite in theory, of being presumed innocent. The premise of the law regarding bail is that all defendants have a right to unconditional bail. However, the decisions as to who gets bail and whether this is unconditional or conditional or, as in many instances refused bail and detained by the police and remanded into custody by the courts', is a decisive stage of the defendants' initial engagement within the criminal justice system.

PACE (1984) fundamentally reformed the law relating to the investigation of crime by the police. Previous reforms had tackled issues on criminal procedures yet, the overall structure of those criminal procedures had not been comprehensively evaluated for nearly a hundred years. What reforms in criminal procedure that had occurred in those years, it has been noted, were generally of a 'piecemeal' nature and that an overall reform of the criminal procedures of police investigations including the arrest, charge and detention of suspects' was long over-due (RCCP, 1981:2-3).

A number of factors instigated the review of the existing criminal procedures occurring at that time. These included the general public's anxiety about rising crime and what were believed to be the lack of police powers in tackling escalating crime rates (Consortium of Penal Affairs, 1995). Equally, there were increasing concerns regarding police abuse of existing powers (Cavadino and Gibson, 1993). In this context the mistreatment and out-right abuse of juveniles and mentally handicapped suspects detained by the police, were pushed to the forefront of debate within the criminal justice system. The 'Confait Affair' raised specific concerns. In 1974, two boys and a young man of eighteen were arrested in South London. They were charged and detained at a police station and following the advice of the police the courts remanded the boys into prison on suspicion of murdering Maxwell Confait. All three suspects, under police interrogation, confessed to the murder and were later imprisoned for the offence. During the mid-1970s it came to light that the confessions to Maxwell Confait's murder were obtained from the three suspects under duress from the investigating officers involved in the case. What was also found was that the criminal justice process had serious flaws and operated with unregulated bias regarding the role of the police to that of suspects under interrogation for suspected criminal offences.

Easy Pickings

The Fisher Inquiry (1977), examined the 'Confait Affair' and highlighted a number of very dubious practices involving the interrogation methods, and the overall prosecution processes that were governed, at that time, by the police involved with Maxwell Confait's death. The evidence that came to light during this inquiry found a number of extremely dubious police practices had occurred during the detention of the three juveniles, while the police conducted inquiries and interrogations. Fisher (1977) found that the allegedly 'voluntary' statements offered by way of the three suspects confessing to the murder, had in fact been constructed by interrogating officers, and that words had been 'put into the mouths' of the three juveniles by the interrogating officers.

The inquiry also found that two of the juveniles were under the age of seventeen and the third, the oldest at eighteen years of age had the mental capacity of a thirteen-year old. At no stage during the arrest, charge and detention processes did the police consider the juveniles to be 'vulnerable'. Nor, did any of the investigating officers' of the case offer the young suspects the right to legal representation during their detention and interrogation. It was found that during the interrogations police officers' had deployed a technique of questioning which led to 'coerced compliant confessions' (Sanders and Young, 1994: 184). This form of interrogation involves unwarranted and undue pressure from police officers in order to coerce the suspect into making a confession that s/he knows is false but, agrees to the confession as a way to escape the intense pressure the suspect find themselves under (ibid.). With children and young people it could be expected the police found this an extremely useful strategy in obtaining confessions.

The issue of police interrogation tactics in dealing with suspects has raised specific concerns regarding the culture and implications of such police practices. A number of studies have argued that the 'informal processes', often hidden and/or masked by arresting and interrogating officers, have been common cultural practice within street policing and detective work (Evans, 1992; McConville, 1992). As Newburn and Hayman have argued in their thesis of policing and social control, the time experienced by suspects being detained at police station passes 'exceedingly slowly' (2002: 97). With these factors in mind, and with the added negative of the three suspects to the Confait murder, bearing in mind these were but children with no formal

legal representation present during their interviews and subsequent 'confessions', it is hardly surprising that the police 'got a result'. Perhaps even more startling was that police officers had persuaded the duty pathologist to alter his report regarding the originally recorded 'time of death' of the victim. This inter-agency deceit and collaboration removed one of the suspect's alibis that had initially separated him from the scene of the crime. The 'revised' and 'new' time of death of the victim had put the suspects back into the frame again for the murder. The convictions of all three wrongfully convicted and 'vulnerable' suspects' were eventually overturned.

Fisher's report identified three major flaws in the investigation and prosecution of the case, which he claimed had led to the wrongful conviction of the boys. The most important criticism in terms of the eventual establishment of the CPS, was the failure of prosecution lawyers to subject the prosecution case and its discrepancies to careful scrutiny. The prosecution of the suspects was simply an exercise to *prove the case* against the three juveniles and neglected the fact that other alternative explanations may have existed. It was also an exercise that highlighted occasional police apathy to the notion of justice and of the rejection of fair play by some police officers. As Walker proposes:

> Criminal Justice should be judged, *inter alia*, by the number of injustices produced by them in the first place, and, secondly, by their willingness to recognise those mistakes.
>
> (2002: 522)

The weaknesses and mistakes highlighted by the Confait Affair, as with a number of other high profile miscarriages of justice that occurred during the same era, were recognised and began to be dealt with. An-overhaul of police investigation methods and a number of other key areas within the criminal justice system were implemented.

PACE 1984: Protecting the Suspects

The Royal Commission (RCCP, 1981, also referred to as the Phillips Commission 1981) that followed the miscarriage of justice relating to the Confait Affair examined the powers and duties of the police, in relation to the criminal investigation of offences as well as the rights of suspects. The central tenets of the Commission (1981) were to

balance the needs of the police's investigative processes, with those of suspect's rights. This newly imposed equilibrium was to "have regard both to the interests of the community in bringing offenders to justice and the rights and liberties of persons suspected or accused of crime..."(RCCP, 1981: iv). PACE, which owed much to its legislation and implementation because of the findings of the RCCP (1981), legislated for a greater regard to the balance of the investigative process of the police (Brown, 1997:1). PACE set three areas of reform regarding police investigation of criminal offences which the Commission (1981) had been critical of, these being the, 'fairness', 'openness', and 'workable system of practices' relating to suspects welfare (RCCP, 1981: Para 10.1). PACE was implemented as a direct outcome of the RCCP recommendations for systematic reforms of police investigative processes. The provisions of PACE were intended to be a balance of the public interest of solving crime and the rights and liberties of suspects (Brown, 1997).

Under s.38 (1) of PACE there is an assumption that once charged with an offence suspects should be released from the police station, with or without bail unless specific conditions apply. Police perceptions regarding the likelihood that a suspect will 'abscond', 're-offend' or 'interfere with a witness' are reasonable grounds for the refusal of police bail at the station. In such circumstances suspects will be detained at the police station and will be presented before a court at the first available court pre-trial hearing.

The notion of bail as an individual right is surrounded by legal complexities which on one hand, attempts to uphold individual rights within the legal system with the reliance of a long-held presumption of innocence upheld over guilt until guilt is proven. On the other hand, the credibility of suspects to the police and courts plays a fundamental role as to who receives bail.

Bail or Detention at the Police Station

The importance of the right to bail cannot be under-estimated. The stage after arrest is a pivotal period of the criminal justice process in deciding as to whether or not suspects arrested by the police for committing criminal offences, enter the criminal justice process (Phillips and Brown, 1998). Until 1995, the police in England and Wales held no powers to attach variable police bail conditions to defendant's bail. The Criminal Justice Act and Public Order Act 1994 incorporated both police and court bail decision-

making processes, under a joint criminal justice policy, in order to tighten bail procedures during these initial stages of entry into the system.

Research on Police Bail Decision-Making

At the police station when a person has been charged with an offence it is the decision of the custody officer as to whether to release the suspect on bail or, to detain the suspect in police custody until the first available court hearing. With the implementation of the 1994 Act, the police have been awarded the power to apply whatever conditions they deem appropriate to defendant's bail. The only exception to those powers being the condition for a suspect to reside in a bail hostel which can only be ordered by a magistrate or judge. A central tenet of the 1994 Act was the expectation that with this increased power to apply conditions to suspects' police bail, the numbers of suspects detained in police custody would be reduced. A small pilot study in 1993 (Burrows *et al.*), found that the police bailed approximately 60 per cent of defendants, whereas the remaining 40 per cent were detained in police custody.

Home Office (2000) figures suggest that the police detain 15 per cent of those arrested and charged with a criminal offence. Other contemporary studies have found significantly higher rates of the refusal of bail by the police, with rates of between 20 and 28 per cent (Burke and Brown, 1997; Phillips and Brown, 1998). For the rates of conditionally bailed defendants, Burke and Brown (ibid.) found that 17 per cent of suspects were conditionally bailed, whereas Hucklesby (2001) found that just under a third (32 per cent) of suspects were conditionally bailed.

Brown's (1989) study of thirty-two police stations found remand rates at police stations ranging from 13 to 32 per cent. Considerable variations in the remand of suspects of comparable offences also occurred. For burglary charges, suspects detained by the police ranged between 21 per cent to 72 per cent. Brown argues that these variations can be accounted for by police opinions in differing geographic areas and the interpretations of the 'seriousness of offences' meriting the refusal of police bail and remands in police custody (ibid.).

To date, no official figures are available on the use of police conditional bail. Of a limited number of research studies conducted into the use of police bail, several points of interest have arisen. Phillip and Brown's (1998) study found distinct variations between the use of the granting of unconditional/conditional bail and

detention rates between police stations within the same force constabularies. However, it was also found that inconsistent rates within different police constabularies occurred.

The decision to grant or refuse bail at the police station is the Custody Officer's decision (generally a police sergeant), and is a judgement that is governed under the legislation of PACE. It allows bail to be refused at the police station, if a custody officer has 'reasonable' grounds for believing that if given bail a suspect 'will' *a*) cause physical injury to any other person; *b*) cause loss or damage to property; *c*) that they will fail to appear in court to answer to bail; *d*) they will interfere with the administration of justice; and/or, *e*) they will interfere with the investigation of offences (PACE, 1984). These wide-ranging and often speculative 'reasonable' grounds equip the police with a variety of definitions in upholding the right to deny bail from the police station and may influence other bail decisions that are made at a later stage of the process.

The Crown

The Prosecution of Offenders Act (POA) 1985, created the Crown Prosecution Service as an organisation to take over the function of prosecuting offenders from the police (Sanders and Young, 1994:1). A consequence of the Confait Affair was to transfer the role of prosecution away from the police to lawyers, who would have the final say as to whether or not, and in what ways cases would be brought before the courts. The POA 1985 implies that the decision to prosecute should be made independently of the police. Although the CPS is designated to fulfil a number of functions and the CPS is commissioned to assume a number of roles, the most important function of the CPS is its ultimate control over the decision to prosecute (McConville, *et al*, 1991: 141). In exploring the function of the CPS the discussion will therefore focus on whether the current organisation of criminal prosecution permits the CPS to exercise an independent decision making-process. The question that is asked is how independent is the CPS?

Once charged or summonsed the role of the CPS is to decide whether or not to pursue a prosecution for the related criminal offences. However, the 'independence' of the CPS has been called into question. Political and institutional pressures, it has been argued, are located within its relationship with other criminal justice agencies (Sanders and Young, 2000:332). McConville *et al*, (1991) research of three police-force areas, found that the CPS were not particularly independent of

the police regarding the decision-making process relating to prosecuting criminal suspects. The study found that in many areas regarding the approval of or, arguments against bail conditions, the CPS generally followed police recommendations.

The structural weakness of the CPS regarding its level of independence has been found to lie in the practicalities situated within reviewing police cases on the basis of evidence provided solely by the police (Crisp, 1993; Sanders, 2002). For the CPS to become adequate at reviewing evidence, it is argued, that this can only occur if the agency is placed in an 'entirely different structural relationship with the police' (Sanders, 2002: 158).

The earlier corresponding conditions of the Bail Act (1976), allowed custody at the police station to be justified, if grounds existed on the belief that a defendant would commit further offences if granted police bail (Brookes, 1992; Northumbria Police, 1992). During the period that followed this legislative change, a general consensus developed within police forces that PACE (1984) had restricted the powers of the police in detaining suspects and in denying them police bail (Morgan, 1996:38). Police opinion regarding the arrival of PACE 1984, stressed investigating officers were excessively hampered by the new codes of practice within PACE and that suspects had been given too many rights, thus restricting long-held policing methods of investigation (Bottomley *et al*, 1991: 76).

However, organisations and their cultures do adapt to enforced change and diversionary tactics can be applied in manipulating the 'rules' in order to achieve their own specific aims (Bottomley, 1991; Morgan, 1986). In my own research at police stations it was evident that for a particular group of young (often labelled as 'persistent' offenders) suspects, police officers could and would distend the use of PACE in order to deny these young defendants bail.

In my observations as an 'Appropriate Adult' for young people arrested, questioned, charged and often detained by the police, instances occurred where the manipulation of the 'reasonable ground' rule permitted the denial of police bail. Rarely, if ever, were police detention decisions, which came about as a refusal of bail due to 'reasonable grounds', questioned or criticised. An account of the granting and denial of bail at police stations are discussed in more detail in the next chapter.

A central issue in the use of attached conditions of police bail has been to reduce the number of detained suspects held in police custody (Royal Commission on Criminal Justice, 1993). However, there is also evidence to suggest that this has not been universally achieved. In some areas of police bail decisions a 'net-widening'

affect has occurred for defendants, who would have previously been granted unconditional bail prior to the introduction the 1994 Act, have instead received conditional bail (Burke and Brown, 1997; Hucklesby, 2001). Hucklesby suggests that many of the associated problems regarding the police's interpretation of the legislation may be located in police officer's lack of training in dealing with the complex issue of bail. She argues that:

> Most custody officers receive a very brief introduction on bail decision-making as part of their custody officer training and no special training was undertaken when the 1994 legislative changes were introduced.
>
> (2002:119)

The decision-making processes regarding police bail are important as they can and do have implications regarding similar decisions in other stages of the criminal justice process. This should therefore be considered as a highly significant process and therefore requires skilled and competent professionals to carry out such a role. The following table provides an overview of police bail decisions that custody officers at police stations make the informed crucial decisions regarding suspect's rights to bail.

Table One

Police Bail Decisions: Detention/Release from Police Stations 1998-2001

Police Bail Decisions	1998	1999	2000	2001
Number Arrested, Charged & Released on Bail	950,000	953,000	916,000	931,000
Number Denied Police Bail & Detained	143,000	143,000	142,000	128,000
Percentage Denied Police Bail and Detained	15%	15%	15%	14%

(Source: Home Office, 2002:136)

The above table demonstrates that police bail decisions during the last few years have remained consistent particularly when analysis is applied to the overall proportion of suspects who are refused bail by the police after arrest and charge. The data demonstrate that 14% to 15% of all arrested and charged suspects are refused bail and held in custody until the first available magistrate's court session.

Despite the findings of previous research regarding bail decisions made at police stations, the police continue to play a crucial and often unaccounted role during this process. A number of the studies referred to in the above section demonstrate that police perceptions and 'inclinations' regarding arrested suspects potential to re-offend, if bailed from police stations, continue despite the evidence that suggests that these decisions are often flawed. Police bail decisions also make an impact upon proceeding bail decisions that follow at court and it is to this area of the bail process that we shall now discuss.

A Dual Process: Police and Court Bail and Remand Decisions

Research has found a correlation between police bail/custody decisions and later court remand decisions (Hucklesby, 1997; Morgan and Henderson, 1998). Research has found that if the police released defendants on bail that in most cases they were also unlikely to be remanded into custody by the courts. Conversely, if the police had detained defendants, it was more likely the case that the courts would follow suit and remand the defendants to prison during initial pre-trial court hearing while awaiting trial.

The power of the police to attach bail conditions has ambiguous definitions and purposes. On one hand, is an issue that bail/detention decisions of the police are now more visible with 'precise' details of those decisions available to the courts (Hucklesby 2002:120). On the other hand, it has been argued that the decisions made by the police or, requested for at court, strengthen the police influence in court regarding bail decisions and 'may partially account for the rise in the use of conditional bail by the courts' (Hucklesby, 1997:274; Hucklesby, 2002:120).

A further aspect of the bailing process at police stations is worthy of consideration. The police are able to bail suspects from the police station without charge of a criminal offence and as a condition of bail the suspect is required to return to the police station at a latter specified date to assist with enquiries (PACE 1984: s.47 [3]). If a suspect fails to attend the police station they are liable to arrest (PACE 1984:

s.46A). Research has found that 17 per cent of suspects were bailed by the police, without charge at that point, and requested to return, as a condition of bail, while further enquiries were made (Phillips and Brown, 1998).

Strong evidence exists to suggest that this use of bail has increased during the last few years. Phillips and Brown (1998) describe this trend as a police 'maximisation' process. As there is a limited time available to conduct enquiries the length of time available for the police to hold suspects has been overcome by way of the maximisation process. The police, it is argued, use this type of bail to 'stretch-out' the available options to conduct enquiries (ibid.).

If these policing methods in bail use are occurring, the measures to reduce the delays in the criminal justice system highlighted by Narey (1997) could be jeopardised. It has also been argued that this method of 'pre-charge' bail will continue to rise as the police utilise the resources available to them to its most sought-after outcome (Hucklesby 2002:120). This raises a number of issues. First, that the police may abuse this option by arresting 'suspects' without initial evidence. Second, in knowing that the restrictions regarding the rights of the suspects and the time the police can detain them, can be by-passed (Hucklesby, 2002:121). Phillips and Brown (1998:84) state that a fundamental strategy in this use of 'pre-charge' bail by the police is that further evidence may be detected, and then used to strengthen the enquiry. Yet, as the study also found in the cases where pre-charge bail had been applied, over two-fifths of pre-charge bail cases were dropped with 'no further action' decisions (ibid.).

PACE, it has been suggested, has had little impact upon police practices in the arrest, and detention rather than the summonses of suspects (McConville *et al*, 1991). Yet, other studies have found little evidence to suggest that since the introduction of PACE that the police are using powers to arrest suspects unduly (Bottoms *et al*, 1991; Irving and McKenzie, 1989). A number of studies have suggested that there may have been improvements in the standard of evidence on which arrests are made since PACE came into practice (Irving and McKenzie, 1989; Bottomley *et al*, 1991; and Brown, 1991). Bottomley *et al.* (1989) indicate that although PACE may have widened the scope for officers to make their own interpretations regarding the character of 'reasonable suspicion', yet despite this, many police officers believed that they arrested less often on 'hunches' than they did prior to the introduction of PACE. This suggests that a more professional practice of policing may have developed since PACE issued a code of police practice.

After charging suspects, custody officers are required to examine the necessity of the refusal of police bail. It has been suggested that although custody officers at police stations are intended to operate independently of arresting officers and examine each charge, this is not always what occurs in practice (Bottomley *et al*, 1989). It has been found that due to workloads and pressure custody officers often find it impractical to carry out substantial enquiries regarding the arrests of suspects (ibid.).

McConville *et al* (1991) argue that structural factors often influence custody officers' decisions regarding police bail. The concept of 'internal regulation', where custody officers take an independent stance on proceedings at the police station, often fail. The shared interests of police officers at the same station are can overwhelm the notion of custody officers operating independently from their colleagues (ibid.). Morgan *et al* (1991) have found that shared interests did occur, and that custody officers would often back up their colleague's claims but, do also employ tactics in order to deal with arrest decisions they disagreed with. For example, 'private words' with arresting officers away from earshot of other officers on the shift and a variety of criminal justice agency workers (for example, legal representatives and Appropriate Adults) often occurred.

As with any close-knit occupational environment 'colleagues' are often 'friends' inside-and-outside of the workplace. Cultural practices restrict the independence and neutrality of the custody officers from fully disassociating themselves from the working practice and police culture that is embedded within the organisation. The reality of the shared perfunctory policing methods may well suggest the

> '...appearance of everything being 'done by the book', detention [by the custody officer], reviews of detention may be perfunctory and the suspect might remain in custody as long as investigating officers wish, subject to the time limits stated in PACE.'
>
> (Sanders and Young, 2003: 238)

As one of Bottomley's respondent's suggested the idea is 'to make PACE work for the police' (1991: 106). It is therefore of no surprise that an earlier report, to some extent, criticised the role and practices of custody officers. The Runciman Commission (1993) recognised a number of failures including, custody officers allowing colleagues to visit suspect's cells; failures in providing information to suspects about their rights;

denying the right to legal representation by adopting tactics that deny that right and, of much importance to this particular chapter, the 'rubber-stamping' of detention at police stations. The 'rubber stamping' of the detention of suspects at police stations plays an important aspect in the criminal justice processes that generally follow such decisions during subsequent bail decisions made at court.

Locking-Up or Bailing Out at Court

The present bail system in England and Wales is based on the Bail Act 1976. The Act provided a right to bail and also imposed the justifications for the removal of the right to bail (Hucklesby, 2002:121). The Criminal Justice Act 1967 had initially preceded this process in the application of bail decisions to defendants, where the introduction of conditional bail and a relatively weak presumption of the 'right' to bail instructed a number of circumstances when bail should be granted (ibid.). Both the 1967 and 1976 Acts came about as results from pressure from a number of sources which had criticised the way the process of bail was operating.

During this time a concern emerged regarding the increase in numbers being sent to prison and the burdens that this placed upon the Prison Service. Other concerns were raised and attributed to a number of research studies which found high numbers of unnecessary remands in custody; striking variations in bail and custody rates in various courts; an unjustified system of bail (money) sureties, and a general lack of information available to magistrates regarding bail procedures to base their decisions upon (Bottomley, 1970; King, 1971; also see Hucklesby, 2002).

Throughout the 1970s a consensus developed within the criminal justice system that the number of defendants placed on bail should increase. A review of the bail decision-making process by the Working Party (1974) considered strategies to enable courts to release more defendants on bail (Hucklesby, 2002:121). As a result of the Working Party's (1974) suggestions a Home Office Circular (1975) stated that courts should introduce a 'presumption of bail' in most applicable cases. The resulting reduction (of approximately 13%) of remanded custody rates during the mid-to-late 1970s, were to a large degree as a consequence of the findings and recommendations of earlier research into this problem area of bail within the criminal justice system. However, the fall in the prison remand population during the late1970s as a consequence of the Bail Act 1976 was not sustained during the 1980s. This period of time witnessed a return to rising custodial remands within the prison estate.

A major contributing element to these increases was that the delays being experienced within the criminal justice process during the 1980s increased the length of time defendants were spending in prison on remand awaiting trial (Hucklesby, 2002:122). During the 1980s amendments to the Bail Act 1976:

> ...overturned the presumption of bail for some defendants charged with serious offences. This trend to restrict the right to bail for certain defendants deemed as 'dangerous' continued in the 1990s. The Criminal Justice and Public Order Act 1994 completely removed the right to bail for those accused of committing a second grave offence.
>
> (Hucklesby, 2002:122)

The 1994 Act created a shift in policy legislation restrictions regarding the right to bail, for those alleged of being persistent offenders and re-offending on bail. The nature of those re-offences did not have to be of a particularly serious 'nature', as it was the repetition of crime that justified the restrictions of defendants' liberty.

In England and Wales the number of defendants denied bail and remanded in custody increased from 48,000 in 1990 to 84,000 in 2000. The increased use of custodial remands throughout the 1990s rendered a continual rise in the numbers of remanded defendants within the prison population. In 2000 the remand prison population in England and Wales was 11,270 (Home Office, 2001a: 40).
In 1998, 143,000 people were refused bail after arrest and were detained in police custody pending first court appearances for suspected offences (ibid.). Of this total, magistrates' remanded 49,000 defendants to custody (ibid.). Although the proportion of remand prisoners is *comparatively* small to the sentenced prisoner population, the remand population does make up approximately a fifth of the overall prison population. The following table provides an overview of magistrate's courts' bail and remand decisions in England and Wales from 1998 to 2001.

Table Two

Cases at Magistrates' Courts 1998-2001: Types of Remands

All Offences	1998	1999	2000	2001
Not Remanded	1,484,000 (70%)	1,427,000 (69%)	1,493,000 (72%)	1,431,000 (70%)
Remanded on Bail	552,000 (26%)	541,000 (26%)	505,000 (24%)	523,000 (26%)
Remanded in Custody	98,000 (5%)	98,000 (5%)	84,000 (4%)	78,000 (4%)

(Source: Home Office, 2002b: 135)

As with the data in the previous table, magistrates bail decisions during this period, in terms of a consistent dosage of numbers from the overall populations, corresponded closely to that of the police. The following table (below) provides an overview of police detention rates and the subsequent first available court hearings and outcomes of those cases. The figures presented also demonstrate the rate of magistrate's custodial remands.

Table Three

Police and Magistrates Courts Opposition to Bail 1998-2001

Police/Court Opposition to Bail Rates	1998	1999	2000	2001
Police Bail Declined (Suspect Detained)	143,000 (15%)	143,000 (15%)	142,000 (15%)	128,000 (14%)
Court Bail Declined (Remanded in Custody)	98,000 (5%)	98,000 (5%)	84,000 (4%)	78,000 (4%)
Court/Police Differences	45,000	45,000	58,000	50,000

(Source: Home Office, 2002)

The above table demonstrates a consistent level of the refusal of bail at both police stations and magistrate's courts. The figures demonstrate that nationally the police will

refuse bail and detain 15% of arrested and charged suspects and then present them at the first available magistrate's court hearing. Once presented at the initial magistrates hearing between 4 and 5 per cent of defendants (nationally) are refused bail and are remanded into custody by the magistrates. A number of studies have provided some evidence that may well suggest that the CPS is heavily influenced by police opinions and perspectives relating to the objection of bail at court. It has been argued that the prosecution view:

> ...is dominant in bail/custody decisions make it difficult to come to any conclusion other than that in the majority of cases the magistrates simply rubber stamp decisions made earlier in the process.
>
> (Hucklesby, 2002:127).

As the police provide the CPS with recommendations regarding the bail status of defendants, it is argued that the CPS is often influenced by the police of such matters (Burrows, Henderson and Morgan, 1994). Phillips and Brown found that during this initial entry stage into the criminal justice system, the police influenced the CPS to such a degree that 85 per cent of police recommendations were followed by the CPS (1998:135). The study found that although the CPS was less likely to follow police recommendations to opposing bail yet, in these cases the recommendations were still followed in nearly three-quarters of those cases (71 per cent). Furthermore, in cases where the police recommended to the CPS that conditional bail should be applied, the CPS followed those recommendations in 89 per cent of cases. For recommendations of unconditional bail the CPS followed suit in 96 per cent of those cases (ibid: 135).

The findings raise serious questions relating to the independence of the CPS with regard to the information they rely upon from the police and how the CPS uses such information relating to bail decisions at court. At this stage of the criminal justice process, the relationships between the CPS and the police as prosecutors are a fundamental factor in bail decisions. In basic terms it is these decisions which determine 'who gets what' in terms of bail decisions (i.e. unconditional, conditional or remand bail decisions at magistrates courts). It has been argued that despite appearances to the contrary, the CPS is a police-dependant organisation.

> CPS dependence on the police is partly by choice, in so far as the ethos of the two institutions is similar. It is partly a product of the

performance indicators-conviction rates, primarily established for it as criteria of success. Since both the police and the CPS are prosecuting agencies, it could not be expected that either of these conditions be otherwise. Finally, the CPS is almost entirely dependent on the police for its information about cases. Since cases are made up of nothing other than information, cases themselves are police products, and the CPS decisions are therefore driven by the police.

(Sanders and Young, 2000:345)

The 'structural dependency' (ibid.) of the police and CPS organisational order has the potential to undermine the 'due process' (Packer, 1968) ethos of the criminal justice system. Of course it would be wrong to suggest notions of 'conspiracy' at work here, as the CPS does discontinue cases and recommendations made by the police, who would much prefer to see prosecutions occur in such situations. In most cases the CPS does not oppose bail and the courts will usually follow suit in such cases (Burrows, Henderson and Morgan, 1994; Hucklesby, 1994, 1997). However, for the police and CPS and courts, bail decisions are often 'follow-on' decisions where the former informs (and often influences) the later.

Much of the research conducted into this area of the criminal justice system has found that gross variations in the use of custody rates occur between courts. Hucklesby (1997), for example, found in three courts that variations in custody rates ranged from 9 per cent to 25 per cent. In all three courts in this study similar cases were treated dissimilarly. This therefore suggests, that these variations provide further evidence that 'justice by geography' (Haines and Drakeford, 1998) similar to police making decisions leading to cautioning variations, are an intrinsic factor regarding bail as to 'who gets what' during these interconnected aspects of the criminal justice system (Sanders and Young, 2000). Pre-court discussions regarding bail conditions by all parties (including defence solicitors) carried out prior to magistrates hear cases, often set the tone regarding what the outcome regarding bail conditions will be (Hobbs, 1988). In many aspects it is before the magistrates' hear the actual cases that deals are done (Parker, Sumner and Jarvis, 1989) and as to 'who gets what' is often implemented at this stage of the court process.

Hucklesby's (1997) study examined 1,524 remand hearings at three magistrates' courts. In approximately 85 per cent of cases, the CPS did not object to bail conditions for defendants. The study found that in only just over half of the cases where the CPS requested remands into custody, did defendant's solicitors oppose these requests. It was very rare for magistrates to question those CPS proposals (ibid.). In her study it was also found that in 86 per cent of the cases where the CPS requested a custodial remand the courts granted the option. Similarly, both unconditional and conditional bail recommendations were granted at virtually every request (ibid.). Hucklesby's hypothesis is that during this integral part of the criminal justice process, the 'real' decision-makers in order of merit are, *the police* (who make recommendations to the CPS), *the CPS* (who stake a claim upon the right to bail or its denial) and the *defence lawyers* (who it has been found, argue against bail opposition in approximately 50 per cent of those opposing arguments).

What is clear is that for those defendants who are in the position where the CPS is objecting to bail and proposals are made to remand defendants, there occurs an 'uphill struggle to overcome CPS objections to the 'right to bail'' (Sanders and Young, 2000:521). A central area of concern regarding the objection to and refusal of bail at both the police station and the court, is the 'speculative' assessments regarding the short-range forecasting which the police, CPS and magistrates often make that defendants will 'abscond' or 'commit further offences' if granted bail. As one magistrate regarding the rhetoric of bail decisions, suggested:

> ...the bail decision is a matter of guess work, of hunches, not capable of precise explanation. Will he turn up, will he do it again? Each magistrate will apply his own criteria and his own values to his decision.
>
> (Hayes, 1981:22. Quoted in Sanders and Young, 2000: 522)

The decision-making processes regarding the right to bail from the onset (custody officers' at police stations) to its end (magistrates' at court) are rarely drawn out deliberations (Sanders and Young, 2000:522). Zander's (1979) study of London courts found that for the vast majority of cases (86%), the decisions regarding the right to bail and individual's liberty took five minutes or less, during the 261 court sessions she studied. In cases where remands into custody were sought the proceedings were swift. Approximately 60 per cent of cases being considered and then reached by a decision,

occurred within a period of just five minutes. Zander also found that the bail decisions made by courts were careless in the conviction of the non-existent offence of breaching bail conditions.

The breaching of bail conditions is not a criminal offence although it often leads to a defendant being brought back in front of the court. With such cases, magistrates will assess recorded breaches of earlier bail conditions and reconsider the defendants remand status (for example to withdraw bail and remand the defendant or, to apply other conditions to the existing bail conditions). However, in Zander's (1979) study a number of magistrates were unaware of this legal issue and mistakenly believed that a 'breach' was a criminal offence.

As with the earlier discussion in this chapter regarding police influence upon bail decisions, the police continue to play a major arbitrary role in the withdrawal of previously set bail conditions. The police can arrest defendants if they have 'reasonable grounds' to believe that a defendant on bail has broken or is 'likely' to break any of their previously stated conditions (Bail Act, 1976:s.7). Under any of these circumstances 'the defendant need not be granted bail' (Bail Act, 1976:s.4). The influencing perspective of the police, who often inform the CPS regarding bail and remand decisions, who then in turn, are often successful in persuading magistrates of the prosecution's preferred route of justice, is a useful strategy deployed to tighten the bail rope around defendants in order to restrict their liberties. Sanders and Young provide a useful overview of how the arbitrary and discriminatory conditions of bail can operate as a form of social and legal control.

> Financial conditions weigh far more heavily on poor people than on others, and sometimes lead to remands in custody. Residence conditions lead to similarly operate unfairly on the homeless and rootless. Most other conditions are largely unenforceable. When curfews, for example, are breached, the only defendants at any risk at all of being caught are those who the police recognise, these will usually be defendants who are 'known to the police' or who stand out-such as members of ethnic minorities in largely-white areas.
>
> (2000:519)

This suggests that at all levels at this stage of the criminal justice proceedings the police maintain the upper hand of the bail/remand process with the majority of stakeholders.

Up to Their Old Tricks Again: Re-Offending on Bail

Contemporary concern regarding incidences of re-offending while on bail have continued to raise discussions as to 'what' is to be done with suspected offenders during these early stages of the criminal justice process. Debates regarding the rates of re-offending on bail have also added to the discussion. Since the late 1970s a number of studies have examined the incidence of offending on bail and most of these studies have attempted to answer either or, both of two key questions relating to offending on bail.

First, regards the numbers of defendants who are given bail and then offend while they are on bail? *Second,* regards the proportion of recorded crime for which an offender is detected and were the offences committed by the individual who is on bail? Caution is required in the general interpretation of figures resulting from the studies (below), as the studies were often incompatible to each other. The reasons for these incompatibilities vary and include major differences in the methods of sampling of defendants on bail, definitions relating to 'offending' or 'convictions', differing types of bail i.e. 'police', 'court' or both, and the methods that the police recorded and measured offending on bail.

In 1978, a Home Office study examined the rates of offending during periods of bail. From a relatively large sample (7,400) of defendants who had all received bail by *any* magistrate's court, it was found that 9 per cent of the sample were later convicted of an offence that was committed while they were on bail. For the Greater London district this figure increased to 12 per cent (Home Office, 1981).

Other studies relating to offending rates while on bail were completed during the late 1980s and early 1990s and found varying re-offending rates while defendants were on bail of between 10 to 29 per cent. During the early 1990s the Metropolitan Police conducted its own study of offending while on bail. Examining the rates of re-offending of 1534 defendants study found that 12 percent where convicted of further offences whilst on bail (Ennis and Nichols, 1991).

A comparative study of re-offending rates by the Home Office during the late 1980s, of 1225 defendants granted bail in three courts in Brighton, Bristol and Birmingham, found that 10 per cent were convicted of offences they had committed while on bail (Home Office, 1990).

In 1989, Northumbria Police conducted a study of 1806 defendants who were given police bail. Using methods that incorporated cautions (but not charges) for offences while on bail, offences on bail that had been 'taken into consideration' (TIC) but not presented in court as primary separate offences, or actual convictions for offence committed while on bail, it was found that in the use of these variable legal definitions vaguely relating to re-offending rates on bail that 17 per cent met these criteria.

In the above Home Office (1990) and Metropolitan Police (Ennis and Nichols1991) studies, the highest re-offending age group consisted of 17-20 year olds. Of this group 22 per cent re-offended while on bail. Morgan argues that the result of both studies 'illustrates the limitations of the present state of knowledge in targeting high-risk offenders' (1996:41). With such 'high risk' groups where offending while on bail is persistent, it should also be noted that for the substantial majority of defendants on bail no re-offending occurs (ibid.). In addressing the issue of suitable 'target' groups for bail Morgan suggests:

> It may be that, if more detail about the defendants had been available, it would have been possible to select the 22 per cent who did offend on bail. On the other hand, it may be that offending on bail is an event which contains an element of randomness, and it is therefore inherently difficult to predict.
>
> (1996: 41)

Greater Manchester and Avon and Somerset police have conducted their own research into re-offending bail rates (Greater Manchester Police, 1987, 1988; Brookes, 1991). Both police forces employed a different measurement tool, this being the proportion of defendants who were arrested and charged (however, not convicted of those respective offences). Northumbria Police employed a similar measure that examined arrested but not charged defendants on bail (Northumbria Police, 1991). The 'offending' (this term should be treated with caution as the defendants were only arrested or were arrested and charged *not* convicted) the re-offending rates of bailees from all three police forces ranged between 23 and 29 per cent.

However, it should be considered that the methods of measurement adopted within all three of the above studies should be treated with caution. The lack of evidence in all three of the above studies regarding convictions of suspects questions

the validity of each of these studies. What is implied here is that even though suspects are arrested or arrested and charged for alleged offences this does not merit that the suspects were actually *the* offenders to those crimes. Arrests and charges of suspects are not findings of guilt. The studies failed to provide evidence of conviction rates for offences committed while on bail. In other words, the figures that are provided are nothing but police interpretations and should be considered as such. It is widely recognised by practitioners within the criminal justice system and academics who have studied policing that particular social group's face a disproportionate attention from the police and generally become the 'bread and butter' of daily routine policing activities.

The official statistics measuring the granting and refusal of bail at police stations and courts are variable. However, what appears to clear is that although re-offending on bail ranges nationally from 7 to 40 per cent there does appear to be evidence that suggest that the younger age groups placed on bail are more likely to re-offend. Again, the figures vary. The Home Office (1981) found that for males' aged 17-20 the rate was approximately 10 per cent. For males aged 30 or over the rate was 5 per cent, representing a 50 per cent higher incidence of re-offending on bail by the younger age groups. Similar findings occurred at two Scottish bail support schemes for adults where it was found that the most common occurrence of re-offending was amongst the under twenty age group.

It is evident that the 'right to bail' varies between police stations and also between courts. At courts similar cases are treated dissimilarly and nationally this produces an effect of 'justice by geography' (Sanders and Young, 2000:519). At police stations it is apparent that the police refuse bail and detain and this takes on a more personal perspective. It should be considered that in many instances it's the 'same old faces' that are denied bail (dependant upon the category of offence the person is suspected of, and for example, police officers' assessment in 'predicting' whether or not the suspect will commit further offences). Furthermore, as has been discussed earlier in this chapter, the denial of police bail can often influence the next stage of the criminal justice process.

What is evident is that the police do carry enough weight in order to influence many of the processes that occur in the administration of justice.

Police Property

The targeting of 'known' individuals by police officers has been a continued strategy within the police organisational culture by way of a 'bureaucratic mode of suspicion' (Matza, 1969). Common practices by the police involving stop and searches of known

offenders, multiple forms of harassment and the 'tracking' of the 'usual suspects' are common policing practices known all too well by both the police and 'street' criminals (see, for example, McConville, et al., 1991; Choongh, 1997; Waddington, 1999). Arresting known offenders by the police does not always coincide with attempts to solve specific committed crimes for which the arrested suspect is seriously considered to be in the frame for. Police officers also arrest the 'known' as a matter-of-fact administration of social control as an apparatus to demonstrate power relations and authority (Cohen, 1985; Reiner, 1985). Inasmuch, having ones collar-felt is a less than subtle reminder that whether, or not, the 'suspect is at *it*', the relationship of power continues. As sixteen old Jimmy divulged:

It's been well over a year since I've been in any real bother and been arrested but the police who knew me back when I was getting into trouble, still stop their cars and call me over and ask where I've been, what I'm up to, where am I going. Always suspicious are the polis [police]. *It's usually, 'Here, Jimmy we haven't seen you in a while-how come we never hear of or see you anymore? Haway son, what's the matter with you?' One of them said to me last week that the [police] station's not the same without me. Cheeky bastard! You'd think they'd just let me get on now and leave me alone. But no, every now and again they let me know that they're still interested in me.*

(Interview: January 2002)

Jimmy's experience was not an unusual or, isolated ritual of policing in order to reinforce the structural arrangements of power and 'informal' social control (Goffman 1971:402).

Tony, a fifteen year-old offender had just been released from a Young Offenders Institution for car theft. From his first day of release he had encountered an intimidating heavy police surveillance exercise. At this point in time I also came to the 'surveying' officers' attention. After meeting Tony at his home to conduct an interview, a police car pulled up and parked outside of the house with the two officers looking directly at the living-room window where we were positioned. On leaving the house shortly afterwards the surveying officers gave me a long look over in order to 'clock' my demeanour and quickly assess my potential as another 'asshole' (van Mannen, 1978) and worthy of some intended 'detective' work regarding who I was, where I was from, and what I was 'up to'. I can assume that from the initial visual assessment by the police officers that fortunately I had failed the 'test' and never quite made the 'asshole' grade as no other action followed this. Earlier during the interview, Tony had explained to me

that since his release from prison two weeks earlier, the police had pursued a continued course of designed harassment.

From the second day I got out they've been pulling up outside the house and just sat there staring for five or ten minutes and then they fuck off. When the next shift comes on they'll do the same. Drive up, park outside the house and stare in. Me Ma's been gannin' fucking mental with them. Now when they see the door open and me Mam or Dave [mother's partner] *come out, they just fuck off. If I'm in the town I get pulled. If I'm waiting for a bus I get pulled. If I'm stood about with me mates I get pulled. They're just doing it to let me know that they're on-it. I mean, like, letting me know that they're watching me and waiting and wanting me to slip up.*

(Interview: June 2001)

Later that day I raised this matter with members of the BSS team who advised me that they were aware of the tactics the police were using against Tony. I was also told by an officer who worked closely with the YOS that that it was common practice within Beat Area Commands for the police to 'come on heavy' with young offenders who they believed 'needed reassuring'. Simply because of the fact that the young people had been punished for previous offences was evidence enough for the police that they would remain as members of the usual suspects and that the police would continually remind them of this. In such cases known young offenders become 'police property'. In general, as Holdaway makes clear, "Suspects are regarded as property which is under the control of the arresting officer and station officer" (1982:87).

Arresting officers' inasmuch become the 'owners' of such property (ibid: 88). For these types of offenders, as with other 'known' individuals or social groups the police are the gatekeepers of the criminal justice system (Reiss, 1971; Choongh, 1997). However, in the pursuit of proactive policing by way of clampdowns upon known young offenders, which direct the 'targeting process' (Gill, 2000) of localised street policing methods, legal norms are suspended and/or deployed into other methods of intimidatory practice. In some instances, such as Jimmy and Tony's experiences, the offender becomes the property of the Beat Command Unit (BCU) and fair game for all and sundry within the BCU to assert their control upon young offenders (Choongh, 1998). Both the young offenders and the police are concerned with the vital issue of 'who rules around here?' (Robins and Cohen, 1978:104).

Shite Always Runs Downhill

In the area of the town known as 'Downhill' youth crime and disorder was recognised as a major public issue. The area has long been stigmatised as a rough working class neighbourhood. To combat the perceived problems of wanton youth running amok in Downhill the police sent in its 'Taskforce'. PC 'Golightly' is a central figure of the taskforce and in his words his role was in '*controlling the little bastards and showing them who runs Downhill*'. PC Golightly has a reputation for firm action against the 'assholes' (Van Maanen, 1978:221) from Downhill. Angie, a YOS 'Advocate' for young people placed onto the Intensive Supervision and Support Programme (a programme incorporated within BSS), and who lived at Downhill told me.

Angie: *Golightly! Oh, the man's a bastard. He's running around Downhill like a man possessed. No wonder the friggin' arrest rates of young people have soared in Downhill over the last year. He's arresting them for nowt. He garns* [goes] *out of his way to wind the lads up and then when the young uns' start to get lippy with him he lifts* [arrests] *them. He thinks he's a one-man litter campaign cleaning up what he feels is the rubbish and shite on the estate. Some of the kids don't get a minute from his harassment when he's on duty. He's a shite, that he is.*

(Interview; February 2002)

It will be argued in subsequent chapters that police 'targeting' of known young offenders at times played a major perspective in those young people's arrests and despite the best efforts of the local YOS there was little that could be done to assist those young people at risk of offending on bail.

Young Man There's A Place You Can Go

Mark, aged seventeen had encountered a number of major problems in attempts to find accommodation in the city. Mark had had to leave the family home after the local authority's housing department became involved in a legal wrangle with his mother regarding Mark's offending behaviour over a number of years. In short, Mark's mother and her partner were attempting to purchase the council house as a 'right-to-buy' and the council were attempting to block this right due to Mark's previous offending. It was decided within the family that Mark would be a liability

to this potential property purchase, as one more offence and/or police presence at Mark's mother's home would certainly jeopardise the intention to buy the house.

Over a two-week period of time Mark became homeless. The YOS were involved with Mark due to outstanding offences awaiting hearings at the local youth court, and they found him accommodation on the outskirts of the city in a bed and breakfast hotel. On his first night of residence mark invited a number of friends over, got pissed and stoned and created noise and some damage within the property. The next day the YOS were told that Mark would no longer be welcome there.

Mark was forced to move intermittently between his mother's (covertly as there were neighbours willing to inform the local council that Mark was residing at his mother's address) and other relatives in and around the city. The YOS, after a great deal of negotiation and persuasion, finally secured Mark a place at the local YMCA. I later interviewed Stuart, a worker at the YMCA:

When Angie and Geoff from the YOS came here to speak with Alice [YMCA manager] *and ask for a room for Mark she didn't want to know. Let's face it, Mark is known as a wrong un'. I find him canny, but let's face it he's well known for his motoring skills* [Mark is a renowned car thief in the city] *and the last thing we needed here was more police attention. Let's face it, they're here two or three times a day already and the last thing we needed was Sunderland's premier Twocker* [car thief/joy-rider] *staying here. Anyway, Angie and Geoff managed to win Alice round, like persuaded her that Mark was a reformed character* [laughs]*! So it was agreed that Mark could rent a room here.*

Then the police got to hear about it! Jesus, you should have heard the fuss they created about it! We had two or three coppers round here going on at Angie and the rest of us about Mark moving in here. Golightly was climbing the fucking wall! He's shouting the odds, 'If you let him stay here we're going to have a one-man crime wave back in Downhill again. After all the work we've put in trying to get rid of the all the shite from Downhill and then you allow him to stay here. It's irresponsible and on your heads be it'.

I mean he's the local community bobby for fuck's sake, and he's going on like that to us at the YMCA. We're saying to the police, 'We're a Christian organisation trying to help desperate people and believe that Mark should have a chance as he's young and homeless. Where do you propose he goes? Golightly's response was 'We're trying to drive him out of the city and don't care where he goes as long as it's as far away from this city as is possible'. I mean, what the fuck is all that about?'

(Interview: November 2001)

The YMCA decided to reject the police's advice and instead allowed Mark to stay at this establishment. Maureen a senior member of the YMCA staff was less forthright than Stuart in her description of events but added:

Let's just put it this way, the police are not very happy about the situation. They are always here checking up on Mark to make sure he isn't breaking his curfew and constantly reminding me that we'll regret taking him in.

(Interview: November 2001)

These 'remedial workings of social control' (Goffman, 1971:138) are maintained by the agencies of the State in order to sustain longstanding relationships of order and the control of that affiliation Yet, in the drive to maintain social order it is evident that the police are prepared and willing to over-step the normal boundaries and attempt to administer governance and at times summary justice in order to retain control. As Goffman points out, 'there have always been groupings in society which feel considerable need for protection from the police, not merely protection by them' (1971:384). The issue of crime control and as to who controls what, and where, and in the methods of which to do so is:

> ..acceptable and efficient way to police society is to identify classes of people who in various ways reject prevailing norms because it is amongst these classes that the threat of crime is at its most intense...the police are then justified in subjecting them to the surveillance and subjugation, regardless of whether the individuals selected for this treatment are violating the criminal law at any given moment"
>
> (Choongh, 1998: 627)

Packer (1968:178) has observed that police powers enable the surveillance and subordination of whole classes of people, and this form of social control where an individual can only be arrested when there is specific reason to suspect an individuals involvement in crime is rejected. Instead,

> ...people who are known to the police as previous offenders should be subject to arrest at any time for the limited purpose of determining whether they have been engaging in antisocial activities.....but more importantly, the very fact of stopping him for questioning, either on the street or at the station house may prevent the commission of a crime.
>
> (Packer, 1968: 177)

Yet, in performing such aspects of their duties in maintaining the status quo of power relations and crime control, this particular policing strategy has the danger of driving young offenders towards further criminal activities. This it appears would be contrary to the original intention of the police officer's aims at 'reminders' that they are surveying individuals, in order to deter them from committing more crimes. June, a BSO at the project stated:

It's disgusting what they are doing to Tony. He's never had a minute's peace from them [police] *since he got released from the YOI. They're on his case every time he steps out the door. I mean, I've been into the Town with him to take him to related services and I've seen police officers clocking him with stares. So God only knows what it must be like for him when no adults are around him. See the thing is, he's now talking of throwing in the towel and going back to committing offences. He feels that even though he's determined to play the game now, you know like really challenge himself and tackle those offending issues, he feels he hasn't got a chance with the police onto him like they are at the moment.*

(July 2001)

The application of summary justice by the police reinforces the issue of social control upon those who have been marked as deviant well after the official punishment has been administered. In controlling the known and usual suspects, 'The police sometimes use arrest powers to stamp their authority on challengers, often without any intention of prosecuting' (Sanders and Young, 2003: 237. Also see Choongh, 1997). Manning suggests that the implications of the degrees of controlling mechanisms provide those agencies with the rights to maintain power.

> The more power and authority a profession has, the better able it is to gain and maintain control over the symbolic meanings which it is associated in the public mind
>
> (1978:8)

The maintained control of both 'perceived' and 'known' suspects can play a major role as to 'who gets what' regarding bail decisions during the early stages of entry into the criminal justice process. The role of street policing means that police officers:

> Routinely come into conflict with the most marginal groups in society, and like antagonists generally, they demean their opponents...If the police can persuade themselves that against whom coercive authority is exercised are contemptible, no moral dilemmas are experienced-the policed section of the population 'deserved it'
>
> (Waddington 1999: 301)

As will be discussed in later chapters regarding young offenders, the usual suspects, often faced up-hill struggles in obtaining bail after being arrested by the police. As we have seen within this chapter, there is considerable scope to argue that following arrest, the police influence upon the CPS and the magistrates may further increase the risk of young people being denied bail and placed under threat of being remanded.

Summary

This chapter has discussed the bail process at a number of interconnecting sites within the criminal justice system. Since the 1970s ambiguous concerns have arisen focusing upon the welfare of suspects and the control of crime particularly of individuals who are granted bail by the police and/or the courts. Yet, the remand of suspects at police stations, subsequently denied bail by the courts and then often remanded into prisons refutes a fundamental principle of the law that an individual is considered innocent until proven guilty. As a standard the provision of bail should not be controversial however, as we have seen in practice, the interpretation and agreement of the right to bail can

often break down resulting in innocent people being detained against their will in police stations and prisons.

Legislative Acts such as the Bail Act 1976 and PACE 1984 have intended to provide a 'fairer for all' system of bail processes that balances the 'rights' of criminal suspects and the 'needs' of the police, in protecting the public from the risk of further offending. In this chapter I have argued that the police continue to be the 'major players' at all levels of the bail processes that occur during the initial engagement of suspects within the criminal justice system. The influence of the police in providing evidence during the preliminary stages of system it has been argued, often out weigh the intended independent and objective stance of the CPS and also that of the magistrates during initial court hearings. The police continue to be largely exempt from scrutiny regarding their decisions regarding the denial of bail and detaining suspects at police stations. Furthermore policing protocols are largely except from scrutiny out on the street and amongst 'the dross' (Choongh, 1997) with a variety of heavy-handed approaches to reinforce the status quo are deployed. As this chapter has shown the role of policing, whether this be on the street or at the station and often the legitimate processes can be undermined by police action, which is often to be found 'in the informal, the situational and the subjective' (McBarnet, 1979: 25). Such street policing methods and decisions can impact upon suspect's routes of passage through the system at police stations and courts which the right to bail can, and often is, denied (Sanders and Young, 2002). The 'moral force of the law' exerts little pressure onto the police who often manipulate the 'gaps between rhetoric, rules and reality' (Sanders, 1997: 1084).

In the following chapter, I follow the youth justice staged action of sequential processes. Relating to bail decisions for young offenders, the issue of what happens to young people who have been arrested and whose parents or guardians can not or, will not attend police stations is discussed. In such situations a local YOS will have to provide an Appropriate Adult to attend the station in lieu of a parent or guardian. I often undertook this role during my time in the field and what follows are a number of my observations encountered as a participant within the youth justice system.

Chapter Four

An Appropriate Adult: Dealing with Young People Held at Police Stations

Introduction

This chapter develops the earlier examination of the right or refusal of bail decisions made at police stations and subsequently at magistrate's courts'. The preceding chapter examined a number of areas of law, policy and practice relating to bail decisions for children and young people made at police stations and at courts. This chapter will extend the analysis at the level of practice. The analysis I propose in this section is based upon fieldwork conducted as an Appropriate Adult at police stations in the North east of England. In this section there are insights into police decision-making processes as to who 'gets out' and who 'stays in' at police stations after charges to young suspects have been made by custody officers.

From a theoretical perspective the examination of three models of the criminal justice system are discussed. These models of justice are compared alongside the empirical data drawn from my own experiences and observations as an Appropriate Adult. I will argue that the isolated incidents upon which I have chosen to focus go beyond individual officer's 'malpractice' of the PACE Codes of Practice relating to young suspects at police stations. As was discussed in the previous chapter, despite an emphasis on releasing young suspects' from police stations, the fact is that the police often decide to detain them.

A Back-Stage Pass

In May 2000 I was recruited as an Appropriate Adult by the local YOS. My taking of this important role within the youth justice system (see Hodgson, 1997) was based upon two deciding factors, each of which was of equal consequence. In the first instance, the opportunity to undertake research within police stations was an added bonus in my attempts to illuminate a number of key stages and youth justice processes, relating to bail for young people. As has been pointed to in earlier sections

of this thesis, the bail process often begins at the police station. It was here at police stations, that the majority of young people who came onto the BSS project entered the youth justice system for their suspected offences.

The second influencing factor in accepting this role was money. As a Post-Graduate student receiving a funding grant, albeit a far better level of funding in relation to that of my ESRC funded cohorts, money was too tight to mention. George and Geoff at the BSS scheme offered the job to me as I was working in the BSS office one morning.

George: *Rob, do you want to be an Appropriate Adult?*

R.H: *What now? I haven't had any training. I wouldn't know what to do.*

George: *No, not right now! I know we're short* [staffed] *but even we wouldn't send you out without any fucking training.*

Geoff: [Mocking] *Oh dear, Oh dear, Oh dear!* [Laughs] *He's just the calibre of person we're looking for. Congratulations son, you got the job!*

George: *The money's all right and you can pick and choose when you're free to do it, so that you can fit it in with your study.*

Geoff: *Aye and you students are always complaining that you're skint. So here's a chance for you to get off your arse and do some proper work. You can make some decent money in claims for petrol expenses, kerching!* [He makes the noise and motion of an old-fashioned cash register, operated by a pull-lever handle, opening]. *The only problem with it is that you have to deal with the scumlies* ['scum' young offenders] *each time you go out. But, you'll get used to that.*

George: *If you want it-well the jobs yours-you'll have to do a formal interview, but that will just be a formality.*

(Fieldnotes: February 2000)

I passed the interview and attended shortly afterwards, a one and a half-day training session with other newly recruited AAs. I then attended police stations with more experienced AAs, in a 'shadowing' technique (five in total) as a basis to train me up as a fully-fledged AA. At this point I make an important interjection in explaining that this aspect of one of many inter-connected youth justice sites, in terms of well-planned methodological rigour, had gaping holes in the design framework of investigating this research site. The entry into a 'field experience' (Burgess, 1982: 15), had no well-planned research design. Similar to Becker *et al.*, (1961) description of an applied method in studying the culture of medical students:

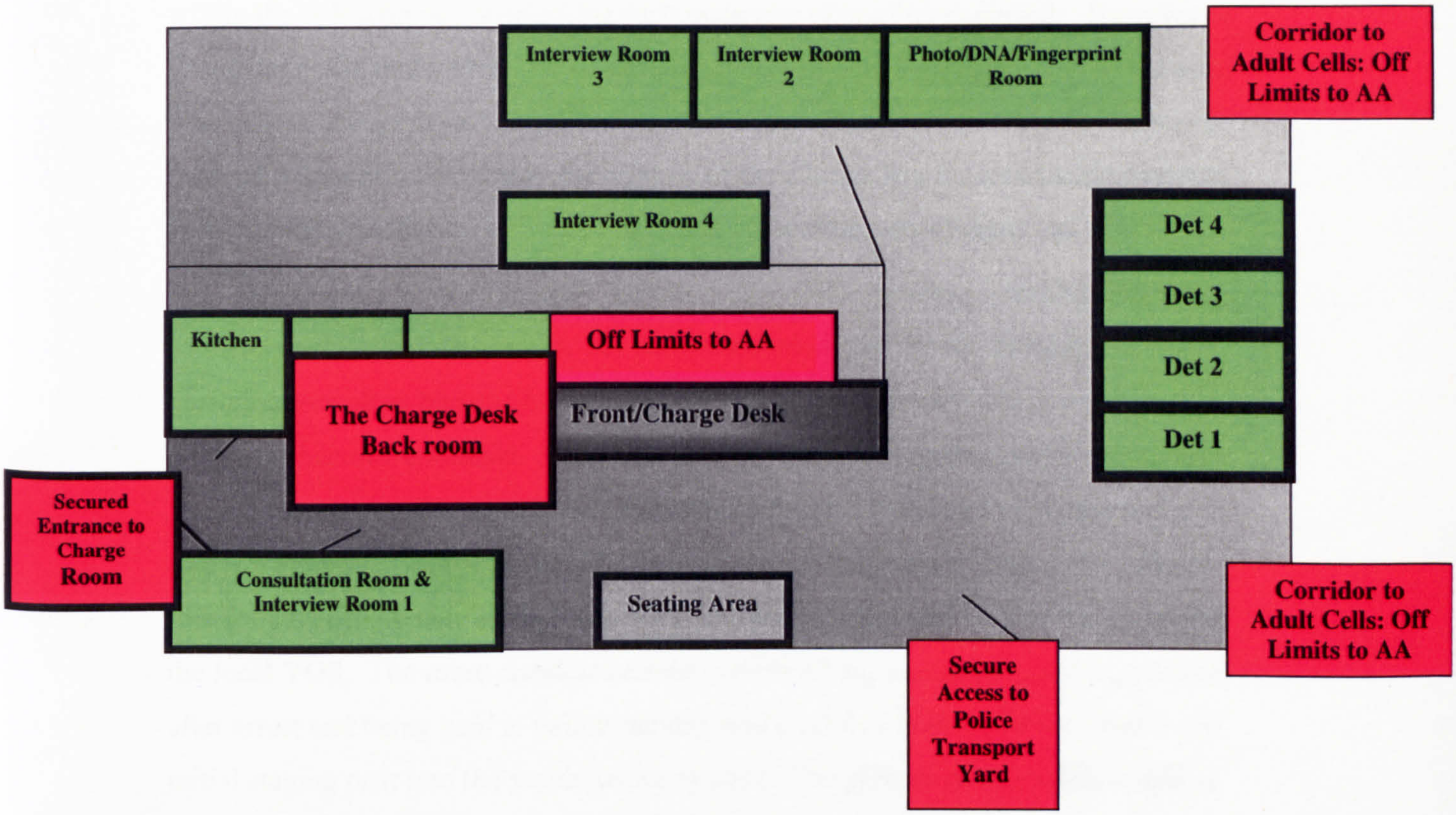
> In one sense, our study had no design. That is, we had no well worked-out set of hypotheses to be tested, no data gathering instruments purposely designed to secure information relevant to these hypotheses, no set of analytic procedures specified in advance. Insofar as the term 'design' implies these features of elaborate prior planning, our study had none.
>
> (ibid: 17)

Likewise, in this field of the youth justice system neither did mine. However, I was aware that in gaining access to police stations I could observe the youth justice protocols in dealing with suspected young offenders from arrest to charge. This point of access, connected with other key areas of remand management relating to young people, also included observations at pre-trial hearings at courts, of bail supervision and support, and a number of other inter-related aspects of the youth justice system intrinsically dealing with the issue of bail for young people. In short, I had been granted access to observe most of the youth justice protocols involved in the bail processing of young offenders. At this particular stage of the research I basically turned up at police stations and took fieldnotes (or later wrote them up, when time permitted) of areas of police bail decision making and the interactions that occurred that were of interest. Over time the field research activities at police stations, began to shape a theoretical framework of decisive and influential police decision making processes, that could been seen as influencing other inter-locking youth justice practices further down the field of the bail and remand processes.

In the section below is presented a diagram of the Charge Room at the Bridge police station. It was here that the majority of Appropriate Adult cases I conducted were held. Approximately 70 per cent of the 56 total cases were conducted at the Bridge Charge Room.

Diagram One

The Bridge Police Station Charge Room



Colour coding of Appropriate Adult access to areas of the Bridge Charge Room

It would be an exaggerated claim to suggest that my involvement in and around the back-stages of police custody suites (in practice terms 'the charge room') gave me full access to the 'truths' within those charge rooms that I was called to. I was not a police officer and I had little access to the overall organisational police culture. Here similar to solicitors, legal representatives, cleaners and doctors my role as an Appropriate Adult remained as a member of an invited and somewhat select member of the audience. It has been noted elsewhere that on occasion social workers

acting in the role of Appropriate Adults have been requested to leave police stations due to conflict occurring between AAs and police officers conducting investigations (see, for example, Jones, 1987; Gifford, 1989; Jones, 2004). I remained unaware that within the AA scheme I worked for such instances of conflict occurred. However, it should be noted that within this domain the police remain the controlling agents as to who gets in and stays in. As will made clear in this chapter the, interaction between AA and police officers, within the domain of the Charge Room, could at times ripple with conflict and tension between respective competing agency aims and objectives.

In gaining a level of access I became a part of the process in dealing with young offenders held at police stations. As will be assessed, the 'fronts' employed in those performances often become blurred and the intended roles presented to specific audiences become confused. Much has been written about gaining entry into those 'back-spaces' of police stations and the difficulties involved in conducting research (see, for example, Van Maanen, 1978; Holdaway, 1979; Punch, 1986). My official role for attending police stations in the region was to act as an Appropriate Adult for the local YOS. The more clandestine role in researching young people's experiences after arrest and being held at police stations was modified in order to investigate this initial staging post into the youth justice system. The process of bail often begins at the police station (Sanders, 1997). What happens at police stations often interconnects with other stages relating to bail decisions of young people, suspects and known offenders at later stages of the youth justice system (McConville *et al.*1991). The local YOS were not aware of my clandestine reasons for attending police stations, despite acting as the 'go-between' (Goffman 1968; 148) for my entrance into this area of the research.

The Official Role of the Appropriate Adult

PACE 1984 and the accompanying Codes of Practice ensure that special arrangements are in place for the added protection of vulnerable suspects, including children and young people under the age of seventeen held at police stations. For children and young people detained and questioned by the police, it is a requirement that an adult is present at key stages of the process while held at police stations. This role is known as the 'Appropriate Adult'. The role of the Appropriate Adult is '…to safeguard the rights and civil liberties of a child who is detained and questioned by the police. The Appropriate Adult's main area of concern is not with the guilt or innocence of the

child, 'but his or her physical and emotional welfare' (Spencer, 1999:1). Section 38 of the Crime and Disorder Act 1998 details that YOTs should co-ordinate the "provisions of persons to act as Appropriate Adults to safeguard the interests of children and young persons detained or questioned by police officers".

Once a child or young person is arrested and detained, it is the role of the duty officer (also referred to as the custody officer or more commonly as the Custody Sergeant [Sgt.]) at the police station as soon as is practicable, to identify and inform the young person's parent or guardian (which could be an individual or the local authority). The police are duty bound to contact this person and inform them that the child has been arrested, why he or she has been arrested and where the child is being detained. If a parent cannot or refuses to attend the station, in such situations the custody officer must request that an Appropriate Adult attends the police station to see and assist the child. In most cases local YOTs co-ordinate by way of paid or voluntary staff the provision of AAs within their local areas.

In the majority of cases it will usually be a parent or guardian who attends the police station. However, this is not always the case. For example, if the young person is in care or, as was often the case in my role as an Appropriate Adult, the young person's parent refused to attend a duty a social worker could be requested to attend. As has been discussed, appropriate adults (AA) were introduced into the criminal justice system by PACE 1984. The role of the AA was implemented in order to safeguard vulnerable suspects (as well as children under the age of seventeen AAs can also act for vulnerable adults[6]). In essence, the appropriate adult's role is to be 'present to support the suspect, assist with communication and ensure the police act fairly' (Jones, 2004: 72).

The role of the AA is generally not intended as an 'expert' responsibility, as any other responsible adult aged 18 or over can take on the role (PACE, 1984). Exclusions to this role include police officers and a civilian employed by the police, a suspect of the same offence, a witness to the offence, a victim of the offence, or anyone involved in the investigation of the offence (ibid.). Teams of AAs jointly organised by either/or Local Authorities and their YOTs, often carry out the role of the Appropriate Adult, when parents or guardians wont or can't attend police stations.

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[6] This thesis chapter leaves aside the role of AAs acting for vulnerable adults (for example, those with suspected mental health problems or learning difficulties) but for a useful overview of literature relating to AAs dealing with vulnerable adults, see Palmer and Hart (1996).

Within the PACE Codes of Practice there are three definitions as to who can take on the role of an appropriate adult. The usual route that is taken by the police following arrest is that:

1. The police will request that a parent or guardian of the young suspects attends the station and thus assumes the role of the AA.
2. If the above option is not possible (due to a parent or guardian being unable to be contacted or refusing to attend) then the police must attempt to ensure that local statutory agency, such as the local Social Services Department or (as is now often the case) the local YOS, assumes responsibility and provides a member of staff to act as an AA.
3. If both of the above options are unavailable an independent member of the public can assume the role of the AA (however this option should and would only occur in exceptional circumstances).

Local YOTs under the 1998 Crime and Disorder Act s.38 (4), have a statutory duty to co-ordinate AA services (and this co-ordination role can be for a 'volunteer' type AA service or, as was the case at the local YOS I worked as an AA for, as an integral (and paid) aspect of the overall YOT service provision). The AA is required to be present during key aspects of police procedures in investigating young suspects' involvement in criminal offences. Thus, the AA must be present:

- When a young person is informed of his or her rights by the police
- To witness the strip and intimate searches of young suspects;
- During interviews;
- When an identity parade for the offence is required;
- During photographs, finger printing and DNA sample collection
- and at the stage where the case of the offence is disposed of by the police (Nacro, 2003a).

Studies of Appropriate Adults

Research into the capacity of AAs providing welfare orientated cover for young suspects held at police stations, has generally been commissioned by the Home Office (Jones, 2004). Brown's (1989) study of 5,500 police custody records found that the role of AAs was undertaken by young suspects parents or relatives in 77% of all cases; by social workers in 17% of cases and by 'others' in the remaining 5% of

cases. As can been seen in most instances, parents will attend police stations in order to present during interviews of their children. However, and as will be discussed in brief a little later, parents may not be the most suitable adult to competently protect their children's rights while being interviewed at police stations.

Irving and McKenzie's (1989) research raised concerns about AAs detracting from the suspects' right to remain silent during interrogation. This 'right to silence' has now been to some extent resolved by its partial abolition by the legislation of the Criminal Justice and Public Order Act, 1994. The study found that within the AA role of 'facilitating communication' between the police and young suspects, many were unable to identify whether the interviews were being conducted fairly or not so (ibid.). In advising untrained AAs, usually parents or other family members, but also often including social workers (Evans, 1993), the police only informed these types of AAs in very vague terms what was expected of the AA role (Evans and Rawstorne, 1994). The ambivalence which has been found to occur within the roles of AAs affects the course of the interviewing protocols conducted by the police (usually in *favour* for them and to the *detriment* of the young suspect). Evans and Rawstorne (ibid.) argue that 'mute' and 'passive' appropriate adults protected the police from claims of excessive interviewing techniques and therefore assisted in tendering the admissibility of evidence gained in such a manner. It is also claimed that officers preferred the appropriate adult to misinterpret their role as to that of an interviewing officer (ibid.).

Parents and family members acting as AAs have been found to abuse (both verbally and physically) and threaten their children in front of police officers (Bucke and Brown, 1997: Dixon, *et al.* 1990). Research has also found that parents, due to the emotional distress of having to attend the police station to deal with their children, were as likely to be unsupportive of their children as they were supportive (Evans, 1993). In the same study, Evans reveals that in 74% of interviews parents and 'brought in' AAs (e.g. social workers) made no contribution during the interviewing processes.

In most cases interviews will flow relatively smoothly with few welfare concerns relating the young suspect being raised (ibid.). However, when more oppressive interviewing techniques in the 'haranguing, belittling and threatening' of young suspects occurs it is the duty of the AA to 'step in' and remind the young suspect and the interrogating officers of the correct way to conduct interviews with such vulnerable suspects (Evans, 1993: 46).

The demeanour of parents attending stations in order to deal with their arrested children may play a crucial role in assisting or hindering police investigations. Unsupportive parents have been found to place pressure onto their children to admit to offences (Evans, 1993: 40; Bucke and Brown, 1997: 11). Other parents view their role as 'assisting' the police and this sometimes witnessed the chastisement of the child by the parent in front of the police (Dixon *et al.*, 1990: 119). Bean (1997) has suggested that two 'types' of parental appropriate adult were observable in his research of AAs. The first type being 'the wait until I get you home, you're for it' type, the second being the 'tell them [the police] nothing' type. The antagonistic type of parents 'who vehemently took sides against the police' (Brown *et al.* 1992: 73) and the 5% of parents that Bucke and Brown (1997: 11) found that took hostile, uncooperative and anti-police stands are viewed as hardly conducive in 'facilitating communication' during young suspect's interviews.

Studies that have examined the role of social workers attending as AAs have found a number of deficiencies in the competency of such officials. Evans (1993: 40) highlights in his research that social workers made less contribution during interviews of young suspects than parents did. In 62% of cases where social workers attended, it was found that the police used influential techniques in order to obtain confessions during interviews without any form of utterance from social workers. It was found in this study that it remained unclear as to whether social workers were clear of their duties or, just failed to carry aspects of them out in order to fulfil the potential roles that were expected from them. Research has also questioned the suitability of social workers attending police stations as AAs, due to the widespread lack of training and experience of this role for such professionals (Thomas, 1995; Evans and Rawstorne, 1997). Pierpoint (2001: 258) has suggested that due to the potential of inter-agency conflict occurring, social workers carrying out the duty of the AA, may be reluctant to question police practices in order to maintain good working relations with the police. Brown (1997) raised a general concern of the role of AAs, be these parents or social workers, and claims that neither played an overall significant role within this area of the youth justice system.

Pierpoint's (2001) research aimed to test the hypothesis of volunteer appropriate adults' contributions during police interviews in comparison to parental and social worker appropriate adults. Pierpoint's survey employed a methodology of volunteer appropriate adult' s self-completion of questionnaires. The 'volunteer' appropriate adults differed from previous studies examining the contributions offered

by 'parent' and 'social worker' AAs in that they were trained and experienced, they lacked any emotional conflict or conflicts of interest (ibid: 263). The findings from Pierpoint's survey of volunteer appropriate adults found that these appropriate adults contributed in 36% of police interviews, compared to Brown's (1993) 26% in his study of parental and social worker appropriate adults. However, within Pierpoint's sample the fact remained that in 64% of the interviews the volunteer appropriate adults recognised that they did not interject during those interviews. In these cases it may have been the appropriate adults' silence occurred because they believed that the interviews were conducted fairly and without undue pressure being placed upon the suspects (ibid). It may also have been the case that the appropriate adults failed to recall or recognise their contributions within interviews (ibid.).

The one clear finding within Pierpoint's survey (amongst a multitude of often vague and speculative assessments) is that the level of contribution by trained volunteers acting as appropriate adults was significantly higher than Brown's (1993) assessment of parental and social worker appropriate adults. Therefore, Pierpoint's claim is that within such a role issues relating to the level and quality of training remain significant aspects of how well suspects are represented whilst held at police stations.

Previous research of appropriate adults has focused upon the minimal amount of contribution they tend to make during interviews and such studies have tended to focus upon volunteers (Pierpoint, 2001), parents (Dixon *et al.* 1990; Brown, 1992; Evans, 1993; Bean, 1997; Bucke and Brown, 1997) and social workers (Evans, 1993; Thomas, 1995; Evans and Rawstorne, 1997). These of course are important in informing both policy and academe of an intrinsic aspect of the criminal justice system that is usually sheltered and unobserved from prying eyes and ears.

From a purely subjective standpoint relating to my own delivery of service in my role as an appropriate adult, I rarely contributed during the interview process with young suspects. In retrospect there may have been two possible reasons for this. The first being, that in general most of the interviews *appeared* to have been conducted fairly. The second point relates to the first. I did not know what constituted a 'fair' or an 'unfair' interviewing process. During all of the interviews I sat in on, at no point did I witness an interviewing officer act aggressively or pursue a line of questioning that I might have considered too fervent. Potentially, this could mean three things. *First*, that the police conducted themselves at this stage of the criminal justice process fairly and in accordance to the PACE Codes of Practice. *Second*, that I was poorly

trained as an AA as I had no detailed understanding of what constituted fair or otherwise of the interviewing etiquette. *Third*, perhaps it was the case that I believed that the young person's legal representation would interject during interview had the line of questioning turned hostile and unfair. My opinion is that it was connection of all three of the above factors which saw me act during interviews, as a passive observer for the most part.

The role of legal representatives during interviews is widely neglected in much of the literature relating to Appropriate Adults. Indeed, in the majority of the literature the issue of legal representation is notable by its absence, despite the fact that young people should have legal representation during interrogation no matter how minor the offence. Even if the young suspect declines the right to a solicitor or legal assistant the AA can override the young person and request that a solicitor attends (this is evidenced in a little more detail at a later stage of this chapter). Perhaps the absence of legal representation within a number of the above studies was because no legal representation was requested and that the AAs involved believed this to be the best course of action. If this were the case then the issue of young people having no legal representation at police stations might be a common occurrence. I was aware during my time as an AA that similar situations also occurred in Sunderland, and this was with a 'trained' and paid YOS organised AA service.

To date there has been no published research, of which I am aware, that has produced detailed empirical research of the appropriate adult from a front-line prospective of participation and observation. This in itself makes the following section of the thesis unique in this particular area of the youth justice system, as it emerged (in due course) from one enlisted to act as a paid appropriate adult of a local Youth offending Service. This entailed 'learning the experimental world from within' (Rock, 2001: 32) and involved the concealment of my academic preoccupation of observation and analysis.

Field Observations from a Practising Appropriate Adult

My role as an Appropriate Adult was to attend police stations when requested while I was on call for the local YOS Appropriate Adult service. It was well known within this particular platform of the youth justice system that some parents simply refuse to attend police stations which their sons and daughters are being held at for alleged

offences. For the young suspects I acted in the role of appropriate adult the situation of parental non-attendance, was representative of the overwhelming majority of cases. The objective was to protect the welfare and personal rights of those young suspects held at police stations. I was required to sit in on interviews, arrange transport (where applicable if police bail was granted) for young suspects' to their places of residence and at times, question police practices relating to young suspects. The trained Appropriate Adult's role is not intended to be a 'passive' one (Home Office, 2002b). In essence the role constitutes that the AA aims to ensure that the detained person for whom they are acting understands what is happening to them and the reasons why those procedures that are occurring. The responsibilities are as follows:

- Offer support, advice and assist the detained person, particularly while they are being questioned.
- To observe whether the police are acting properly, fairly and with respect for the rights of the detained person. And to tell them if AA thinks they are not.
- To assist with communication between the detained person and the police.
- To ensure that the detained person understands their rights and that the AA has a role in protecting their rights.

(ibid: 2)

Young suspects being questioned at police stations are recognised as being prone to providing information which can be misleading, unreliable and at times self-incriminating (PACE, Code C: Note 11B). Therefore the role of the Appropriate Adult is intrinsic in maintaining the rights of suspects and that a sense of 'fair play' is conducted by police officers in carrying out their interviewing duties.

The research of this initial staging-post entrance of young people into the youth justice system and of police decision-making processes regarding bail decisions was conducted covertly. The police, young offenders and the local YOS were unaware that my role as an Appropriate Adult had an abstract and vested interest attached to the officially prescribed role. This of course raised ethical dilemmas. The British Society of Criminology, British Sociological Association and the Socio-Legal Studies Association all offer statements relating to ethical practice and propose sound guidance and advice on conducting research. Each of these three academic disciplines offer statements of guidance regarding research concerned with, for example, 'the protection of those in the study'; 'should be based upon the informed

consent of those studied'; and to 'explain as fully as possible what the research is about'. It is fair to say that during this particular stage of the research none of the previous ethical recommendations were comprehensively adhered to. The reasons why were two-fold.

First, is that 'access' had been granted through my role as an Appropriate Adult and during the scores of call-outs to police stations, that was my principal role. I was an Appropriate Adult. The observation, field-notes and 'follow-up' research (in forging relationships with young offenders and following up arrest, at court and bail decisions at these stages of the criminal justice process) were always subordinate issues. My central aim and focus was always to attempt to carry out the role professionally and try to get the young people through interviews without unnecessary duress, inform parents/guardians of the outcome and to strive for the release of the young people from police stations.

Research for research's sake would have altered my primary role as an Appropriate Adult. I am sure that 'stakeholders' with immediate concerns regarding these bail decisions (the police, young people, legal representatives and the YOS) would have felt the same way in believing that undertaking research the Appropriate Adult role may have been contradictory positions. Other's understanding of my role I was sure, would be for me to secure the release of young people following arrest, not to observe and eavesdrop on aspects of police organisational culture and the interaction between young offenders, police officers, legal representatives, social services and Appropriate Adults.

I was first and foremost an Appropriate Adult. This was my 'prescribed' role of attendance at police stations in the region, that's what I was paid for, that's where the *kerching* came from. The sociological data I picked up as I went along and I kept my mouth shut regarding this aspect of my role(s) at police stations. This, in it self, will raise concerns regarding the 'validity' and 'methodological rigour' focusing upon the 'reliability' of my observations, questions, data recording methods, subsequent analysis and the overall ethical implications of this approach. I do and will accept those critiques of this 'applied' method for this particular aspect of the research.

The second reason is that '*inside outsiders*' researchers (Reiner, 2000a: 222) tend to be less critical of policing because of incorporation into the organisation (Sheptycki, 1994: 130). This style of research has a tendency to be conducted by 'civilians' who have roles within police forces or governmental organisations such as

the Home Office. But, inside-outsider research has produced highly critical findings of police practices in the areas of their effectiveness and police notions of 'justice' (see for example, Clarke and Hough 1980; Anderson *et al* 1993; Brown et al. 1992). Yet, this type of research role may have a tendency to be policy focused rather than developing a theoretical analysis of policing (Reiner 2000a: 222).

Bad Science and Bad Lads

Covert research is fraught with issues and tensions relating to the sociologist's responsibilities to the subjects of the research. Erikson has argued 'the practice of using masks in social research compromises both the people who wear them and the people for whom they are worn, and in doing so violates the terms of a contract which the sociologist should be ready to honour in his dealings with others' (Erikson 1967: 367-8). The central tenet to this sociological and ethical stance is that:

> ...the sociologist has responsibilities to the subjects of research. The method has potential to do (unforeseeable) harm. If the subjects know they are being studied, at least they have agreed to expose themselves to possible harm. To study them secretly is ethically comparable to a doctor who carries out medical experiments on human subjects without their agreement.
>
> (Bulmer 2001: 47)

My research at police stations took on this 'masked' role. My covert position in the field certainly took on the role of something that more resembled Blumer's ethically depraved 'Quack' than a saintly Dr Kildaire. However ethically deceitful this was it has yielded a number of incidents of police 'malpractice' and perhaps abuses of children held in their custody. The potential 'damage' to the unknowing participants I would stress was far less harmful than young boys being strip searched unnecessarily as a police strategy to 'mortify' (Goffman, 1970) the suspect into police compliance. The use of 'verbals' by police officers to fifteen year old boys often with an underlying threat of violence were recorded by the 'masked' Appropriate Adult (see 'Tommy-Boy' in this chapter). The detention of young suspects by police officers as a 'pre-emptive criminal justice process' when the

PACE codes of conduct stated otherwise were observed and recorded (see 'John-Jon', this chapter). I have attempted to counter-balance this 'bad science' (Erikson, 1967) with my own professional failings as a 'masked' Appropriate Adult as a way to demonstrate that this aspect of youth justice is a 'messy business' and those individuals, organizations and policies often revealed structural weaknesses within that system.

The issues surrounding confidentiality and anonymity have been maintained. Names of all of the 'participants', albeit unknowing of my own hidden agenda, are changed. Precise dates and times of my attendance at police stations are omitted as interested parties wishing to verify and 'unmask' certain individuals could use these. On occasion (and where possible) 'place' names have been changed. My intention was and is, to strive to protect the identity of all of those in the study. My entrance into these back-stages for this particular field of the overall research project came through the rear door. Regarding the covert nature of this aspect of the research and the ethical implications surrounding it, I found comfort in Ditton's argument that: "Participant observation is inevitably by virtue of being interactionally deceitful. It does not become ethical because this deceit is openly practised. It only becomes inefficient" (1977:10). The 'efficiency' of my own research was that it allowed me to be taken for granted at police stations. Although access had been granted my role(s) was double-edged and somewhat clandestine. My face over-time became known, I was generally treated in a hospitable manner, pleasantries and jokes were shared and 'piss-taking' at my expense, occasionally occurred.

My overriding argument which supports the conduct of this particular aspect of the research is that as Goffman (1970) has stated, to be outside the stage restricts (or indeed denies) the access to observe the performance that occur within these 'back-spaces'. As a form of 'audience segregation' relating to participants performances I would argue that my 'mask' granted me a front-stage seat and at times, this in turn rewarded me with a back-stage pass, to observe some of the performances where the actors (participants) took off their masks.

Yet, despite Goffman's (1970) claim that entrance to these back-stages provides a clearer picture of the organisation, its people and their culture, I am under no illusion that I saw the whole show or, got to see behind many of the different masks worn by police officers in the charge rooms I attended. My access was limited to specific areas of the station and what went on in those areas that I could not see, it might have been a very different show to observe. What I am attempting to

suggest here is that from different and varying positions quite diverse and altered performances will occur. For example, I know that young offenders are rarely beaten in front of Custody Sgts. or, close to the front desk of the charge room. This would occur in the far reaches of cells beyond the audible and visual scope of an individual stood or seated near the front desk.

They Shoot Horses Don't They?

The following extract from my field notes regards a visit as an Appropriate Adult to the 'Bridge' police station 'charge room'. As I walked through the corridor to the charge room Sgt. Herriot, who I had known for sometime in my role as an Appropriate Adult met me. He had just handed over the charge room on completion of the out-going shift as we met each other in passing.

Sgt Herriot: *Aah, Mr Hornsby how are we? I take it you're here to see to one of the little tinkers and get them home again?*

R.H: *Well, we do try our best to get them back home from the station Sgt. That's what we're paid for.*

Sgt. Herriot: *You know my view on the little buggers don't you? I'd give them all a lethal injection which would make my and my colleagues jobs a lot easier.* [Laughs] *Seriously! If you had dogs that run around creating the mischief and damage those little buggers got up to you'd put them down wouldn't you? This town would be a better place without them. Not only for us* [police officers'] *but, also for the trails of victims they leave behind them. Yeah, put them down that's the answer. How say you Mr Hornsby?*

R. H: *We'll just have to agree to differ on that one Sgt Herriot.*

Sgt. Herriot: *I thought you might say something along those lines. Keep up the good work* [laughs sarcastically] *and no doubt I'll be seeing you very soon.*

Although comments and views of the world such as Sgt Herriot's were often constructed with a humorous approach, an under-current of truth and meaning were evident. 'Wind-ups', such as I have described above act as and aim to, "retain a shadow of jest in his voice so that should he be caught out he can disavow any claim to seriousness and say he was only joking" (Goffman, 1969: 228). For the most part, the 'serious' and/or 'persistent' young offenders were often the 'same old faces' and police

officers remained frustrated in dealing with a hardcore group of young offenders. It was often the case that for this group of young offenders the welfare orientation of PACE 1984 relating to children and young people arrested and held at police stations obstructed a 'natural' right to justice. Police officers often believed that suspected young offenders should be, due to the seriousness of the crimes that they often committed, dealt with in exactly the same manner as adult criminals.

A Botched Job

In July 2000, I was called out as an Appropriate Adult to attend a police station at 'Georgetown'. A young female Kelly, aged 14, had been arrested and held by the police. Kelly had absconded from the Tower local authority care home after being remanded there by the magistrates and had been arrested by the police in Georgetown on a shoplifting charge. Kelly had been missing from care for three days. When I arrived at the station and was taken to the charge room, escorted by a police constable who told me, '*You're not going to enjoy this one. She's absolutely lifting* [stinking]. *We're just waiting to get her out and away from here so we can fumigate the cell.*' I did the preliminaries of viewing the detention/charge sheet and was informed about the case by the Custody Sgt. '*I'd advise you when you have your consultation to leave the door open. It must have been some time since the lass had a wash. She was caught leaving a shop with a multi-pack of knickers and a can of deodorant by security*'. He, looked at me, I looked at him. Both parties silently acknowledged the desperation of this young girl's plight. Nothing was said. Nothing needed saying. Kelly had been roughing it for nearly three days now and the theft of the goods were her attempt at maintaining some dignity and a level of personal hygiene. I wondered for how long I could hold my breath. Ridiculous, as my role was to check on her welfare and to do this I would have to ask questions. Within the whole area an unpleasant odour was obvious.

I was escorted towards the cell where she was held. By the look of things the Custody Sgt. had moved her as far away from the front desk as was possible. The smell got stronger with each step. As I entered the cell the stench was so over-powering I felt nauseous. I had to swallow the retch in my throat. I was confronted by a spotty fourteen year old girl with the grime of roughing it over the last few days ingrained upon her face, neck and hands. Her hands looked like they belonged to a mechanic and her clothes belonged in a dustbin. The once white tracksuit top was

now grey and intermittently patterned with black smudges. The blue tracksuit bottoms were still blue but with an oily sheen to them. Her hair was matted with grease and grime[7]. The smell complemented the look. She was indeed in a sorry state.

The show had to go on. This, I hoped, would be a quick one. I ran through the usual schedule of preliminary questions. The duty solicitor arrived and we were ready to proceed. Thankfully the interview was remarkably short. All parties involved during the interview rushed uncomfortably through the formal proceedings. For the first time in my role as an AA the interview room door was left ajar. Kelly admitted the theft and fingerprints, photograph and DNA were taken. I tried to arrange a lift for Kelly from Georgetown to get her back to the Tower.

The police refused to accept the responsibility of returning Kelly although officially, it is the duty of the police to transport young suspects back to their place of residence. I tried to argue the case and was told by the Custody Sgt. '*Sorry, but we just can't do it as we're three men down on this shift due to illness. If we have to take her back she might not get back until much later today when the next shift begins* [twelve-hour shifts are common at this level of policing]. *Anyway, you'll be going back to Sunderland couldn't you just drop her off*?' A logical question and request but, as I told him, male AAs were not supposed to transport female suspects. I rang the shift supervisor at the local authority Tower car home (where Kelly lived) and asked for someone to come and collect Kelly from Georgetown. I was told:

Rob we've got major ruptions going on here. There's been a mini-riot with some of the kids. I'm the only one on duty who can drive and we're short staffed. Please, please, will you do me a massive favour and bring her in for us? I know you're not supposed to, but I really can't leave here with what's going on. Just this once can you do it for us please?

Now I was really concerned and this was not because I would be bending the rules in transporting a young female back to the local care home. My main concern was being stuck in my car for forty minutes, on hot summer's day, with smelly Kelly. The car had just been purchased and was a 'new', ('second hand', but in terms of what I'd been driving during the last ten years-old bangers-this one was like new), car

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7 When I was informed the local care home that Kelly resided in that she'd gone missing and explaining that she was in need of a change of clothes and a wash due to her sorry state, I was informed that her level of personal hygiene was an ongoing concern, even within the local care home where she resided Kelly's demeanour was an ongoing issue. As I was told 'She doesn't get called 'Smelly Kelly for nothing you know'.

in mint condition. That smell, I was sure, would linger for weeks. Kelly eventually resolved my somewhat personal dilemma

As we left the station together I noticed that Kelly was acting a tad shifty, looking at me and then looking around as if examining the best route of escape. She started to lag behind as we walked through the city centre in the direction to where I had earlier parked my car. '*She's going to do a runner*' I thought to myself. In such instances an Appropriate Adult can do little except talk to the young person in their care. Any form of physical restraint, quiet rightly, could be viewed as a physical assault. I stopped and turned round to face Kelly as she slowly and hesitantly caught up: "*Right Kelly, here's the score. I know that you're thinking of making a dash for it and I'd advice you not to. If you come with me we can get you back to the Tower, you can get fed and cleaned up in no time. I'm walking this way* [pointing in the direction of my intended route] *are you coming*?" She didn't answer and I knew that she was going to be off on her toes the minute I set off again. I turned and started walking. After a dozen or so strides I stopped and turned round. She'd bolted.

Where she'd gone and where she was going I had no idea. Kelly had made up her mind to make a run for it the minute she found out the police wouldn't be taking her home. Of that I was sure. I contacted the Tower immediately and was pleased to hear that, '*She often does this Rob. Don't worry she'll turn up. We'll report her missing and fill in the forms*'. Perhaps I'd been in the game too long and my participation with some of the more unsavoury factors involved in youth justice had made me now hard-bitten. My main concern should have been where she might turn up, not an uncomfortable journey home with a smelly teenager. A vulnerable fourteen-year old girl in a strange city, with no money, nowhere to stay, could in a nightmarish scenario turn up raped, murdered and dumped in the river. Thankfully and to my relief, nothing as serious as this occurred and Kelly I was later informed had been re-arrested on another shoplifting soiree later that day.

Studies have found that the risks involved for young people going missing from residential care (at this stage Kelly had been under my authority in the care of the Local Authority) include, "involvement in offending, substance misuse, rough sleeping and sexual exploitation, including prostitution" (Biehal and Wade, 2000: 211). Whether Kelly was involved in any of these risks while missing from care (except for sure, the rough sleeping) I do not know. My particular task was to attend, collect and with same sexed young offenders drop off the young people from police stations. How the other issues, problems and misgivings were dealt with were not of

my concern. What they got 'up to', what they did with who, and why they did the things they did, were of no concern of mine. In my youth justice role these were not my designated tasks.

For a number of young people missing from care, crime becomes "a routine feature of their lives while they were missing" (ibid: 83). Kelly's shoplift spoke for itself. In my role as Appropriate Adult I could argue that I followed the procedures at the police station to the letter. The transporting of Kelly would have been wrong but, this in my view I would have argued had it been raised, was due to the structural weaknesses inherent within the Social Services Dept, of staff shortages and that the police really should have transported the girl but, could not or, would not do it. I could have argued that I had the girl's best interests at heart, but if the kid did a runner I wasn't paid to chase after her.

This issue of who is responsible for the young people immediately after their release from police custody is fraught with ambiguities. If it is the local beat unit the police should and normally will transport young people back to their homes. However, as was Kelly's case, she was some distance from home. For a police officer to take her back to Sunderland from Georgetown this would take roughly one and half-to-two hours out of his shift. He or she would probably not known the way back to the care home. Kelly wasn't a driver so the chances that she would know the way by road would be slim. In this instance it would be expected that the local Social Services Dept would assume responsibility for the collection of their missing young person. As we saw in Kelly's case, this did not occur due to the 'ruptions' and lack of staff available to do this task. In such situations the Appropriate Adult will be called to do a 'favour' even if this breaks local government policy, particularly the transporting of young vulnerable females by male workers. These are system failures inherent within the area of youth justice and social work teams.

John-Jon

John-Jon was fourteen when I first met him. Physically, he was slim, about five foot four inches in height, fair-haired with piercing blue eyes. I was later told at the BSS project by one of the workers there, '*He's a really bonny lad and to look at him you'd think that butter wouldn't melt in his mouth*'. However, John-Jon was no 'angel'. He'd been offending since he was about six-years of age with petty offences that had progressed into a lengthy crime sheet that had worsened in the severity of crimes he'd

committed during his offending history. John-Jon was now a heroin addict and his crimes were generally committed in order to feed his habit.

John-Jon had been arrested with another youth on suspicion of a house burglary. I attended the police station the same afternoon as his Appropriate Adult (John-Jon's mother gave up attending police stations following his numerous and increasingly frequent arrests several years ago). After the interview had been conducted (John-Jon denied the offence) and photographs, finger-prints and DNA samples had been taken, the Custody Sgt. was then required under PACE 1984 to undertake a number of possible courses of action.

Once the interviewing process is completed the police must decide what formal action is then required to be taken (PACE, 1984). The police can either release the young person with no further action (NFA) to be taken or, they can deal with a first offence with a reprimand or final warning (usually dependant upon the seriousness of the offence) if the offence is proven and/or admitted (ibid.). Following a final warning, for any further arrests a young person may well find him or her self being charged for that secondary offence. These potential outcomes were not available for John-Jon. He was a persistent young offender, a heroin addict, had a string of convictions (36 in total up to this point in time) had been 'at it' for years now and had become an item of 'police property' (see Van Maanen, 1978; Holdaway, 1983; Reiner, 1985). The Custody Sgt., after consulting with the arresting officer, decided that John-Jon should be detained in police custody until the first available court hearing the following morning. The 'impartiality' of the custody officer during this particular case is called into question.

In Chapter Three, we discussed the decision-making processes and the refusal of police bail to suspects and also examined previous research that criticised the intended impartiality of custody officer's in those decisions (Morgan *et al* 1991). The 'internal regulation' (McConville *et al*, 1991) that occurred during John-Jon's detention at the station started on the 'front-desk' with the custody officer and the arresting officer discussing John-Jon's immediate future. I was sat approximately ten feet away within full visual and audible range. It was unmistakable that the arresting officer had some impact upon the decision making process as I heard the line, "*Keep the little fucker here overnight Steve* [the Custody Sgt.] *and we'll try to get him remanded tomorrow at court. He's done that house. He's as guilty as sin. We need to keep him in here, locked up and tucked in*". The conversation then moved into a small back room behind the front desk of the charge room and away from earshot. Another two officers joined

the discussion and shortly afterwards all returned to the front desk. The decision had been made. John-Jon was staying put.

At this stage of the process John-Jon was brought from his cell, both his legal representative and I knew of his immediate fate, a long night in the cell awaited him. The following morning he would be presented at court with the strong possibility that he would be remanded into custody at a YOI following his impending pre-trial court appearance. At the desk he was formally charged with the offence and told that he would be detained in police custody until the following morning. John-Jon appeared panic stricken. As a heroin-addict his immediate thoughts, perhaps his only thought, was of his next fix. He was asked if he understood the charge against him. With his offending history he knew fine well what it meant. He also clearly understood that if he didn't get that fix the 'rattle' (withdrawal symptoms experienced by heroin users) would set in. John-Jon's immediate response was to ask for a doctor to attend for a prescription of methadone. The Custody Sgt., knowing of John-Jon's drug related criminal activities, said that he would contact the police surgeon but that it 'might take some time'. John-Jon was in for a long night ahead of him.

He began to become extremely distressed as he was led away to be fingerprinted, DNA'd (non-intimate) and photographed all of which require an AA to be present. I then began a discussion initially with the Custody Sgt. and this subsequently turned into an argument between three other police officers and myself. I asked the Custody Sgt. to reconsider his decision stating that other options were available to him. I was reminded that he was detaining John-Jon at the station because of the 'seriousness of the offence'.

Under the guidance of PACE 1984, s. C: 16.6, I suggested to the now somewhat irate Custody Sgt. that he was required to attempt to find local authority or local authority secure accommodation for the suspect. As discussed in the previous chapter, PACE governs that children and young people, when arrested and the police refuse unconditional bail, are to be accommodated in local authority accommodation. This option was refuted by the Custody Sgt. who told me, "*He's got a history of absconding from care. There is no way I'm allowing him to go into local authority accommodation so that he makes a bolt for it and is on his toes for the next few days*". I then suggested that we try for local authority secure accommodation, also know as a 'PACE bed', as an attempt to get the vulnerable young person out of the police station and into the care of the local authority. I was told, "*Feel free to try this, but you as well as I know that the only hopes he has of getting a secure PACE bed are Bob Hope and*

no hope. There's never any room at the inn". John-Jon's legal representative let out a laugh, looked sympathetically at the Custody Sgt. and then at me, with a somewhat bemused look upon his face. I attempted, via the local Emergency Duty Team of the Social Services Dept, to locate John-Jon a secure PACE bed. It was a futile attempt. As the Custody Sgt. had stated, there is never any room at the inn.

As a last-ditch attempt I then confronted the Custody Sgt. about his decision. I suggested that the issue relating to the 'seriousness' of the offence was open to debate. Here, I argued that although I did appreciate that burglary is a serious issue it does not equate with, for instance, physical assault, rape or murder. My comments created a uproar with the three police officers, standing at the front desk listening intently to my ineffectual attempt at securing John-Jon's release from police custody. One officer stepped closer to me in an aggressive manner and said:

Bloody social workers! What a joke! Are you telling me that you don't think burglary is a serious offence? There's people drop down dead from heart attacks after finding their houses have been done over [burgled]. *And you don't think that's serious! Christ, it's no wonder our jobs so difficult with people like you and your view of the world.*

During this stage of what had turned into a heated exchange, the three officers present stepped in closer towards me. The primary argumentative officer, agitated, was now right in my face. I refused to back-down and stood my ground. If I were to have stood back and shut my mouth this, in turn, would have been viewed as a stand-down on my part and my argument regarding John-Jon's release and the police officer's decisions regarding his over-night stay at the Custody Inn would have been lost. The 'discussion' had in a very short time turned into an interaction demonstrating power relations. I returned a question to the first police officer, asking him in his experience how many burglary victims he dealt with had suddenly had heart attacks due to the shock of being burgled? His response was "*Well none exactly but, you read about it all the time*". The discussion had by now transcended into a saloon bar discussion and was in danger of getting out of control. The police officer and I were now staring-out each other. At this point the Custody Sgt. (who during the short exchange had sat back and watched with some amusement) took control, "*He isn't going no-where. He's staying put-end of discussion*".

The questioning of this police officer's view of the world, in doubting the judgements made by the Custody Sgt., and of viewing the situation differently to that of

police officers made me an 'asshole' (Van Maanen, 1978[8]). I then asked the Custody Sgt. if I could go to John-Jon's cell to explain what was going on and what I would try to do regarding his situation. Unknown to me, John-Jon had a history of 'self-harm' while being detained by the police. As an Appropriate Adult I was unaware of this and no one at the YOS had informed me of what to expect with this young man while he was being detained at police stations. I was escorted to his cell and shown in. John-Jon was in tears and said, "*Can't you get them to send me to the Tower?*" I explained to him that I'd tried everything to get him out, that the police weren't going to let him go and we'd have to wait until the morning to see what happened in court. I told him that the BSS project would be informed and that someone from the project would see him before his court case the following morning[9]. John-Jon became extremely agitated and began pacing the floor. He turned to me and said "*You'd better get me out of here you cunt or else I'll fucking top mesel*". To say I was shocked is an understatement. None of the one and a half days of 'intensive' training nor the 'shadowing' exercises (one hour and thirty minutes in total), with longer serving AAs or, any information relating to the role of the AA had prepared me for this.

The immediate events that unfolded were bizarre. John-Jon tried to strangle himself. He wrapped both hands around his neck with his thumbs pressing down into his throat and windpipe and started to squeeze. I looked on in amazement. I thought 'the silly bugger' but then his complexion began to change and the veins on his temples began to throb. I stepped forward to remove his hands he however stepped back and was now stood upright and elevated on a concrete bed, his hands still clasped around his neck as he began to turn purple in colour. The situation had rapidly turned into a mute melodrama. I saw his eyes bulging, purple complexion, lips beginning to take on a blue tinge and thought to myself, '*He's got to come up for air soon*'. He did of course and told me through a rasping splutter, "*You fucking wanker. If I die when I'm in here it'll be your fault*". I made a hasty retreat from the cell. The sight of one throttling was more than I could bear. I didn't want to be around for the finale. I left

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[8] Van Maanen employs a number of descriptions which fit the 'asshole' label. Here, my use of Van Maanen's term refers to police officers' viewing me as "one of those who does not accept the police definition of the situation" (1978:223).

[9] The following morning at 08:00, although not on duty that day, I rang the project to double check that they had received the documents by fax. I also suggested that someone should be there in plenty of time as John-Jon had been in a very distressed emotional state when I left him. I had raised my concerns about John-Jon's detention at the police station on the Appropriate Adult incident form, which had been faxed to the BSS office. I also raised my concerns on the telephone the following morning. I was asked to provide written details of my account of the events. What happened to these and whether any official complaint was made by the local YOS I am not fully aware. I presumed that the case was not pursued with any zeal. My impression was that the local YOS was more concerned that one of its AAs had made a complaint about his own treatment at the police station. John-Jon's dilemma appeared to be of little significance to the team. I wasn't asked for ay other details relating to this matter.

John-Jon's cell and immediately approached the Custody Sgt. and explained what I had just witnessed and suggested that a doctor should be called to make an assessment of John-Jon. To my amazement John-Jon's legal representative (who was waiting for another unfortunate client's arrival into the charge room) said, "*Don't let it worry you. He's always pulling stunts like that. He's a daft little bastard. But, not that daft to know you've never dealt with him before and that he could try it on with you*"[10]. The Custody Sergeant advised me, "*The best thing you can do is sit down and shut your mouth*".

Vulnerable Self-Harmers

The detention of young suspects in custody provides the police with extra work relating to those vulnerable young suspects. On entrance to the charge room they are usually asked if they self harm, but whether or not a young suspect admits to this is another matter. The police will record incidents of self-harm of suspects while being detained at the station. One would expect that these data would be available on police computerised databases and that vulnerable self-harmers would be 'flagged up' on this system. Little is known about the issue of self-harm instances at police stations. But, perhaps John-Jon's failed attempt at self-asphyxiation was a trial run if he were to be remanded to prison.

What is known is that in 1998-1999, 25 self-inflicted deaths occurred at police stations in England and Wales. The following year the rate had reduced to fourteen deaths in police custody caused by 'deliberate self-harm' and in 2001 this figure of deaths caused by prisoners deliberate attempts to harm themselves had been

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[10] I bore witness to John Jon's self-harm attempts twice more in the course of my two and a half year role as an Appropriate Adult. On the second occasion John-Jon attempted to strangle himself with his own tracksuit pants. I had just finished a private consultation with him and he had been returned to his cell. His 'buzzer' (a bell located in each cell which alerts police officers in the charge-room to suspect's cells when assistance is required). A yell for assistance went out from a police officer who had been sent to see what John-Jon was buzzing for. The Sgt ran to the cell and I followed behind. Inside the cell John-Jon was now on his knees with the Custody Sgt. and police constable disentangling John-Jon's item of clothing from around his neck. This was John-Jon's desperate method of attracting attention in a vain attempt to hopefully secure his release from police custody. John-Jon was savvy enough to know that the last thing a police station needs is the 'death' of a young person in the cells. Unfortunately for John-Jon the police were also savvy enough to know, or at least believe, that he was *'just swinging the lead'*. The police officer who was first to arrive to investigate the 'buzz' from John-Jon's cell told me. *'So the buzzers going and I get to the door and take a look through the flap. As I do this the buzzing stops, just in time to see him pulling his tracky bottoms* (track suit trouser) *round his neck. I open the door quick and then the little twat stops pulling on the legs of his trousers. Well, with that, we took the rest of his clothes of him and put him in a paper suit. We know he wasn't serious but you can never take chances'*. Indeed, on this occasion John-Jon spent the remainder of his time at the police station in his paper suit.

The last incident relating to John-Jon's attempts at self harm incurred John-Jon pulling a draw-string from his track suit bottoms and here the chosen method employed was garrotting. This incident happened in the holding cells at a local magistrate's court prior to him being remanded into custody.

reduced to five (Home Office, 2002e). With increased emphasis upon detention cell lay-out and monitoring procedures conducted at police station custody suites, it appears as if the police are winning the battle on these types of death in custody (ibid.).

The affects of detention (however this generally relates to prison detention) has witnessed 'a disturbing trend of suicide and self-harm among young prisoners which is coupled with an alarming rise in the custodial remands for fifteen to sixteen year old boys" (Inner London Youth Justice Service, 1999: 2). Liebling and Krarup (1993) found that 43 per cent of prisoners who attempted suicide were under the age of twenty-one, 40 per cent were on remand.

Liebling (1996) found that vulnerable young first-time prisoners were most likely to commit suicide. Research conducted by Grindrod and Black (1989) identified that young people on remand were a highly vulnerable sample of the prison population with a suicide rate three times that of the general prison population. Between 1996 and 1997 there were twenty self-inflicted deaths by young prisoners (HM Chief Inspector of Prisons, 1998). Judge Tumin has argued:

> The young are particularly vulnerable. They are more likely than adults to lack the inner resources to deal with being held in a local prison or remand centre. In prison the most outlandish behaviour can take a grip...self-mutilation and suicide can also become a fixed part of a subculture...girls under the age of seventeen cannot be remanded into prison. We strongly believe prison is no place to hold boys under the age of seventeen and that in cases where removal from the community is necessary, alternative care arrangements should be provided
>
> (HM Inspectorate of Prisons, 1990:36)

As an inter-locking process of the remand process, police stations may often be the first port of call in which the potential of self-harm might surface. The police therefore have some level of responsibility in making assessments of that risk. On occasions I did witness Custody Sgts. asking young suspects if they harmed themselves, but this was not a systematic process with all the young people who I dealt with at stations. Indeed, according to Doug, John-Jon pulled his self-harm stunts with some regularity. Perhaps, on this occasion the issue of self-harm may have been

overlooked. Perhaps, it was recognised that John-Jon was '*a daft little bastard...who often did this type of thing'* but had said that he wouldn't do anything silly while he was being detained.

Perhaps, the police feel there is little they can do in such situations albeit to restrain a recognised self-harmer while at the station. However, this would raise far more welfare-related issues associated with undue restraint being practised by the police. As we can see the police have a dilemma as what to do with this type of vulnerable suspect. Despite a Code of Practice that states:

> A juvenile must not be held in a police cell unless no other secure accommodation is available and the custody officer considers that it is not practicable to supervise him unless he is placed in a cell or that a cell is the most comfortable secure accommodation in the police station.
>
> (CYPA 1933; PACE 1984, Code C, para 8.8)

All of the young people I acted as Appropriate Adult for were held in police cells. The assessment of what constitutes 'secure accommodation' at police stations is contestable. My own reckoning was that young people were placed in locked cells while held at stations, although generally these were cells located close to the front desk of the charge room. As Geoff at the BSS project told me, "*Well the police are hardly going to put in ball-pools and supervised fun-parks for them are they?*" PACE also offers that children and young suspects are required to be observed and questioned about their welfare while at the station every thirty minutes. My own observation of John-Jon's self-harm lasted seconds rather than minutes which demonstrates just how quickly such incidents can and do occur.

Perhaps the answer lies in that for cells put aside for vulnerable suspects, CCTV should always be available to monitor and safeguard against the possibility of a tragic incident occurring. This option would be neither too expensive nor disruptive to the police. The rapid growth in CCTV in this country as a crime prevention strategy, generally targeted towards protecting the populations property and personal safety from the likes of John-Jon and his like, presents a strong case that perhaps the personal safety of vulnerable young suspects held at police stations should receive a similar level of priority. Newburn and Heyman's (2001) study of the use of CCTV in custody suites highlights that prisoner's and police officer's alike had positive views of the

safety and welfare elements of this type of electronic surveillance. However, as is usual in the debate of CCTV there were concerns over the issue of privacy.

In the previous case with John-Jon, my 'affront' (Van Maanen, 1978:229) to the situation regarding John Jon and the reaction of the police officers' present during this altercation was, "a response on the part of the other which indicates to them that their position and authority in the interaction are not being taken seriously" (ibid.). This 'bloody social worker' had overstepped the mark in questioning the police on-their-own turf and had questioned their superior position as agents of social control. I was now feeling intimidated by the looks and hushed conversations that were occurring in and around passages in the charge room. I returned to visit John-Jon in his cell before I made a less than dignified exit from the police station.

This time the brief conversation took place through the Judas window on the cell door. I had no fancy for being too close to John-Jon again. I had seen what this young man could do with his bare hands. He certainly appeared far less agitated than previously and looked in reasonable physical shape. I tried to explain to him what would happen in the morning and who would be there at court to support him and if he wanted me to contact anyone for him. He responded with a hearty '*fuck off*' and off I fucked. I then stated to the Custody Sgt. that I wanted to speak with the shift Inspector about this incident:

Sgt: *Get in there* [Consulting Room]! *Sit down and shut up!*

R.H: *No! I want this sorting out now!*

Sgt: *You will get in there and sit down! Get in there!*

John-Jon had been released from his cell and was running around the charge room like a lad possessed, extremely upset and agitated with two police officers, who were grappling with him and shouting at him to '*stand still and calm down*'. Two other police offices had separated me from view with what was going on with John-Jon and had moved me into the Consulting Room. My field-notes had the words '*chaos, un-organised* and *unprofessional*' written and underlined in the border. Doug, John-Jon's legal rep, had moved into the doorway of the consulting room with me.

Doug: *Let's leave.*

R.H: *No, I want to stay and sort this out.*

Doug: *Well that's up to you but there's nothing we can do here. I'm leaving.*

John-Jon had now been restrained and was brought in to join me in the consulting room. The door was left ajar. John-Jon was sobbing, I was angry with the Sgt and I really didn't know what to do in this situation, nor did I have the skills or experience to

handle it. I put my arm around his shoulder. Doug's earlier statement of John-Jon being a '*daft little bastard*' had lost all relevance. I was now dealing with an extremely vulnerable, sobbing, fifteen-year-old-boy, who wasn't pretending any more. None of the training had prepared me for this. I succeeded in calming John-Jon and asked him to promise me, whatever the outcome at the station that he wouldn't try to harm himself again. I then approached the front desk and the Custody Sgt. to re-assess the situation. I was told that John-Jon would be staying in police custody. There was little else I could do but tell the Sgt that I was going to report the situation to the YOS as I felt that the police decision was wrong and that the treatment of John-Jon and myself had been dire. I contacted the local EDT by telephone and explained the situation to them stating my concerns and asked them for advice.

EDT: *Will they let you stay with him?*

RH: *I'm not sure. But, the problem is I've got another two AA call-outs been waiting for me to deal with them at Hyde Police station* [an approximate sixty mile round journey] *they've been waiting for well over two hours for me to get up there and the way things are going tonight I'm bound to get more call outs in the meantime'.*

I then conferred with the Custody Sgt. regarding arranging a 'sitter' for John-Jon.

Sgt: *Look, here's what I'll do. If he's calm and behaves himself we'll leave his cell door open.*

I decided not to chance my luck with the normal ritual of leaving the station with any of the police officers by exchanging departing pleasantries and instead carried on walking towards the exit. The problem was that due to the previous unnerving events, I had forgotten that the custody room is a secure area and access and exits are controlled from behind the front desk. I made it to the door and then had to double back to the charge desk, passing a number of officers who were all 'in' on the previous altercation, with a number of them giving me the 'once over'. I had to ask the Custody Sgt. if he would be as kind enough to let me out. Nothing was said but the look on his face was gleeful. The balance of power and of control of this back-stage remained a police domain. I had just been reminded of my 'place' in that terrain. Alien agency workers may at times have invited access into this domain but they should never be under any illusions that they can challenge the structure of power and question police practices. This back-stage remained firmly controlled by the police.

I reported this incident to the BSS project the following morning. The incident was referred by the project to the Duty Inspector of the shift that evening. I had to

record my version of events, which were then passed onto the Duty Inspector. George got back to me a few days later when I was at the project.

George: *That thing...with John-Jon... at the Bridge the other night. The Inspector has been on the phone to me and told me that the Sgt on duty that night, says that you withdrew your services from a potential solution.*

R.H: *Fucking what! The lying bastard! That's bollocks that is. You've seen the Incident Form and I spoke with you the following morning so you know the situation. Christ! I even rang the Bridge and spoke with him* [the Sgt] *when I got back from another job a couple of hours later to see how John-Jon was and he told me he was fine and was sleeping like a baby. Withdrew my fucking services! Lying bastard!*

George: *Aye, I know that Rob, but that's what the Sgt's saying.*

R. H: *Wanker! He told me on three occasions, before, during and after it all kicked off that John-Jon was staying put despite me offering alternatives as to where he could and should go. He's the one that wouldn't stick to the codes of practice* [PACE]. *I withdrew from a potential situation? What the fuck was that then? That John-Jon could come and stop at my house 'til court the next morning?*

George: *I don't know. It's just what the Sgts. written down for his view of the situation. Do you want to speak to him about it? We can pursue it if you want to?*

R.H: *Is there any point? We all know they'll close ranks on this and I've got to keep going down there* [the Bridge] *for other jobs haven't I? He's talking shit because I did everything I could to get John-Jon released from there. What's the bloody point in pursuing it!*

Geoff: [interrupting] *Rob, don't let them thick heeded* [headed] *bastards get you down. They are* [raps clenched fist on table twice, knock-knock] *four-be-fucking twos* [wooden planks]. *Of course they're going to cover themselves, they always do. And although they're generally thick, they always cover up their fuck-ups to good effect.*

Jack: [intersecting] *Hats off to you Rob for pursuing it but, I would have tried to get him* [John-Jon] *to the Tower and left it at that. I wouldn't have got into a brawl with them about it.*

The issue of challenging police officers at police stations is an unsettling aspect of the role for AAs (also see, Pierpoint, 2000). The level of training I received, I personally believed did not prepare me for such events as discussed in this section. Indeed, how could any training workshop or 'shadowing' exercises prepare anyone for

the incidents that I have documented? [11] How could an induction-training event demonstrate what to do when a young man tried to strangle himself in front of you? How could such an event prepare you to deal with belligerent and condescending police officers on their home turf?[12] As a practising AA, had the event trainer ever witnessed such an incident himself? Perhaps he had and decided not to let us in on this in order not to frighten us all away from the job. Returning to challenging police decisions, once the decision has more or less been made, in my experiences the AA is of little use. Custody Officer's in making their bail decisions rarely change their views.

As has been pointed out in this section of the John-Jon saga, the intended role of the AA often becomes impotent. Arguing with police officers is a risky game. This is their back-stage and the masks are off. This incident (and the lack of support and investigation over it from the YOS) had an affect upon me and the stances that I would adopt in confronting subsequent police decisions. After this particularly disturbing incident I was reluctant to go in with all guns blazing. Following this event, I generally bit my lip, held my tongue, filled in the necessary forms, picked up the phone the same or, following day to report 'iffy' incidents. I just got on with the job. I had become an AA. The 'social researcher' could write the other 'stuff' up. The worries, guilt, stupidity and incompetence would all make useful data for the thesis.

The John-Jon incident and my attempts to get him out of the station presented me with the reality that I was relatively powerless in this role. Whether this was down to me as an individual or, the level of training I'm not so sure. However, I stayed for the duration (and the majority of my AA cohort inductees did not). I was never questioned about 'iffy' incidents or situations (unless, as with his case, I raised them) by the local YOS. Perhaps the stronger case lies that these areas are police stations and the contents within them are police property. There is also an argument that the role of the AA is simply a 'stop-gap' with the emphasis placed upon local YOTs simply fill a legislative void proposed by policy makers to make 'the best of a bad job. Similarly, to making a silk purse out of a pig's ear, at times it just doesn't ring true.

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[11] My own three shadows with another AA were for two shop thefts and one criminal damage charge. All three suspects were conditionally bailed from the police stations.

[12] The training event I attended did attempt to deal with police and AA 'conflict' in that sterile and child game-like manner such events often do (usually to the great embarrassment of the participants, who are usually quite aware that such events are in fact just 'games'. Like young children playing 'Mums and Dads' they rarely equate to the real thing.

Tommy-Boy: A Fucking Little Worky Ticket[13]

Tommy (aged 16) had been bailed on a previous occasion to attend the Bridge police station in order to attend an identity parade. Tommy was suspected of causing Grievous Bodily Harm (GBH) to an elderly man, aged 70 and as the chief suspect Tommy had been bailed to re-attend the bridge station to be escorted to Georgetown for an identity parade.

The details of the alleged assault were particularly unpleasant. On leaving a Working Men's Club on the outskirts of the city on a Saturday night, an altercation between a group of youths and the elderly man in the company of some relatives occurred. Angry words were exchanged between the two groups and a broken house brick was thrown by one of the young people into the opposing group. The brick struck the elderly man in the face causing serious injury to the man. Tommy had been recognised or, was suggested as the assailant and was picked up the following day by the police and questioned regarding his involvement in the offence. Tommy denied he was there. He was conditionally bailed from the police station to return at a later date to attend an identity parade. In such cases an Appropriate Adult is required.

It was my shift on-call so I attended the police station and on entry into the charge room I met up with Tommy for the first time. Tommy was mouthy, flash, quick witted and as one of the police officers who passed by as I walked to the custody room remarked to his colleague, "*He's a fucking little worky ticket*". There was no doubt to who they were referring. As soon as I met Tommy-Boy he fitted the description exactly. Tommy-Boy was the epitome of the North East 'charva'. He was indeed a fucking little worky ticket. Shell-suited, snide Burberry cap covering his dark cropped hair, which wasn't as much gelled but instead glazed with his choice of Super Drug hair product and his feet in Kappa trainers. From top to toe his youth style encapsulated most of the young people I dealt with at police stations and who also came onto BSS following their arrests. Tommy's opinion of himself was that he was 'Jack the Lad'. Quick witted, nippy with his repartee he generally gave as good as he got (in the 'right' company) in his banter with police officers. The police did not like Tommy. He was too mouthy, too cocky and threw house bricks at old men. Tommy needed reminding of his place. As I was to shortly find out, the police were

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[13] A 'worky ticket' is a North east of England colloquial description for someone who 'works their ticket' and acts in a way that upsets, annoys or offends.

out to get Tommy-Boy. As I walked to the charge desk Tommy was in discussion with the Custody Sgt.

Sgt. Hill: *Right, so you've attended the station to answer your bail conditions and now we're going to take you up to Georgetown for the ID parade, as you've agreed to do. You'll travel up with PC Smith OK? And don't go out of your way to wind everyone up young man.* [Sarcastically] *Remember you're a visiting ambassador of this fine city of ours.*

Tommy-Boy: *Will I get back in time for tea at the hostel?*

Sgt. Hill: [Looking around and assessing the audience] *Will you get back in time for tea? I think you've more important things to worry about. You're going for an identity parade on a potentially serious assault charge and you're worried about your tea?* [Shakes his head]

Tommy-Boy: *Aye, I knaa what I'm gannin' up there for, but I'll still be hungry wont I!*

Sgt. Hill: *Son, inside your head what do you see? I bet your view of the world resembles a cartoon doesn't it? I bet that inside there* [points to Tommy's head] *it's all crash, bang and wallop, with sticks of dynamite going off all over the place. You view the world like you're in a cartoon. You are the 'Itchy and Scratchy Show'* [from the Simpson's TV show]. *Off you go.*

PC Smith was to drive both Tommy and me to Georgetown (where the police force identity suite was located) in a police van. I signed the necessary documents at the custody room and we were escorted out into the police yard to the transport. On the way to the van a number of police officers returning from patrol passed Tommy and ritual pleasantries were exchanged,

P.C *Oh, Tommy-Boy are you still out?*

Tommy: *Course I'm still out. I've done nowt so youse have nothing on us* [me].

P.C: *Not for long Tommy-Boy, not for long. Either way, you've got yours coming to you.*

Tommy: [smiling] *Aye, but it won't be you will it? Not with that gut and fat arse you'd never catch me.*

P.C: [Smiles, winks an eye and click-clicks his tongue at Tommy] *See you around Tommy –Boy and keep on yer toes.*

We made our way to the van. Tommy sat in the back with me, while the officer drove us to the Georgetown police station where the facilities for ID parades were located. The trip proved to be enlightening regarding the interaction between the young offender and the police officer. Initially, the small-talk was civil and light-hearted. Jokes were made, references were undertaken regarding some of Tommy's previous offending and PC Smith's preceding 'pinches' on Tommy. Then the jokes began to turn more personal, more vindictive.

Tommy-Boy: *You're a fuckin' shite driver. Let me drive. It's no wonder you've never caught me when you've been chasing me. You're fuckin' crap.*

PC Smith: *Aye, you just crack-on there Tommy-Boy you mouthy little charva. I couldn't give a fuck what you think. I'll just let you know that me and my mates are looking out for you, you little gob-shite.*

Tommy-Boy: *'ere man you just jumped a red light. You'd fuckin' nick anyone else for that.* [To me] *Did you see that? Wasn't the light on red?* [To PC Smith] *I told you, you were shite. If we'd got rammed there off another car I'd have sued your arse. I'd have made sure I got all your money.*

PC Smith: *It's not me you want to sue Tommy, it's the Chief Constable. He's the one you'd have to sue. See what it is Tommy, is that I've got fuck all, me. The Chief Constable's the one with all the money. Come to think of it, if we had got broad-sided there I'd have put a big claim in myself. A nice insurance pay out of the force, full pension, long-term sick. Yeah, that would be nice. First thing I'd do Tommy is fuck off from this place. Shall I tell you why mate?*

Tommy-Boy: [Now looking somewhat bored with PC Smith's statement] *Gan on then... bore the arse off us some more.*

PC Smith: *I'd fuck off away from all you little bastards. No more dealing with shite. Your Social Worker* [me] *probably feels the same way as we all do dealing with numbskulls all day long. This is shite work Tommy-Boy and it's made even worse dealing with you and the motley crew you run around with. Anyway, if you get ID'd up at Georgetown we'll be glad to see the back of you.' Cos you won't be around for a while will yer Tom?*

Tommy Boy wasn't looking as confident now. In fact, he was beginning to look somewhat concerned. I was silent. I was an appropriate 'piggy-in-the-middle' adult. The Police Officer was quite aware of the 'reminder' he had given Tommy of the event ahead and its possible scenario, if Tommy was identified at the parade.

PC Smith: *Not so flash now are you Tom? What's the matter, cat got your tongue?*

Tommy-Boy: *We'll just have to wait and see. I've done nowt anyway, so I won't get picked out. You won't be so fuckin' flash then will you. What's the matter? Has the cat got your fuckin' tongue now?*

The police officer is now looking angry, staring hard at Tommy in his rear view mirror and on occasion shifting his glare to nervous glances at myself. Through a somewhat agitated laugh the PC responded:

PC Smith: *See what it is Tommy-Boy, you know you've got it coming at you. You just know it's coming your way* [Tommy immediately jumps in]

Tommy-Boy: [Laughing] *Fuck off! You and whose fuckin' army. You're too slow you old bastard* [By my reckoning the PC was about twenty-eight years of age. If he was an 'old bastard' I was decrepit]. *There's not one of youse who could catch me. I'm too fast for youse man. Youse black bastards are just too slow man.*

PC Smith: *Ho-Ho Tommy-Boy! Just keep on-keeping on there son. When I get back to the station and let my mates now about this, you're gonna be getting it sooner, rather than later.*

Up until this point explicit reference to violence had been avoided. However, all present knew what '*it*' was.

PC Smith: *I'll tell you this Tom we fucking hate you. Everyone at the Bridge is talking about getting hold of you. When we do you're going to get such a fucking pasting you won't know what's hit you.*

'*It*' was now out of the bag. In his silence, Tommy tried to remain cool and failed miserably at adopting an unconcerned attitude and look. The Police Officer also looked un-nerved. He shot quick and jumpy glances at both Tommy and then somewhat more nervously in my direction. He'd realised that the 'fuckin little worky ticket' had worked him up a treat. He'd gone too far in the presence of a 'social worker'. Tommy responded.

Aye and I'll fucking sue the fuckin' lot of youse and your fucking Chief Constable. If any of youse bastards give me a kicking I fuckin' swear I'll have all yous bastards up at court. Yer all just a bunch of cunts, man.

PC Smith: *Tommy, answer me this will you? When was the last time you heard of a police officer getting done for assaulting one of you little scrotes? Aye, you cannot think of an occasion can you? Now that's because a) We never ever touch you lot* [Both PC Smith and Tommy burst out laughing] *or, b) Because we never get caught. Which one will you go for Tom?*

Tommy-Boy: *You fuckin' know which one it is!*

PC Smith: *Exactamundo Tommy-Boy! And I'll let you know how it works shall I?*

Tommy-Boy: *You're going to anyway.* [To me] *He doesn't let up, does he?*

PC Smith: *It's because we've got the magistrates in our back pockets Tom. See, we and them are on the same side. If you were to stand up in court and say 'PC so and so gave me a good going over' they'd probably start fucking clapping and shake the officer's hand. Just think when was the last time you heard that an officer had been done for assault. It just doesn't happen. They're* [magistrates] *on the same side as us. No-one likes you lot Tommy.*

The whole scenario had descended into and become an identifiable,

> ...occupational reality of the policeman flitting between backstage behaviour and formal interaction in public is that of an unconsciously accomplished actor caught up in a schizophrenic, or even dialectical, relationship with a system that dictates bureaucratic, universal standards of conduct for him that are deemed situationally inappropriate. In brief, the pivotal concern of the active policeman represents a near universal dilemma: how does he get his hands on the pot of gold without landing himself in the shit.
>
> (Punch, 1985: 207-208)

The case obviously lay with Tommy and his lack of respect in not knowing, or worse, ignoring the social hierarchy between his role as young offender to that of the policeman. The issue was that a 'social worker' was sat in the back of the van. In a one to one, between suspect and police officer this would have been 'fair'. For Tommy-Boy, "the Policeman is a "fucking pig," a mindless brute working for a morally bankrupt institution" (Van Maanen, 1978:115). In the presence of his Appropriate Adult he could 'safely' express his views. Out on the street, in the

confines of a patrol car or, at the station, it would be fair to suggest that Tommy-Boy would have been far more reserved in his opinions. PC Smith's perspective in dealing with the 'dross' (Choongh, 1998), and the 'assholes' (Van Maanen, 1978) was that:

> Policemen generally view themselves as performing society's dirty work. The cynicism popularly attributed to police officers can, in part, be located in the unique and peculiar role police are required to play. The hardness commonly thought to be the mask of many policemen arises to fend off the perceived case of doing society's dirty work.
>
> (ibid.:116)

PC Smith's dilemma was to dig himself out of the hole he had dug himself into. I would imagine that he viewed his comments regarding '*it*' as potentially damaging. A well-tested method of alleviating the tensions is to make light of the situation.

PC Smith: *Haway Tommy. We're only carrying on aren't we mate? We're all right aren't we? Just winding each other up, that's all.*

As he was speaking to Tommy through his forced smile, his eyes were fixed not on Tommy, but at me. It was just 'intended' as a jolly caper. Tommy-Boy on the other hand lacked the maturity, the social experience, skills and the guile to recognise his own role in also creating the unpleasant situation that had just unfolded. Much like his lack of responsibility in recognising the impact that his long-list of previous offending might have had upon many of his victims of his crimes, Tommy-Boy carried on regardless.

We arrived at the station and the ID parade began after a lengthy delay. Tommy was locked into a cell. The other paradees arrived in all of their resplendent charva regalia. Tracksuits, trainers, sovereign rings, belcher gold chains and baseball caps positioned low at the back of the head, with the peaks adorned high up on their foreheads. Looking at them all it was hard to tell the difference. Tommy would fit in nicely with this bunch. All of them, except Tommy of course, would be going away with a tenner in their back pockets.

The victim and witness arrived. Tommy was brought forth from his cell while the victim and witnesses were kept away from the parade line. There was much to-ing and fro-ing as Tommy-Boy found the position that he felt comfortable

with. He then changed his mind, all the while sizing up the other attendees on the line-up quickly trying to make an assessment of the 'one' who perhaps most resembled himself. Even at this stage of the process Tommy-Boy continued to play the 'chancer', in laughing and joking with some of the other young men lined up with him. He found his spot and settled in. The victim, then the witness respectively, were brought in and did their walk pasts of the parade gathered in front of them, behind the safety of a mirrored Perspex screen. I was watching as the event unfolded. The elderly victim didn't spot Tommy. The witness, I was sure, did recognise Tommy. She semi-stopped in mid-stride, as she slowly walked along the dividing mirror and looked over at Tommy, but then appeared to think twice about it and continued down the line. On her second walk past she completely missed Tommy out. She didn't even give him a second glance. From her body language I was sure she'd recognised him. Even if she had Tommy would have been off the hook as two identifications are required to represent evidence of a positive identification in court cases.

The victim and witness were thanked and then left the station. The parade, all except Tommy, was sent on its way into Georgetown and beyond. Paper work was processed, finalised and completed. Doug, Tommy's legal rep. (that man again, he was always on duty) and I spoke over a coffee.

Doug: *Did you see that? That lass clocked him. She nearly shouted it out. Then she just stopped and carried on. Did you see?*

R.H: *I thought she seemed to notice him and decided against it*

PC Smith: *Everyone knows the little bastard did it. Looks like someone's put in a word for him doesn't it?*

Doug: *I've seen it happen before. They want to pick them out but, for whatever reasons usually money or threats, they remind themselves not to. But they always, without fail, give it away when the suspects are there in front of them. Just in their body-language you can spot it a mile off. Oh, they've been had all right.*

The dilemmas of being an Appropriate Adult and its uncomfortable relationship with the social researcher had again reared their ugly heads. I went in and sat with Tommy in his now unlocked cell to keep him company more than anything else. Tommy disclosed to me that his '*uncle had had a word with someone in their* [the victims] *family,*' and that he, '*knew all along that nothing would come out of the ID parade*'. How much of this is true will never be known. However, sometimes the little pieces (witnesses' reaction to seeing Tommy) and Doug's and

the PC's analysis of the events that had occurred during the parade perhaps, added some weight to Tommy's view of the situation. This was information I did not wish to be privy to. Unfortunately, in such circumstances as an Appropriate Adult (who it should be remembered in such situations should either walk away from the job at hand or inform the police of this information) the role of the AA becomes one that is clouded in some ambiguity in deciding 'whose side he is on'. Or, as the social researcher, (remembering that the well being of participants and their confidentiality are intrinsic areas of respect-if asked would I tell?), situations arise that need to dealt with swiftly (no time to refer to a research methods chapter) or, to consult the PACE Handbook. The job needed doing. The job got done. I kept schtumm.

Doug had previously been in and informed Tommy of the state of play. He was free to go. He would of course need a ride back to Sunderland. Doug had offered me a lift back into Sunderland, which I initially accepted. Tommy needed to return to the Bridge station so that his charge could be NFAd. Tommy would be going back with PC Smith in the van. Initially, I thought that Tommy would also be joining Doug and me for the ride back. After accepting Doug's offer I automatically assumed that Tom would be joining us. I was unaware that he needed to return to the station with his police escort to officially dispose of the suspected offence. We were just about to depart and Doug asked me if I was ready to go. I said I was. Tommy looked at me with some concern. I realised that I had missed something. '*Is Tommy coming with us Doug?*' I asked. PC Smith smiled and answered for him, '*No he needs to come back to the station with me, isn't that right Tommy-Boy?*' Tommy looked anxious. The earlier conversation regarding '*it*' Tommy believed, might indeed be coming rather far 'sooner' than he expected. '*Will you come back with me please, Rob. I don't want to travel back on my own with him*'. I had to do the right thing. After all, whose side was I on? My choice was the boy who had hit an old man on the head with a broken brick. Whatever the potential of physical damage that might, or might not have occurred to Tommy on his way back to the Bridge, this was now resolved. I was travelling back with the former suspect and a PC, who had earlier reminded Tommy-Boy that it was only a matter of time before he got '*it*'. Tommy will probably have regretted his request for me to ride with him. PC Smith certainly didn't. In fact he told me as we pulled into the Bridge station, '*Thank you. You've made my day*'. Inadvertently on the journey back to Sunderland, I was instrumental in humiliating Tommy, much to the satisfaction of PC Smith.

Tommy and I were idly chatting in the back of the police van when I asked him about his local authority care home.

RH: *Oh you'll know all about the incident about a month or so ago when there was a fight up there then?*

Tommy-Boy: *There's fights up there all the time man.*

RH *Yeah, but this one was where that lass gave that lad a kickin'. Broke his nose* [I'd acted as the young female's Appropriate Adult on this occasion where she'd been arrested for assault, although due to the young male victim's decision not to pursue the charge, the case was NFA'd]

Tommy-Boy: [Looking blankly at me] *At my hostel* [care-home]? *Nah, I can't remember that. Are you sure it was up there?*

RH: *Yeah, she* [the bone-breaker] *was tiny. To look at her you wouldn't have thought she had it in her. The police at the station were all laughing about it. Said that she'd done them all a favour, in filling in this kid. She's definitely at your home. Small, bonny girl, dark skinned, black hair...*

Tommy-Boy had started to gently kick my leg and had a concerned yet, stern frown on his face and was gently shaking his head. I was confused, not realising what was going on within this interaction. PC Smith however, had surveyed and read it all through his rear view mirror.

PC Smith: [Excited] *Fucking hell Tommy! It was you wasn't it? It was, wasn't it? It was, it was! You got your fucking nose broke off a lass! Yes, fucking YES! Tommy-Boy! Tommy! You got filled in off a lass. You soft little shite!* [Raucous laughter]

Tommy was now looking very disappointed in me. The police officer was roaring with laughter. Tommy was embarrassed, as he had lost face. In Tommy and PC Smith's versions of masculinity, it didn't come any worse than 'getting filled in off a lass'. By way of Tommy's Appropriate Adult, whose role it was to protect Tommy's welfare issues, Tommy was now being ridiculed. This would stick with Tommy for some time I was sure. All of his juvenile bravado, his exploits of athleticism and sharpness, which he had proclaimed during the earlier journey to Georgetown, now lay in ruins.

PC Smith: *I can't wait to tell them all back on shift Tommy-Boy. They're gonna piss them-selves laughing. Whooah-Tommy! Cocky little charva Tom gets filled in by lasses. She broke yer nose? Is that right Tom? Is that right?*

Tommy-Boy: *Aye man, all fucking right. But ye cannot hit lasses can ye?*

PC Smith: *No you're right there Tom. You can't hit lasses.* [Again, laughing] *Not when they've broke your nose and left you crying in a heap on the floor. You wouldn't be in any fit state to hit them then would you Tom?*

Tommy-Boy: *Fuck off.*

PC Smith: *They you go again Tommy! Always the fucking mouth with you isn't it? When me and my mates are done with you, that broken nose you got off that lass will seem like a tickle.*

All I could do was apologise to Tommy. I didn't think. I didn't expect it to be him. In retrospect I should have acted more professionally and should not have mentioned previous cases, even though for all at Tommy's care home it would have been common knowledge. His nose had healed remarkably well. If the signs of a recent break had been visible I wouldn't have brought the matter up. Although I was aware that Tommy continued to be involved in crime in the town and with the local YOS, I never saw him again.

Crime Control and a Matter of Due Processes

Evaluation of the criminal justice system has commonly focused on this process in terms of Packer's *Crime Control* and *Due Process* models of justice (Packer 1968; Bunyan and Bridges 1983; Baldwin 1985; Dixon 1990; McConville *et al* 1991; Sanders and Young 1994). The Crime Control model operates on the assumption that the purpose of a criminal process is to suppress crime and therefore "it endorses procedures which efficiently screen suspects, determine guilt and secure appropriate punishment for those convicted of crime" (Choongh, 1998:623). This model espouses the notion that 'efficiency' is to be located within the terms

> ...of speed and finality and accordingly, court-based processes are rejected in favour of extra-judicial, administrative and standardised procedures in which the opportunity for challenge is kept to a minimum. The model is premised on the belief that police and

> prosecutors, as administrative experts, can and will identify and screen out those who are probably innocent.
>
> (ibid.)

This model exerts a great deal of faith in the expertise and incentive of the police and for its followers the opposition of imposed restrictions placed upon police activities are generally objected to. Packer (1968:165) likened this Crime Control model of criminal justice to a conveyor belt. Within this model, the successful outcomes of routine operations are gauged by the tendency to pass cases along a systematic process to successful conclusions.

Conversely, the *Due Process* model of criminal justice system proposes that left unattended and unaccountable police procedures are open to abuse and erroneous judgements. This model proposes the assumption of innocence and to uphold this presumption a number of obstacles are placed within this system to ensure that guilt is proven by the state of a standard of proof for alleged criminal offences. The Due Process model:

> ...is also concerned to minimize the possibility of investigative powers such as arrest, detention and questioning being misused, or used in an oppressive fashion. Accordingly, police powers are limited through mechanisms such as the requirement for reasonable suspicion, the right to have access to a lawyer at all times and the need for the police to secure prior judicial permission for particularly intrusive activity.
>
> (ibid.: 624.[14])

In both of Packer's criminal justice models a dialogue with legal rules are present and are expected. However, in both models two very different methods of determining the issue of guilt or innocence exist. Both models uphold the processes of criminal justice are to be deployed solely for the purpose of enforcing the substantive criminal law and that police officers are made subject to a 'degree of scrutiny and control' as to safeguard the 'security and privacy of the individual' to ensure that this is not 'invaded at will' (Packer 1968: 156). This entails in theory

[14] Also see, Packer, 1968:165

that, "the police, regardless of which of the two models is in operation, must be able to account for and justify their actions by reference to the aims, objectives and rules of that model" (Choongh 1998: 624). Although Packer provides details of the legal rationality which underlie both Crime Control and Due Process models of the criminal justice system, these models fail to provide any analysis of what happens outside of these theoretically described boundaries. In short, there is no description of how these processes are interpreted by the law enforcement agents of the state.

Choongh (1998) highlights this weakness and develops a framework that extends Packer's analysis with a *Social Disciplinary Model* of a police system of justice. Developing McConville and Mirsky's (1995) Social Disciplinary model describing a process used in New York City's state courts to produce guilty pleas by defendants, Choongh adapts this model to police activities in dealing with the 'dross' of the inner city. The models

> ...chief distinguishing characteristic is its lack of interest in legal or factual guilt. Its concern is with the police objectives of reproducing social control, maintaining authority by extracting deference and inflicting summary punishment.
>
> (Choongh 1998: 626)

Choongh's study examined police activity in custody rooms at two police stations in the south of England. The findings of this research examined the coercive practices of police officers for particular individuals, groups and classes of people and cases that are terminated at the police station. This according to Choongh, does not occur due to the 'sifting out' of individual cases due to insufficient evidence or public interest, but as a social disciplinary model of justice. It is the 'suspects' who are treated as '*police* cases' not offences as '*criminal* cases' (ibid: 625).

> Here, arrest activates a police system of summary punishment in which the police station becomes the site in which the on-going conflict between the police and particular individuals, groups and classes is played out. In this context, the police station is detached from the judicial process for which it is supposed to be the point of entry. Arrest and detention is not, for this group of individuals, the stepping stone onto Packer's conveyor belt or the first stage of an

> obstacle course. It represents instead a self-contained policing system which makes use of a legal canopy to subordinate sections of society viewed as anti-police and innately criminal.
>
> (ibid.: 625)

The arrest and detention of suspects' in this model is therefore not intended to further criminal investigation. Its purpose is to

> ...remind an individual or community that they are under constant surveillance: the objective is to punish or humiliate the individual, or to communicate police contempt for a particular community or family, or to demonstrate that the police have absolute control over those who challenge the right of the police to define and enforce 'normality'.
>
> (ibid.: 626)

However, this form of summary police justice does not necessarily occur only at the police station. For those individuals or groups for which police surveillance is considered worthy

> The intent in all of these cases is clear. The person must be taught a lesson. And whether this occurs in public or in the back of an alley the person must be shown the error of his ways.
>
> (Van Maanen 1978: 233)

The scope and location is of where and how this form of summary justice is meted out, is dependent upon individual officers' interpretations of what aspects of social discipline is required and at what times and in what places. This can occur on the street, or in the (custody) 'suite'. Where 'it' occurs is irrespective. As long as 'it' occurs is crucial in maintaining the relationship and upholding the issue of power and social control (van Maanen, 1978; Holdaway, 1983). Yet, although correct in their own analysis and conceptual frameworks both Packer's and Choongh's omit a further area of analysis relating to these models.

My own research unearthed a *Pre-emptive Policing Strategy* which sits between Choongh's (1998) *Social Disciplinary of Policing* and Packer's *Due Process*

and *Control* models of police justice. This pre-emptive strategy has two interconnected aspects associated to it. First, is that the police arrest, charge and detention of young suspects pre-empts the possibility of further offending immediately after being bailed from police custody.

Second, is that in detaining young suspects the police are in fact meting out punishment to those young offenders they decide to keep hold of until the next magistrates' sitting. This allows the police 'to get in first' and hand some pre-emptive justice upon the young suspects. In many situations the young person will be bailed with conditions by the court the following morning. Here the previous night's detention by the police of the young suspects' serves to act as a pre-emptive punishment of summary police justice. It is intended to 'teach' the suspect that this is what happens when they cross the line. If, as is also often the case, the young suspect is remanded into custody by the magistrates', then the police are exonerated from any form of criticism (which rarely occurs), then all parties involved in the bail process, from charge (police) to pre-trial hearing (magistrates), have distributed their own forms of preliminary justice.

Bail Prior to Charge

Prior to charge, the police may bail a young person to return to the police station at a specified future date. This allows the police more time to further enquiries into the suspected criminal offence the young person is believed to have committed (Hucklesby, 1997; Sanders, 1997, Sanders and Young, 2002). The police also govern this bail decision pending the delivery of a reprimand or, a final warning to a young suspect. The police have no powers to impose bail conditions in these circumstances. However, if a young person fails to return to the police station at the appointed time this renders the young person liable to charge (Nacro, 2001a).

As with the general concept of bail there is a presumption that the young person has a right to unconditional bail. Yet, as discussed in Chapter Three, the right to bail is at times clouded with ambiguity. For example, the above exceptions to bail rely heavily upon police officers, in the appointed roles of Custody Officers, perceptions of the term 'reasonable grounds' and 'belief' cited in all of the above exceptions to bail. Custody Officers can apply conditions when the above exceptions to bail are reasonably and legitimately held to apply. At this point in the bail process the police should consider the option that conditions attached to bail would alleviate those

concerns prior to refusing bail. These possible conditions are wide and varied. In all instances, except the condition of 'residing in a bail hostel', the police can impose any conditions that may be available to the court. For extremely serious criminal offences, for example murder, manslaughter, attempted murder, rape, attempted rape or, if a suspect has been previously convicted of one of these offences, the presumption of a right to bail is generally inverted.

As has been highlighted in this section the grounds for refusing bail are quite extensive (Sanders and Young, 2002). However, they are also quite specific in that the 'rules' of bail only allow the police to refuse bail in relatively rare circumstances (ibid.). The police, in theory, have no power to refuse an individual bail simply because the police believe that the offence is 'serious'. Nor, can the police deny bail because the young person they wish to detain, without bail, fits the criteria of a persistent young offender. In practice, the police in their decision making processes, regarding who is granted or refused bail, as was observed in my own experience as an Appropriate Adult, the police will, on occasions, withhold the right to bail for vulnerable young suspects even when alternative proposals are, or should be, available. The detention of children and young people at police stations who are refused police bail initially lies with the police. However, at times, it will be argued, that the local authority also fail in their statutory duty to provide the police with an alternative. This however, does not distance the police from the selective detention processes, through the denial of the fundamental right to bail, which young known offenders may incur.

'Tucking Up' Young Suspects at Police Stations: Policy and Practice

What happens to a young suspect between charge and the first court appearance is heavily determined by the young person's age. Where the police refuse the young suspect bail, he or she must be produced at the next available court. In some instances this may be available the same day however; it is normally the case that this will occur at some point the following day (Nacro, 2001b). Often, the police will have made the decision that, from a number of available options, the young person will be refused either unconditional, or in extreme cases, conditional bail. In such situations the police make the decision as to where the young person is to 'go' once the interviewing, charge and the release of young people are completed.

For young people over the age of seventeen, they are treated as adults at the police station and for subsequent remand purposes at court. Due to this anomaly "a 17 year old refused bail by the police will automatically remain in police custody until he or she appears at court"[15] (Nacro, 2001a: 3). For young people having reached their seventeenth birthday, being arrested and denied bail by the police will result in some of them being detained from a Friday until a Monday in police cells until the first available court hearing (ibid.). In any 'civil' society this must be viewed as an unacceptable policy, particularly, when the decisions to refuse bail are rarely based upon 'fact' or standardised and precise decision making processes (for example see, Brown, 1989; Phillips and Brown, 1998; Hucklesby, 2002, Sanders and Young, 2002).

For children aged 10-11 the police must transfer them to local authority accommodation (generally referred to as a PACE transfer and/or PACE bed) unless it is 'impractical' to do so. It is worthy of consideration the meaning of this notion of impracticability. For the local authority there is no discretion. Section 21 of the Children Act 1991 requires every authority to 'receive and provide accommodation for children…whom they are requested to receive under, 38(6) of the Police and Criminal Evidence Act'. It is then clear, that the legislation relating to the transfer and accommodation of young people cannot be 'impracticable because the social services department has trouble finding a suitable placement or for some other reason does not wish to accept the transfer' (Nacro, 2001a: 4).

However, in practice this does not always occur. At a later stage a discussion follows that casts serious doubts upon the capacity of the local social services in Sunderland to fulfil those obligations under PACE 1984 and the Children Act 1991. Different arrangements apply for those young people aged 12-16. When denied bail those young people within this age range should generally be transferred to local authority accommodation from police stations unless it is impracticable to do so. If the police custody officer attests that keeping the young person in non-secure local authority accommodation would be an inadequate measure, in order to protect the public from serious harm, the police can insist that the young person is placed in secure accommodation. If no such accommodation is available (as is often the case) the young person may be detained in the police station (as is often the case) pending the first available court session. Yet;

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[15] For this age group the anomalous position for which they often find themselves in regarding bail decisions at police stations is an historical legacy of the fact that, prior to the establishment of the youth court by the Criminal Justice Act

> Serious harm, in this context is taken to mean 'death or serious personal physical or psychological injury'. Moreover, the risk of serious harm would have to exist during the brief period from charge to the next available court sitting. It is therefore clear that the provision is intended to be used rarely.
>
> (Nacro, 2001a: 4)

The legislation and codes of practice regarding the bail of young people does embody some ambiguous use of phrase and language. However, the general overview is that the denial of police bail is only to be used in the most extreme criminal offences. Although the police are required to present a certificate to the court with their reasons for denying bail, i.e. the '*impracticable*' issues that arose regarding a bail decision. It has been suggested that generally 'such certificates are rarely provided, or indeed required by the courts' (ibid.).

From a police perspective the notion of 'impracticable' is also clearly defined. Although, from my own research this definition was often ignored, or wrongly interpreted by police officers in the designated role of custody officers, the case is that:

> ...neither a juvenile's behaviour, nor the nature of the offence with which he is charged provides grounds for the officer to decide that is impracticable to seek to arrange for his transfer to the care of the local authority. Similarly, the lack of secure accommodation shall not make it impracticable.
>
> (PACE, Codes of Practice: 16B)

This code of practice is also reinforced by Home Office Guidance which instructs:

> The construction of the statutory provision makes it clear that the type of accommodation in which the local authority propose to place the juvenile is <u>not</u> a factor which the custody officer may take into account in considering whether the

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1991, defendants aged 17 were processed as adults (Nacro, 2001).

transfer is impracticable. In particular, the unavailability of local authority secure accommodation does not make the transfer impracticable"

(Criminal Justice Act 1991: Detention of Juveniles: Home Office Circular No. 78/1992)

The case for accommodating juveniles with the local authority as a condition of bail after arrest and charge is then clearly stated. 'Impracticality' regarding the release of young suspects from police stations is in theory a non-option for both the police and local authorities. Impracticable circumstances regarding the transfer of young people from police stations to local authority accommodation are only viable in circumstances which make it *physically impossible.* The only conditions where this can be considered are, 'extreme weather conditions (e.g. floods or blizzards) or the impossibility, despite repeated effort, of contacting the local authority' (ibid).

The detention of young people of 17 years of age and under at police stations should be extremely rare event even when the police refuse bail. Recent figures from the Youth Justice Board provided by YOTs, imply that in practice the national picture regarding the transfer of young people to local authority accommodation does not occur as regularly as it should. The data suggest that it is the transfer to local authority accommodation from police stations is at an extremely low level.

In England and Wales for the three months between July and September 2000, of the 1022 young people aged between 10 and 16 who were recorded as being refused bail by the police, 85[16] per cent (865 young people) of these were detained in police stations. Of these, 13% (117 young people) were transferred to non secure local authority accommodation. Of those 117 young people, only 2% (2 young people) were transferred to local authority secure accommodation units. Of the 10 and 11 year olds, who it should be remembered cannot be *legally* held in police custody unless transfer is impracticable, 73%[17] were detained at police stations (Nacro, 2001a: 5). These alarming figures regarding the negative impact of police bail processes, demonstrate that for young suspects arrested and charged by the police there is a strong possibility that such detentions will, in most cases, incur an over-night 'sleep-over' or, on occasions, a 'week-end break' at police stations.

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[16] All the figures have been rounded to the nearest number and percentile.

[17] No figures were available to analyse this sub figure of the total number population regarding the actual number this 73% of 10-11 year olds constituted.

Table Four

Children and Young People Denied Police Bail: July-September 2000

Total Number 10-16 Years	Total Detained by Police	No. Transferred to non secure L.A. Accommodation	No. Transferred to secure L.A. Accommodation	% of 10-11 year olds Detained by Police
1022 (100%)	865 (85%)	117 (13%)	2 (2%)	73%

(Source: Nacro, 2001a: 5)

Caution should be applied when interpreting these data. The figures in the corresponding columns do not add up to the over all 'Number' total. Anecdotally, I was told that this occurred due to a number of the BSS projects not recording the outcomes of young people's arrests. In this age of managerialist rhetoric, with an emphasis upon monitoring and evidence bases in which to inform 'what works', this is a wholly unsatisfactory state of affairs from within the local practice of YOTs. Despite this, what we can assume is that nationally the police are neglecting their duties and ignoring the codes of practice which deal with the welfare issues relating to young people arrested by the police. The above table constitutes an overview of the neglect of the codes of practice relating to children and young people held at police stations. The fact that 73% of all (recorded) 10-11 year olds that were arrested in England and Wales during this period of time and were illegally detained by the police, presents a disturbing finding relating to police malpractice in withholding bail. Furthermore, this malpractice in detaining vulnerable children may indicate that the police remain unaccountable for their actions. It also demonstrates the voids relating to localised youth justice practice, by way of local YOS not monitoring or recording what happens to the young people within their geographic locations after they have been arrested.

As to how this happens and indeed how it is allowed to occur represents a major weakness within the current youth justice system. Perhaps during those summer months England and Wales experienced uncharacteristic adverse weather conditions that made the transfer of a large number of young people (who should of and were entitled to be transferred to local authority accommodation) 'impracticable'.

Alternatively and perhaps more realistically, police interpretations and the evident malpractice relating to PACE codes are having a major impact upon what

'should happen' to young suspects and what 'actually occurs', due to police and local authority negligence. The role and practices of legal representatives and duty solicitors as legal advisors to young suspects is also called into question at this staging post within the criminal justice system (see McConville *et al.*, 1994; Sanders and Young, 2002. Of the majority (fifty-six in total) Appropriate Adult call-outs that I attended it was extremely rare, indeed I did not record, nor do I recall, a legal representative questioning the police refusal of bail. In most instances the legal representatives were rarely present until the bitter-end of the release or charge process that often follows the interrogation of suspects.

An insight of some of the more bizarre participant observations, relating to legal representatives at police stations, I was fortunate enough to observe and participate in, are discussed at a later stage in this chapter. What is possible to suggest regarding the earlier figures relating to young people's experiences determined by police bail decisions is that the figures may reflect;

> ...the police refusing to transfer or requesting secure accommodation inappropriately; or youth offending teams or local authorities refusing to accept transfers. A further possibility, of course, is that the issue is simply not raised by any party. In any event, the data provide a good prima facie case for suggesting that the legal requirements are being overlooked and that local authorities may, at least on some occasions, be in breach of their statutory duty
>
> (Nacro, 2001a: 5)

All of the above possibilities were, in some extreme cases, accountable for a number of young people being detained at police stations. With some of the young people I worked with being 'tucked up' by the police was a routine activity once they had been arrested. I am aware that this will not form a representative sample of these decisions. I am also aware that for most young people arrested and charged bail was granted by the police. However, the case studies I employ do demonstrate evidence of the structural weaknesses and at times, malpractice that has occurred within the youth justice system. Perhaps it may be fair to suggest that elsewhere in the England and Wales, similar practices occur.

The lack of comprehensive research into police bail decision-making processes particularly, in the application of bail conditions and as to how these initial decisions compare with corresponding court bail decisions, has continued to allow the police to remain unaccountable within this relevant aspect of the criminal justice process. A number of research studies focusing upon bail processes have argued that the police continue to remain the primary control agents in relation to the corresponding bail outcomes of defendants at court (see, for example, Hucklesby, 1997; Morgan and Henderson, 1998; Phillips and Brown, 1998).

Despite the legislation and codes of practice in how to deal with young offenders at this stage of the bail process custody officers often over-ride the official prescribed doctrines regarding what is to be done with those young suspects. The denial of bail by the police of young suspects is laden with problems. Custody Sgts. on duty do not like young people to be detained during their shifts. I was told on one occasion, "*It's nowt but fucking bother babysitting the little scrotes*'. For Custody Sgts. young suspect's create-more than the usual work required to detain a suspect at police stations. Parents need to be contacted and often they won't attend.

Between 01/10/00 to 31/03/01 the local YOS had 275 calls from the police for requests for Appropriate Adults to attend police stations in the area. This was at a time when requests for Appropriate Adults from the YOS had reached an all time low. It was described to me as a 'very quiet period'. It is widely acknowledged, that in the main, these requests are made because parents won't or, can't attend police stations to deal with the arrest of their sons and daughters. Appropriate Adults are then required to attend and at times they are not available. In such situations young suspects can be left waiting for hours on end. On one occasion during a call out to a police station I was told that the young person had been waiting for four and half-hours for an Appropriate Adult to arrive at the station for a petty shoplifting charge.

If charged and detained the police are required to carry out a number of procedures relating to vulnerable suspects. Young suspects are accommodated differently to adults while at police stations. For example, a juvenile should 'not be placed in a police cell unless no other secure accommodation is available' (PACE, 1984: s.8. 8.9). In the majority of cases young suspects are detained in cells. This usually occurs due to a lack of alternative secure accommodation within police stations. In locking them up the young suspect is controlled and out of likely harms way considering the potential for violence within the custody office. Police stations are generally unequipped to deal with young suspects.

The observations and interactions I have utilised within this chapter are, of course, exceptions to the normal run of the mill bail decisions that occurred. The majority of young suspects were granted unconditional bail at police stations. A smaller number of young suspects' were granted bail with conditions. For those young people where an imposed condition of bail by the police (and also at subsequent stages of the youth justice process at courts') was that a young person was to 'reside' or be 'remanded in local authority accommodation', and on occasion this might occur. However, such police bail decisions are guided by their own perceptions of what makes 'good' or 'bad', 'vulnerable' or 'obdurate' young offenders, of the 'seriousness' of the alleged offence and thus the label is applied and the bail decisions that are made often correspond to those labels. As Bottomley *et al.* (1991) have suggested the police will utilise PACE in order to 'make it work for themselves'.

Summary

Sociological analysis of legal processes relating to police decision making has questioned how individual officers reach decisions with suspected or alleged offenders (see for example, Banton, 1964; Skolnick, 1966; Wilson, 1968; Holdaway; 1977). As has been discussed in this and previous chapters, the sociological emphasis upon the police decision making should not be under-estimated 'because the police control access to the criminal justice process and the police officer's decision is important from this social policy point of view' (Manning and Hawkins, 1989:139). However, for young people involved with and often subject to police decisions within the youth justice system, it is recognised in theory that the system can in fact create far greater levels of criminal behaviour than its intended purpose to eradicate criminal behaviour. It is now widely acknowledged that locking young people away either as a sentence or on remand, generally fails to stop young people re-offending. In 2001, 78 per cent of all young offenders who had been sentenced to serve time in Young Offender Institutions were re-convicted of a statutory offence within two years of release from serving time (Home Office, 2002).

For those young people detained at police stations and subsequently remanded by the courts, the youth justice system has constructed a variety of safety nets to avoid the detention of young suspects, who are by all accounts under the presumption of law, innocent at this stage. Bail Supervision and Support is one of the policies within the

Crime and Disorder Act of which the principal aim is to prevent re-offending on bail by young offenders. A central aspect of BSS is that it often picks up the young people who have been held at police stations overnight and are considered at risk of being remanded by courts during their pre-trial hearings.

As has been discussed, the role of the AA is a fundamental aspect of co-ordinating 'justice' within the back spaces of the youth justice system (Dixon, et al., 1990; Brown, et al., 1992; Evans, 1993; Bean, 1997; Bucke and Brown, 1997; Pierpoint, 2001; Jones, 2004). Pearse (2001), despite his and Gudjohnsson's (1996) earlier criticism of the potential of such a service, he has recently described the role of Appropriate Adult services as the most important contemporary safeguard for young people within the youth justice system. The discussion within this chapter has focused on the role (and experiences) of the Appropriate Adult. In aiming to secure the welfare and release of young suspects, and the potential outcomes of later procedures within the system, the encounter is a complex process. This discussion has considered the complications involved with legal definitions and also of the equally composite issue of disparity in and between organisational cultures in what should be 'done' with suspected young offenders.

In the following chapter the line of discussion examines the BSS Project in attaining its aim to reduce the incidences of remands into custody. Moving on through the protocols and analysis of bail decisions, the process now develops the narrative of young people's experiences relating to bail. In the following chapter, the discussion is of the bail supervision and support of those young people who are at risk of the more severe aspects of remand management within the youth justice system. As this chapter will argue this welfare-orientated youth justice strategy is weighted against by other competing 'stakeholders' of BSS outcomes, these being the police and magistrates.

Chapter Five

Conflict and Contradiction: The Policy and Practice of Bail Supervision & Support

Introduction

The Government under the Crime and Disorder Act 1998 established the Youth Justice Board. The aim of this legislation was to monitor the youth justice system and to advise the Home Secretary on the operation of that system, and to identify and disseminate good practice. The Board issued grants to identify, promote and develop good practice in the youth justice system and the prevention of offending by children and young people. The Home Office provided the Board with £85 million over a three-year period, of which, during that period a total of £35 million was provided for bail supervision and support projects (YJB, 2000).

This chapter details a case study of one such bail supervision and support project in the North of England. A central tenet of this chapter focuses upon the aims of the YJB of overseeing Bail Supervision and Support, as a national project in order to reduce the remands into custody of young people. A further area of discussion will examine the organisational strains of the BSS Project in its attainment of those and other objectives.

In this chapter the relevant issues relating to the local BSS Project's 'clients', these being the young people who went onto BSS, will add a further dimension in understanding the structure and function of this particular aspect of a youth justice welfare-orientated intervention. Paradoxically, this can also be viewed as a system of social control, targeted towards some of the town's 'serious' and/or persistent young offenders.

In Sunderland a BSS Project had been operating with various form of delivery since 1991. It had previously ensured its target group as those young people at risk of being remanded by the courts in the district to Local Authority accommodation or remanded into secure custody. From 1999 and the commencement of this Youth Offending Service pilot project, the BSS Project set out to fully integrate the various elements of the existent resources and to strengthen those resources by building upon the existing multi-agency partnerships already in place. This was part of a

comprehensive YOS arrangement to deal with the most difficult and persistent young offenders in the city. These were the city's young offenders most at risk of receiving the most severe impediments that the youth justice system is capable of and warranted in imposing upon young people, alleged to have committed criminal offences. From here on in it was either, bail or jail. This chapter gets to the crux of the matter in discussing the legislation, policy and practice of bail supervision and support.

Policy Provision: Delivering Bail Supervision (and Support)

The provision of Bail Supervision and Support for children and young people remanded or committed on bail, became a statutory duty of local authorities with education and social services responsibilities. The central aim of the YJB was to help establish Bail Supervision and Support Schemes/Projects as an integral part of Youth Offending Teams/Services. The aim of BSS was to reduce re-offending of young people on bail, the delays caused by non-appearance in court and the unnecessary use of secure facilities for young people remanded by the courts (Nacro, 2003c; YJB, 2001c).

BSS is targeted for its primary use in situations where magistrates grant conditional bail. An objective of BSS is that those young people placed upon it should have access to relevant programmes of intervention (e.g. substance misuse, education and training), provided by the Youth Offending Service (YOS) and its partners, in order to meet the identified needs of young people.

From these aims it is clear that BSS is explicit in its focus to address the issue of children and young people re-offending while on bail and reduce the incidences of court ordered remands (both custodial and, at the Sunderland project, local authority remands). Remanding young people into custody is widely acknowledged as a detrimental process to those young people facing court based remand decisions (Woolf, 1991; Cavadino and Gibson, 1993; Howard League, 1995; H.M. Inspectorate of Prisons, 1997, Moore and Smith, 2001; and Goldson, 2002). BSS is intended as a 'remand management' strategic intervention within the youth justice system (Thomas and Hucklesby, 2002).

The Crime and Disorder Act 1998 (CDA 98) placed all those working within the youth justice system under a statutory duty to have regard to the principal aim of preventing offending by children and young people. Under the management of Youth

Offending Teams and Youth Offending Services[18] the standard aim is expected to be delivered by the YOTs as the primary vehicles of delivering youth justice. The local authority (LA) in co-operation with other agencies have a duty to establish a YOT for the geographical area, and to produce a youth justice plan to demonstrate how intended services are to be provided and funded. The 'youth justice system' is defined as 'the system of criminal justice in so far it relates to children and young people' (Nacro 2001:1).

In England and Wales young people become subject to the criminal law at 10 years of age. Yet, many of these young people who offend also fall within the Children Act 1989 definition of 'children in need', of which the response of the criminal justice system to young people's offending is intended to ensure their general welfare. Three guiding principles underpin the work with young offenders within the criminal justice system:

- Section 44 of the CYPA 1933 provides that all courts should have regard to the welfare of the child who appears before them.
- Section 1 (1) of the Children Act 1989 provides that the child's welfare shall be the court's paramount consideration in any proceedings under that Act, and section 17(1) places a general duty on every local authority to safeguard and promote the welfare of children who are in need.
- The UN Convention on the Rights of the Child requires that in all actions concerning children (i.e. those under the age of 18 years of age) the courts of law, the best interest of the child shall be the primary consideration.

(Nacro 2001: 1)

Bail Supervision and Support is primarily focused upon offering the courts an intervention which is welfare orientated, in that its aim is to offer this youth justice package as an alternative to 'remands' to secure accommodation. A concise definition of bail support stands as:

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[18] Originally all of the new youth justice teams were to be called 'Youth Offending Teams'. However, the City of Sunderland local authority whose responsibility it was to set up the YOT was uncomfortable with the name. I was told by management, involved with this that it smacked of the principle of 'justice', rather than a 'welfare' orientated 'service' that the local authority expected the new youth justice system in the town to deliver. Sunderland opted for the naming of this new youth justice system as the Sunderland Youth Offending Service. A number of other local authorities also opted for a 'Service' rather than a 'Team'.

> Bail support is the provision of community based services, which enable bail to be granted to young people who need additional (specific) support, and should normally be targeted at those who are at risk of, or who have been remanded to local authority accommodation, secure accommodation or custody
>
> (Nacro 1999: 8)

During the 1990s the number of bail support projects run by local authorities increased. In 1994, Nacro conducted a survey of local authorities' criminal justice related community programmes and found that approximately seven out of ten local authorities in England and Wales claimed to provide bail support. However, Nacro also found in 1995 that these bail support programmes operated in a variety of guises. Generally, they were believed to provide an important means in reducing the likelihood of offending during the bail period and the majority of these schemes/projects were aimed to deal with young people (Penal Affairs Consortium, 1995: 7).

As a standard, much of the legislation regarding young people within the criminal justice system places a great deal of virtue upon the 'welfare' of the child/young person. It is widely accepted that young people should be treated more leniently, with a far more long-term welfare and personal developmental approach throughout their engagement with the criminal justice process, in comparison to adult offenders. Bail supervision and support's intention is to be a viable and lenient welfare approach in dealing with young people alleged to have committed criminal offences. Such offences for this youth justice 'target group' may impose the risk of custodial remands and remands to local authority accommodation.

In order to reduce the risk of being 'remanded' bail support schemes for adults as well as children and young people have historically arranged a system of measures to offer defendants individually packaged programmes of bail support. These bail support programmes have generally included a gamut of varied and rarely tested interventions aimed at reducing the possibility of 'bailees' re-offending while on bail. The following are an example of those types of interventions:

Reporting to, and maintaining a contract of agreed level of contact with bail support workers from those agencies that were responsible for bail support (for example, probation, social workers and youth justice workers):

- Accommodation/residential requirements

- Assistance with education/training/employment
- Resolving family problems in order to ensure a suitable bail address and home base for defendants
- Referrals to agencies in dealing with benefits, drug or alcohol misuse
- Individually tailored work focusing offending 'risk' related problems. For example, anger management, peer group influences
- Constructive use of leisure time

(Source: Sunderland Youth Justice Service, 1996)

As is clear from the above interventions, bail support has historically provided its aim as a counter balance of welfare and offending focused interventions, to maintain defendants within their communities. However, due to the duration of time young people spent on BSS the level of intervention it intended to provide to these young people's lives could be extremely limited, in attempting to address aspects of the young people's risk related offending behaviour.

BSS: Background Information of the Sunderland Project

The Sunderland BSS 'Bail Information and Support Service' commenced as a pilot study during 1991/1992. The professional rationale of the project was located in the Social Services Department's emphasis of deploying effective resources to maintain children with their families, as long as it was consistent with their welfare, with a principle of 'minimum intervention'. During this period of time there had been increasing numbers of young people being remanded to the care of the Local Authority.

The concerns were raised and focused upon two areas. *First*, that the numbers of young people being remanded to local authority accommodation (RLAA) had been identified as a strain upon the Social Services Department residential resources (care homes). *Secondly*, that a 'remand in care' had become synonymous with institutional confinement, resulting in a high level of absconding and further offending and a breakdown of family and community ties (Sunderland Youth Justice Service, 1998). This, in turn, represented a perceived failure to provide the local courts with a range of options for young people being considered for remand episodes. The majority of final disposals of the courts, at this time, were non-care or non-custodial, which raised

questions concerning the purpose served by the remand process (Sunderland Youth Justice Service, 1998).

When Bail Support was granted as a condition of bail the conditions were that the young person would return home and would receive visits from, or report to, the Bail Supervision, Support and Remand Service (ibid.). A nominated member of staff then worked with the young person and his/her family in order to minimise the risk of re-offending whilst on bail and would then report back to the court with details as to how the young person had managed and adhered to the BSS project. When courts granted bail, with the condition "to co-operate with the Bail Supervision, Support and Remand Service" (ibid.), a contract was immediately drawn up with the young person and their parent/carer. The content and intensity of each programme was designed to address the grounds for the refusal of bail during the first hearing, the seriousness of the offence was taken into account; the likelihood of re-offending; and areas of concern to the young person in question were also considered. However, this was a 'dressed-up' Youth Justice System policy statement. The BSS workers of this period had a different remit. The method of delivery was somewhat removed from the glossy policy statements relating to bail support prior to the statutory legislation of the Crime & Disorder Act 1998.

Jack: *We used to just please ourselves with what constituted a bail visit. What's the record now Geoff of how many bail visits we got done in an hour?*

Geoff: *You did six 'drive-bys' in fifty minutes, in nineteen ninety-six*

RH: *Drive-bys-what's that then?*

Jack: *This is what I mean about how unaccountable we were. We used to do drive-by bail visits back then. We'd offer bail support to the magistrates for young people who were in danger of being denied bail and remanded into custody. As part of that package of bail support and supervision, we would have to visit the young people at their homes and check that they were in, sticking to the conditions of their bail set by the magistrates. We would see if there was anything else we could or should be doing for the kids to stop them re-offending while they were on bail. We'll you know what I mean, like interventions and support which we were supposed to discuss with the kids on those bail visits... Well, we used to save them up and try to get them all done as quickly as possible to save time and work. Not that we were busy or anything we just couldn't be arsed more than anything else. So we used to have competitions to see who'd get the most bail visits done in the shortest time possible. Geoff was well in front with four visits in an hour and a half...So the*

method was right, that we'd all compete to see who get the most done in the shortest possible time. Hence, the 'drive-bys'. We'd plan our routes out and ring the kids and tell them to stand at the back or, front door, make sure there were no problems before we left the office, and just tell them to wave to us as we drove by their houses. That was the bail visit. Fuckin' scandalous isn't it? Well, Geoff managed to get four done in an hour and a half which was pretty amazing really. But, I topped that [gloating at Geoff, and places fingers in imaginary elastic braces and stretches them. Geoff laughs] *I did six in fifty minutes. And those were our bail visits with the hardcore young offenders in Sunderland.* [Laughter fills the office] *Fucking terrible isn't it? It's still the record though, never been beaten.*

Geoff: *It'll never be beaten that bastard. I take my hat off to you son. It was a truly amazing feat. It's no wonder magistrates' and young people think it's* [BSS] *a fucking joke.*

(Jack and Geoff: Fieldnotes, May 2000)

A bail visit should have consisted of sitting down with the young person at home and discussing the issues of the young persons bail conditions. For example, if there were curfew conditions imposed on the young person's bail supervision and support was the young person managing to keep to those conditions? Often a condition of bail would be that he or she were not to leave their house between 20:00 hours and 08:00 hours, the social worker (as Geoff was) or, a welfare officer (as Jack was) should have discussed this with the young person and his/her parent(s) if they were available. Issues, for example, of education, training, drug-use, peers, should also have been discussed if these had been recognised as being offence related risks. At times, as we have seen in the above statement this was not according to Jack and Geoff's description of a bail visit. On occasion, bail visits consisted of Jack winding down his window, as he crawled past the young persons home in his car and shouting to the young person, who would be stood at an open door or window '*All right then? Any problems, no? Good lad. See you Wednesday then*'.

Perhaps the Audit Commission's (1996) stinging criticism of Youth Justice was correct in suggesting that the system for dealing with young offenders was expensive, inefficient, inconsistent and ineffective. According to Jack and Geoff and the method of drive-by bail support visits, it was quite clear that they shared the Audit Commission's opinion of the method of delivery on this aspect of the youth justice system.

The BSS Project, from a number of discussions and interviews with staff at the project, held little credence with its 'stakeholders'. Particularly with the courts in the town, bail supervision and support, had over time had failed to maintain its aim in providing the local magistrates, with a get of jail option for the more troublesome young offenders located in the town. The courts were beginning to view the BSS project as a failure.

Out With the Old & In With the New: A New Youth Justice Resolution

The YJB identified three primary objectives for BSS to focus upon. First, was an objective to reduce re-offending while on bail. Second, was to reduce the delays caused by non-appearance in court. Third, was to reduce the unnecessary use of secure facilities for young people on remand (YJB, 2001c).

From the onset of the evaluation of the project, it became clear that the speed of change and steadfast commitment by the YOS in the attainment of the YJB aims, that the statutory requirements of BSS would be problematic for all concerned at this project. The central issue for the YOS lay in how to implement the changes in bail support, (as it was previously named) to that of the statutory requirements of the YJB (section 38 Crime and Disorder Act 1998). The primary issues of staff dealing with BSS were *how to do it*, *who's to do it*, and *why are we doing it*? At this time in the 'new' youth justice system, suspicion about the speed and delivery of an expansive array of changes was abundant. Youth justice staff, (as they were previously known), were concerned with increasing responsibilities and workloads (in an already over-worked and over-stressed environment) and many of these changes to the system were viewed with despondency and resentment. It also became clear to staff that the accountability of their work was on the increase.

In 1998 the City of Sunderland, in partnership with Northumbria Probation Service, Northumbria Police and Sunderland Health Authority tendered an application to the Home Office for consideration for pilot status for the new youth justice reforms under the *Crime and Disorder Act 1998.* The bid was based upon the piloting, initially for the North Sunderland district, with the objective of incremental progression towards a pilot across the whole of the City Council area. The bid was accepted in June 1998 and the Sunderland Youth Offending Service commenced the pilot in October 1998.

The Integrated Bail and Remand Project of the Sunderland Youth Offending Service set out to fully integrate the various elements of the bail and remand support services. The aim was to strengthen the identified weaknesses of the range of services that existed at that time. The project had since enhanced its previous resources, by building on the multi-agency partnerships already in place, as part of a comprehensive Youth Offending Service structure.

The bid was successful in attracting a total of £680,000 Youth Justice Board funding, tapering over a period of three years until 31 March 2002. The initial bid application for the funding of the project, for the period April 1999 to March 2000 totalled £360,374. The release of funds occurred with two annual payments of £180,187. Due to problems of recruitment encountered by the service over the first twelve months of its implementation, a financial forecast predicted that an under-spend of the funding during that financial period was imminent. An agreement between the Youth Justice Board and the Sunderland Youth Offending Service, one payment of £180,187, would be commensurate to the BSS Project for the financial period April 1999 to March 2000.

The shortfall in spending resulted in a revised figure in the Youth Justice Board's funding in comparison to the accepted final bid. This revised figure totals £500,187 in comparison to the accepted bid offer of £680,374 for the period April 1999 to March 2002 (ibid.). The vast proportion of funding was directed towards a variety of posts.

The BSS Project staffing and structural arrangements were an integrated service of the Sunderland YOS and also referred young people to the Community Supervision Team at the YOS. They would assist with professional advice regarding, health, probation, education, police, social services and housing.

Table Five

Funding of Project

Funding	1999 - 2000	2000-2001	2001-2002	Total
YJB	£180,187	£220,000	£100,000	£500,187
Local Authority	£542,970	£542,970	£542,970	£1628,910
Project Total	£723,157	£762,970	£642,970	£2,129,097

(Source: City of Sunderland Chief Executive's Office, 2000)

The intended aim was to allow the service to operate a seamless transition between the core elements of a remand strategy. BSS targeted those young people perceived to be at risk of a custodial remand *and* of being remanded into local authority accommodation (Sunderland YOS, 1999). As has been suggested at an earlier stage of this chapter, much of what the new legislation aimed for reflected many of the aims and objectives of the previous BSS Project. It perhaps could have been expected that the transition would be a smooth one, in order to meet the legislation of the C&D Act 1998.

It became evident that the previous 'bail support project' which had been operating since 1991, had been run aground and left floundering. In attempting to gain background knowledge of the earlier data and knowledge of the earlier project, issues relating to the management, monitoring and the day to day running of the project began to be unearthed. It didn't make for a pretty sight. I found evidence of 'miscalculations' of numbers, who had 'actually' been on bail support during specific periods. I came to the conclusion that 'exaggerated claims' relating to the numbers of young people who were recorded as coming onto bail supervision and support, had been reported back to the local authority Social Services Dept and also to the Audit Commission (1996). The then manager Andy also told me when I raised concerns that during one year during the 1990s, there appeared to be an 'under-record' of bail support episodes:

Look, you can only do the job with the tools that you have at hand. During [year omitted] *we had a lot of problems and I dare say you're right in suggesting that things weren't being recorded in any meaningful or systematic manner or method. I recall that for about a period of nine months in* [year omitted] *much of the details we should have recorded relating to bail support just weren't done.*

(Interview: Andy, February 2000)

It came down to pragmatic issues of staff being unable to complete the job at hand, of competing priorities within a highly pressurised employment vocation and of workers whose role it was to deliver BSS and record the inputs and outcomes, failing to do so. Observations yielded more insights into the problems in delivering BSS and recording its successes or otherwise with the 'tools at hand'. The 'tool' in this case was a social worker whose responsibility it was to deliver bail support and provide the data relating to it, back to the then local authority controlled Youth Justice System.

Geoff: *She* [the social worker responsible] *was hopeless. She was forever off on the sick or taking time off to look after her sick mother. You know what's she's like! She's as scatty as a scolded cat, and leaving her to run and record things for a couple of years was pretty irresponsible wasn't it? But worse than that, she got away with it! As I've said before things were very different back then because we weren't accountable for much.*

The previous project appeared to reflect many of the scathing criticisms offered by earlier audits of the youth justice system (Audit Commission, 1996, 1997). With the emerging trend for a strategy of youth justice managerialism (Newburn, 1998; 2002) it was clear that the project was going to struggle in hitting the aims of the new system. The new re-vamped youth justice system, as legislated by the C&D Act 1998, would be stacking the odds against the new BSS Project in meeting the changes that were afoot. The new legislation of the 1998 Act was one thing, delivering it would be another. From observations it became evident that bail support workers had received a great deal of autonomy in their previous working practices. They were suspicious and resentful of the changes within youth justice encroaching upon their customary youth justice practices. Suspicion and resentment evolved, mainly due to the lack of consultation as to how these changes would affect their professional outlook and working practices within the new system.

It took the BSS Project some time to re-launch it-self. I'd reported key areas of the evaluation, back to the management at the YOS and the project. A 're-launch' was organised, a seminar format with buffet and state of the art presentation tools (a flip chart) were organised by the new project manager for defence solicitors, magistrates and clerks to the justices, who were invited to attend. A number of defence solicitors attended. Despite my earlier focus group with the magistrates and the consensus from them was that they needed more information about BSS. The project needed to 'sell' itself to them. No one from the courts in the area attended, despite assurances from the courts that there had been a great deal of interest about the forthcoming presentation. As to why one of the main stakeholders to the project's outcomes had failed to participate, I was told:

George: *It really doesn't surprise me Rob. The magistrates' in Sunderland are an obnoxious lot. They've known that this has been arranged for about six weeks now and to be honest they're an uneducated bunch and fucking lazy with it. It's the*

clerks who make the decisions at court, not the beaks. Generally, they haven't got a bastard clue and aren't interested as they're only in it for their own kudos.

Norm: *That's probably a fair comment George but, the date was all-wrong as well. Everyone knew that England was playing last night but not Dopey* [Lydia, the manager] *there. They* [the magistrates] *couldn't have been arsed when the football was on.*

Back to Court: Trying to Keep the Customers Satisfied

The issue of training for magistrates, particularly during this period of time that the Crime and Disorder Act 1998 implemented a number of new youth justice strategies, aimed at responding to concerns about youth crime and disorder, is of importance. As has been pointed to in Parker, Sumner and Jarvis's study of magistrates:

> This training, through the local clerks, is sufficient to give them an outline of their functions, the objectives of sentencing and the role of law for use in their functions, the objectives of sentencing and the role of law for use in their local court but it does not involve any substantial relearning nor does it look beyond the parochial, beyond local traditions and handed-down ways of doing justice.
>
> (1989: 171)

The Report of Lord Justice Auld which examined the role of magistrates (in (s) 91 to 100 of Chp. 4 on *Magistrates' Training*) argued that magistrates' training 'has been criticised by those making submissions to the Review as haphazard and lacking in structure' (2002:159). This leads to the claim that Magistrates' Courts Committees have failed to deliver quality training to the lay Justices in their areas. However, the response to the consultation, on the Review of the Criminal Courts of England and Wales, by the chairmen of the benches in Northumbria (of which the Sunderland Courts' are a part of) was one of offence to that statement relating to their 'poor level and quality of training':

> Colleagues felt offended that they were not to be trusted as potential sentencers at this level. Training for justices is of a very high standard and a structured, rational decision making approach to their work is well established.
>
> (Auld 2001:159)

Magistrates (at the present time) remain 'lay-people' and perhaps the failure of magistrates to attend the organized BSS training seminar, to tackle the problem of 'educating' the magistrates of the 'merits' of BSS, is rooted in their 'lay-role'. Either that, or perhaps as Norm suggested earlier, the timing was all wrong, as the England match was on TV. What is clear is that the BSS Project decided to sell the re-packaged BSS Project to the magistrates. Notice was given, invitations were sent out and no magistrates attended. England won the match 2-1 in front of a full house of spectators.

> Magistrates are lay people, predominantly middle-aged, middle class and highly respectable. They are, in the main, intelligent and sensible people who, in their own domestic, professional or business lives, would insist on applying rules like consistency, accountability and financial management. Yet, as magistrates they collectively become something else. They put on the mask and play in role and become highly selective in which parts of their life-experienced 'selves' they employ when acting as magistrates. Their socialization, their training and the absorption of the magistrates' ideology defines where and how the selection is made.
>
> (Parker, Sumner and Jarvis 1981:171)

Throughout the duration of the field research, and in a number of interim evaluation reports to Nacro, it was reported that the credence of the project with magistrates was at an all-time low. It has been suggested that the '... indicators are that schemes [projects] need to undertake a cycle of promotional activity which includes joint training with magistrates and solicitors...'(Nacro, 2002b: 36). The YOS and its BSS project, to their credit, did attempt to improve this through negotiation, 'packaging' and information for the courts in the area. However, there

was little enthusiasm by the magistrates or Clerks of the courts, for the 're-branding' (from 'Bail Support' to 'Bail Supervision') or the 're-packaging' of the 'old' project to its advertised and intended improved 'new' strategy. Similar to the re-packaging and re-advertising of 'now improved' washing powders promising 'whiter than white' it just didn't wash with the magistrates. A promotional training seminar was organised by the BSS Project. The solicitors came, the magistrates didn't. There existed a long-ingrained and discordant culture at the courts in the area, in dealing with young offenders, particularly with those who were referred to the BSS Project. It had been, and remained, a 'tough youth court' [19](Pitts, 1990).

The speed at which the changes were occurring within the system had left them out of their depths in understanding the many changes that were occurring within youth justice:

What do I know about bail supervision and support? To be honest not a great deal really. I mean I'm aware that there is such a project and that we sometimes use this for young people but usually it will be the clerk [of the court] *who will inform us what available options are open to us. Yes, we are influenced greatly by the clerk.*

A major problem I think we all [magistrates] *share is keeping on top of the changes that are occurring within the youth justice system. The changes over the last two years have been monumental. I took leave from my post to look after my daughter for two-years and when I came back I hardly knew what had happened. The whole system had been changed, with so many legislative changes and new programmes and projects to deal with young people in trouble, I couldn't keep pace with it all. The amount of training courses we are expected togo on to be informed about these changes has been unreal and I certainly can't attend all of them . Therefore, I'll admit, that for some of the new programmes we place young people under I haven't much of a clue about.*

(Magistrate: Interview, November 2001)

Doing Bail Supervision and Support

In April 2000, the YJB published a range of national standards for the practice of youth justice in England and Wales (YJB 2000). Paragraph 6.3 and 6.4 of those national standards, refer to bail supervision and support, bail information and the assessment of

[19] See Chapter Five for an analysis of the local youth courts' use of custodial sentencing and remands to custody compared to regional and national statistics.

young people referred to those services. The guidance offered to YOTs for the provision of a standardised format that BSS was to be delivered as, failed to include details as to how BSS services were to be presented by the new youth justice system. The YJB stated that:

> (i) *6.3.1* Each YOT must ensure that there is local bail support and supervision provision and that all young offenders detained in police custody for production in court are referred to it.
>
> (ii) *6.4.1* YOT Managers must ensure the provision of a bail information service at each youth court in its area. It must provide factual verified information including Bail Asset to the Crown Prosecution Service. This is to enable the CPS to assess whether there is information that would enable them to ask the court to remand a young offender on bail rather than to secure facilities, and to provide access to any bail support and supervision scheme.
>
> (YJB: 2000)

This rather vague initial description by the YJB (Thomas, 2004, Thomas and Hucklesby, 2002) of what BSS was expected to 'do', and as to how Youth Offending Teams/Services were to implement it, may have affected the strategic planning of the service. It can be argued that this demonstrates the 'piece-meal' approach of the YJB in its implementation and management of the new youth justice system in its early stages of development.

Bail Supervision and Support is defined as the provision of services, which encompass 'intervention' and 'support', modelled to assist young people awaiting trial or sentence (Thomas and Hucklesby, 2002: 41). The central aim of BSS is to assist those young people referred to it to successfully complete their periods of bail within the community. In providing specifically designed services of support and supervision that matched the circumstances of the young person placed onto BSS, the alleged offence they were arrested for and the grounds for the refusal of bail (Thomas and Goldman, 2001) BSS was intended to tackle the 'risk factors' associated with offending (see, Farrington, 1996). On the one hand, BSS is a 'needs' and 'welfare' based criminal

justice package of interventions. Aimed at supporting the young person while on bail within his or her community, whereas the alternative options open to courts often consider remanding young people into custody or local authority accommodation. On the other hand, it is also a 'justice' model of supervision directed towards the control of young offenders.

In many ways BSS is a paradox. It aims to be a child focused welfare and a 'needs' orientated regime. Yet at the same time, it enforces rigorous bail conditions, intended to control those young people placed under its authority. BSS has three principal aims that demonstrate, or at least suggest, the constitution of a form state sponsored social control. The central (national[20]) aims of BSS are:

1. To reduce custodial remands
2. Increase attendance and reduce non-attendance at court
3. Reduce offending on bail

Entry to the Sunderland Bail Supervision and Support Project

The local aims of the Sunderland BSS Project went somewhat further in attempting to protect the interests of young people in the town, in danger of being remanded. Referral and entry to the service operated at a number of levels. A summary of these entry levels and selected target groups of young people to this project were:

- Those young people who the CPS were objecting to bail
- Those young people at risk of being remanded into custody and/or remanded to local authority accommodation
- Those young people who had been remanded to custody or local authority accommodation as a 'remand rescue' package in which to deploy BSS as an intervention to offer BSS to 'rescue' remanded young people
- Those young people identified as persistent young offenders (PYOs) and suitable for the Intensive Supervision and Surveillance Programme (ISSP)[21]

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[20] The 'national' and 'local' aims of Bail supervision and Support were intrinsically the same. However, at the local level of BSS Projects would often have a further number of similarly related 'welfare' orientated aims for BSS. For example, the Sunderland project also aimed to 'prevent young people being remanded into local authority accommodation' be this 'secure' or local care homes. This was widely accepted by the projects long-standing social work ideology and ethos to be detrimental to young people to be placed outside of the 'family' environment.

[21] The ISSP project went 'live' in September 2001.

- Those young people who were suspected of committing a single very serious offence

The BSS Project endeavoured to submit bail information to magistrates at a young person's first pre-trial hearing. The project also attempted to ensure that it was kept informed by the courts of young people who had been refused police bail, as they were awaiting their initial appearance before the magistrates and were held in custody at the cells at the magistrates' court. This would usually occur in situations where a young person had been refused police bail, following arrest and had been detained by the police and then presented at the first available court appearance. Here as we have seen in Chapter Four, the role of the 'appropriate adult' in informing the local BSS, project becomes an intrinsic factor. AAs provide vital information and support to the local BSS project about the detention and impending court appearance of young people following arrest. It was also not uncommon for the police to 'forget' that young people were being detained by the police overnight, intended for appearance at court the following morning.

For example, on more than one occasion, despite early morning phone calls to each of the police stations (these phone conversations usually involved talking with the respective Custody Officers at each of the local police stations) in the town. The BSS Project would enquire as to whether the police had juveniles detained in the cells. The police would occasionally 'forget', 'misplaced' or would 'not know' if juveniles were locked up a few feet away from them. On one occasion Geoff returned from the court after being surprised that two young people had been transported to the local court from a police station in the town, after being detained overnight with the BSS Project being unaware of the situation.

Geoff: *George, I thought you said we had no young people locked up overnight and waiting to be dealt with at court this morning?*

George: *Aye, that's right. I rang all the stations this morning at quarter to nine and they all told me they had no-bodies detained and waiting for court. Why?*

Geoff: *I gets there* [court] *and I'm told that Peter Sorkeld and Billy Pearce* [known young offenders] *are being held in the cells at court and had been detained overnight at the Bridge* [police station].

George: *That Sergeant Lawes is a fucking wanker. I rang him this morning and asked him if they had anyone for us. What a thick-headed bastard he is. How*

the fuck does he not know that he's got two young people in his cells? He's got shit for brains that twat.

(George and Geoff: Fieldnotes, January 2002).

On occasions the safety net relating to tracking and catching of young offenders would have gaping holes in it. While held at the court in cells awaiting their pre-trial hearing for their suspected offences, the BSS Project would go into action. In such instances the young people would be interviewed by BSS staff, bail information was provided to the young people and magistrates at the related initial hearing. This had been a particularly useful method, when applied at 'adult' magistrate court hearings of young people suspected of criminal offences.

The BSS project made a concerted effort to ensure that at all youth courts and magistrates court hearings that court duty officers were present at these hearings. The aim of this objective was intended to rescue young people who may have slipped through the net, in terms of not being identified as potential remand cases. For all young people who attended court hearings 'Bail Asset'[22] forms were completed, and where considered appropriate, bail supervision would be offered. As a welfare-orientated intervention, the project made stringent attempts to address the issue of 'slippages' of young people who could be under the threat of a remand episode.

The Remand Management Trail

On the following page a flowchart diagram following the pathways and protocols in remand and bail decision-making process is provided. The aim of this flow chart is to simplify the readers understanding of a quite complex area of the youth justice system.. This area of the youth justice is compounded by a variety of interlocking protocols that are required to be considered within the remand management process. I have attempted to simplify the information within the following diagram. However, the flow chart does remain somewhat complicated and thus mirrors this particular area of law, youth justice policy and practice. As a guiding tool for understanding the remand management protocols undertaken in the pre-trial process, it should be noted on the diagram the **bolder** the font of interconnecting passage lines, into distinct

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[22] 'Bail Asset' Forms were used systematically to record important details relating to the young people who might benefit from being placed onto BSS. The form records details of the young persons suitability for bail, current legal status, risk and need associated factors, issues relating to known incidents of self-harm by the young person, and their current accommodation issues.

Diagram Two

The Flow of Youth Justice Bail and Remand Decisions

Abbreviations used on diagram

Proposal not accepted

Proposal accepted Y = Yes

BSS = Bail Supervision and Support

PO = Probation Officer

YOS = Youth Offending Service

SW = Social Worker

L.A = Local Authority

Y.P = Young Person

The aim of the above diagram is intended to simplify the reader's understanding of the flow of court's decisions relating to the remand process for young people within the youth justice system. However, as can be seen in the above bail and remand flow chart, the routine is complex, with many inter-twining youth justice decisions and interventions to be considered relating to issues such as gender (girls are not sent to prison although they can be remanded into secure accommodation), and age (only boys over the age of 15 can be remanded into YOIs [prisons) or remand centre).

Likewise, issues such as a young person's level of vulnerability and the threats posed by young people to public safety also have to be considered at key stages of this process. Within the protocols of the youth justice system relating to bail and remand decisions, the 'types' of young people entering the system have to meet certain criteria to be placed onto certain youth justice interventions. I do not intend to explain in any meaningful manner these processes, as there is not the space or scope within this thesis to consider such a complicated issue. However, let me suggest that these interlocking areas are distinct interventions within the youth justice system and it would take an expert to explain in substantive detail each distinct area of to its full and foremost understanding.

Instead, I'll allow Norm (who was an expert practitioner in these matters) to explain the above flow system, and fundamentally this relates to the decision-making as to who comes onto BSS. Norm, during the early weeks of my entrance into the youth justice system, assisted me when I began designing this flow chart, to help me

understand the bail process. He allowed me to tape his discussion of it (which I considered might be useful in terms of getting to grips with some distinct areas within the system). Norm, as was his manner, explains it on a 'need to know' basis.

Norm: *Right, see the left-hand side of the chart? That's where you want to be within the decision making processes if you've been a bad lad, 'cause that's the least that can happen to you when you get remanded on bail by the courts. Left-hand side and bottom box, that's it, Remand on Unconditional or Conditional Bail, that's when you've been up at court, and it might be for a minor offence or something you've done that might not warrant any cause for major concern to public safety...stuff like that. That's where you'd want to be at this stage of the youth justice process. You might get some conditions slapped on your bail, but that's the least of your worries because if you start sliding over to the right hand side of the chart you're basically slipping further into the shit in the youth justice system, over on that right-hand side.*

Where you don't want to be is in the bottom box on the bottom right. Basically, you're fucked if you're in there, and you've been remanded into custody. That's for the bad-lads and usually, not always, but usually, once you've gone over to that side you're gan tae [going to] *keep sliding back over to that side of the system and end up right up to your neck in the soft and smelly* [basically, in the shit].

The box next to Remand on Unconditional or Conditional Bail on the bottom left-hand side, in there, that's it, that's being Remanded into Local Authority Accommodation, which are local care homes. Most of the kids who get remanded in there, I'd say eight or, nine out of every ten cases who get remanded by the courts into care, those happen because their parents wont have them back home. They've just given in really, sick of their kids acting up, getting in trouble and just throw the towel in and say fuck it, you [local authority/YOS] *take over, I can't do it anymore. In getting remanded into there is now when you start to hit the slippery slope and pick up speed. You're away from home, which must be bad enough for the most part, and you're in with other kids who are known offenders. Although places like the Tower do there best, it's not really equipped in dealing with some of the offenders who get sent up there.*

The next box to it, Remand to Secure Accommodation, you're in the sticky end now bonny lad. You're not considered fit to be out in the community, and this is the half-way house before prison for young offenders. It's not as bad as prison because they're more structured for the needs of young people and run by social services, but you're in the shit anyway. Thing is, for your information, this don't happen that

much in Sunderland because the magistrates usually, ninety per cent of the time, send the lads straight to the big-house [prison]. *We call remands into secure accommodation 'secure beds' and the problem is, not just here, but up and down the country, there's not enough secure beds to go round for the amount of kids that get locked up. So in most cases it's off to prison you go.*

That last box, the Remand into Custody one, this is right in at the shitty end, well I've already told you about that one. That's the naughty farm and in there things often go from bad to worse for young offenders.

Between coming into the system at the top box, the Bail Decision, that's where it all starts with the decisions the court's make. If you're coming in there what you really want, whether you're a lad or a lass, is to stay as far to the left as possible of all those routes in the chart that can be taken, hopefully the magistrates will keep you to the left hand side. If you start veering right there's a chance that bail support [BSS] *might have to come in and make plans on trying to rescue you from being sent into care* [Remand to Local Authority Accommodation (RLAA) *or worse, a secure bed* [Secure Accommodation (SA)] *and much worse, a remand into custody* (RIC).

The clearest way to basically understand it is, in a scoring system with number one at the lowest end of pre-trial punishment and number five at the highest end of it. So, number one would be being remanded on unconditional or conditional bail, two remanded onto bail support, three would be remanded to local authority accommodation, four, a secure bed and a five, in custody. It's as simple as that in weighing it all up.

We try to use bail support as a youth justice safety net to ward off the possibility of being remanded [RiLAA, SA and RIC]. *There's a load of decisions get made in the mean time with the courts, police, CPS, YOS, bail support*[23]*, parents, all jockeying for position in how best to deal with the situation. And within that, there are also decisions to consider like, will there be any secure beds if we push for that because we think the bench might want a remand or, do we go for a remand to local authority because we think that they wont let him or her come onto bail support? All of that stuff has to be weighed up at court.*

(Norm, Interview and demonstration: December 1999)

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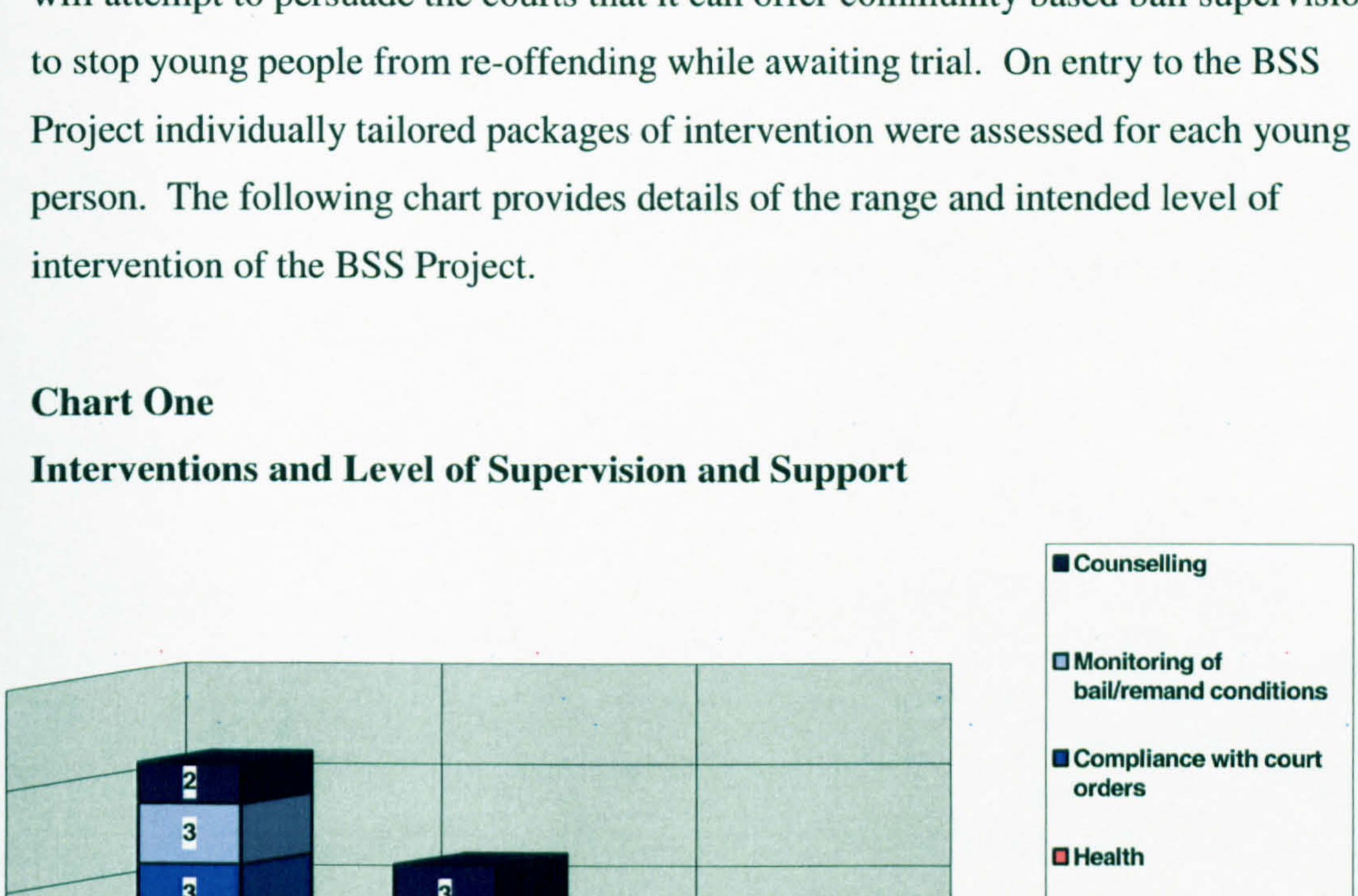
[23] Despite the re- naming and re-branding of the intervention to 'bail supervision and support' most of the 'old-guard' of workers continued to call it 'bail support'. Old habits die hard and cultures take even longer to transform.

Norm's working description provides the basic details of some of the 'pros' and 'cons' from within the youth justice and relating to the issue of court bail decisions for young people. It is now that we will turn to the youth justice intervention of bail supervision and support as a welfare orientated mediation to rescue those young people who are at risk of being sent to care homes, secure beds and, 'right in at the shitty end' by being sent to the naughty farm.

In attempting to rescue young people from a range of possible remand scenarios (custody, local authority secure accommodation or local care homes) BSS will attempt to persuade the courts that it can offer community based bail supervision, to stop young people from re-offending while awaiting trial. On entry to the BSS Project individually tailored packages of intervention were assessed for each young person. The following chart provides details of the range and intended level of intervention of the BSS Project.

Chart One

Interventions and Level of Supervision and Support



(**1 – 3** Equates to Degree of Intervention Intensity of Intervention)

Referral and entry to the service operated at a number of levels. A summary of those entry levels and selected target groups of young people are:

- Those young people who the CPS are objecting to bail
- Those young people at risk of being remanded into custody and/or remanded to local authority accommodation
- Those young people who have been remanded to custody or local authority accommodation as a 'remand rescue' package to BSS
- Those young people identified as persistent young offenders (PYOs) and suitable for the Intensive Supervision and Surveillance Programme (ISSP)
- Those young people who are suspected of committing a single very serious offence

The core elements of BSS intervention are as follows:

Basis of participation: for each young person accepted onto the BSS Project, a contract stating the conditions of bail was formulated. The young person signed, agreeing to adhere to the imposed conditions and level of participation expected. An 'Action Plan' was designed to meet the needs of the young person after consultation with the young person and her/his parent(s)/carer(s).

Attendance required: a minimum of three contact meetings per week for each young person were arranged and set as a bail condition. These contacts took place either at the young person's bail address or at the BSS office. Again, although a minimum of three appointments per week were standard, the programme attendance could be, and were on occasion increased for those young people it was considered would benefit, regarding individual 'risk' and 'need' factors, from an increased attendance requirement.

Hours of attendance: the project did not set specific contractual hourly requirements. This aspect of bail supervision was negotiated, judged by the young person and a BSO, on an individually merited perspective. BSOs arranged appointment visits to young people's bail addresses, which varied between approximately ten minutes to one hour in length. Initially the project did not register the amount of time the BSOs spent with their individual or aggregate casework. However, towards the end of the research the project began to record the amount of time and content of the bail visits conducted by BSOs. For arranged contact visits by

young people to the project, the approximate length of time while attending BSS appointments varied between thirty minutes and one hour.

Intensity: The project designed individually packaged programmes of bail supervision and support, based upon the 'need' and 'risk' associated with young people referred to the service. At its most intense level of support and supervision, specific packages had been implemented to deal with areas associated with re-offending whilst on bail. At the base scale of intensity, three meetings per week were arranged with young people and BSOs. Bail conditions were stipulated and any concerns regarding areas of risk and need could be discussed and monitored.

As a part of the Sunderland YOS, the BSS project also engaged with local partners in dealing with its targeted group of young people. These agencies, organisations and individuals would be referred to when considered appropriate. The following diagram provides an overview of the agencies the project would refer to the project.

Diagram Three

Multi-Agency Approach of the BSS Project.

This provides a clear indication of the 'risk' (risk of re-offending, risk of being remanded) and 'need' (of accommodation, education, health, Social work services of intervention) related factors in delivering bail supervision and support. In theory this appears to be a somewhat comprehensive and holistic approach in dealing with the most pressing problems associated with youth offending. However, in practice these partnership approaches often struggled to entwine in order to produce the intended aims (Crawford, 1998). Elsie, the Health Representative seconded by the local YOS (Elsie was a District Nurse from the area) highlighted the issue of the inter-agency strategy being displaced by the realities of practice.

R.H: *You've been in post for about fourteen months now haven't you? How many referrals have you had during that time from the bail support project for young people they've been dealing with?*

Elsie: *None, absolutely none. I really feel that the BSS Project is avoiding or ignorant to the health issues with the young people on bail support. I just feel that those who are supposed to address this matter* [BSOs] *just aren't qualified due to a lack of training to address the health issues of the young offenders they deal with. So here is another chance to engage with excluded young people that is being missed or avoided.*

(Elsie: Interview, Feb. 2002)

As Elsie points out, the causes for those policy to practice fragmentation's are located within the wider sphere of issues relating to significant organisational shortcomings such as training (or the lack of it) of the newly recruited staff in recognising key areas which have been identified with a range of incorporated factors associated with youth offending (Pitts, 2001a; Smith 2003).

A range of other structural contexts and young people's relationships to them also impacted upon the potential of success for this multi-agency approach. A range of social exclusionary issues were evident for the young people who came onto BSS. The majority were, in the main, excluded from mainstream education and lived in families were the main sources of income came from benefits. They lived in areas of the city where child poverty rates ranged from 26 to 60 per cent of the local ward youth population (National Statistics, 2002; City of Sunderland, 2001) where issues of teenage pregnancy rates were high (Selman, 2001), poor diet was the norm rather than the exception and alcohol abuse within the city made its cirrhosis of the liver rate double that of the national average (Arunachalam, 2003). The young people who

came onto BSS were, as a matter of course, from the most socially and economically deprived backgrounds and areas from within the city (Goldson, 1999, 2000; Pitts, 2001b). The aim in retaining a criminal justice strategy with a variety of welfare-orientated approaches in dealing with a variety of recognised causes related to young people's offending behaviour were intended to come by way of that the multi-agency approach (Crime and Disorder Act, 1998; Social Exclusion Unit, 1999). However, as Elsie described it, it appeared that the multi-agency strategy could fail in its objective of this approach due to, in this instance, a lack of clearly defined protocols and pathways within inter-agency activities (Pearson et al. 1992; Crawford, 1998). At times the 'joined up approach' in dealing with a holistic welfare orientated approach in dealing with young offenders just did not fully integrate that multi-agency and multi-focused ethos in dealing with the target group. As Crawford (1998) suggests the strains and tensions within these criminal justice multi-agency approaches despite the holistic and 'joined-up thinking' (Social Exclusion Unit, 2000; Clarke, 2002) are a process of complex organisational negotiations and at times competing organisational cultures, which:

> In other words, partnerships not only bring all the benefits offered by the inclusion of each partner, but are accompanied by the internal disputes and conflicts that sometimes rage within organisations. This can occur at an interpersonal as well as at a more structural level.
>
> (Crawford 1998:181).

Here lies an important aspect of understanding the methods employed within the youth justice system in tackling youth offending. The immense issues that often accompanied those young offenders and the agencies, whose roles are to address identified risk and need factors that often are associated with adolescent offending behaviour don't quite connect into the promoted 'seamless transition'. For Elsie, the trail of causes of offending went far deeper into territories of the family, of culture and perhaps of ignorance in obtaining the 'basics' offered for 'free' by the State. For Elsie some people:

Just don't get it, which is fine of course because they're adults...But when this affects their kids, and I mean who would do such a thing to their kids in not accessing basic medical treatment, the problem deepens. What you then have are young people

living their lives thinking that health doesn't matter and they remain uneducated and many of these kids will, in the not to distant future, be having their own [children] *who, if the past is anything to go by, will take after their parents view of health issues. Can you see where I'm going with this? This town is one of the sickest in the UK and in some quarters its difficult not to put this down to a cultural trait.*

Things Can Only Get Better

It was not until October 2001 that Nacro Cymru and the YJB produced the finalised version of '*National Standards for Youth Justice*'. This guide to bail supervision and support was produced for YOTs and their practitioners, to standardise the national delivery of this highly relevant aspect of the youth justice system[24]. Indeed, it was not until 13th November 2000 that the YJB informed the BSS Projects, that the YJB in partnership with Nacro, were developing national standards for BSS to produce guidelines for 'good practice' and to provide training for project workers. (Warner/YJB, 2000). The BSS Project I was evaluating had by October 2001 been operating under joint YJB and local authority funding for over two-years at this point. By March 2001 in England and Wales 109 (97%) BSS Projects' were being funded by the YJB. At this point in time, the YJB had to yet produce a set of formal standardised guidelines for the implementation and organisation of BSS (Nacro Cymru, 2002b: 4).

As we shall see later in this chapter, bail supervision and support as a Government sponsored programme within the youth justice system was hastily implemented, organised and supervised during its initial stages of operation. BSS was put into practice hot on the heels of a wide variety of youth justice initiatives that occurred during the same period of time. This entailed a number of over-bearing challenges not only to the YJB, but also to local YOTs that were responsible for the new youth justice system within their local areas.

BSS, at this stage of its implementation and delivery, took on the appearance of a 'on the hoof' project-poorly managed (at the central level) and untested in any comprehensive manner. Indeed, it was time to 'suck it and see' as to whether, or not, BSS could attain its intended aims and objectives. By November 2000, it had become apparent to the YJB, that BSS at the national level was incurring a number of

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[24] In May 2001 the YJB published 'Draft Practice Guidance to Accompany National Standards for Bail Supervision and Support'. However, this document was viewed as a 'work in progress draft document'. The final version of National Standards for Bail Supervision & Support was not published until October 2001.

problems at the practice level. Lord Warner, the Chair of the YJB, contacted all the YOTs/YOS in England and Wales to voice his concerns regarding

> The Youth Justice Board is becoming increasingly aware that the quality of provision and use of bail supervision and support projects across England and Wales is variable.....Whilst there are areas that demonstrate effective practice there are many others where there is still some way to go in achieving an acceptable standard despite the funding the Youth Justice Board has made available for bail supervision and support schemes. *We must work together to ensure that young people are not locked up who could be offered bail supervision and support and that remands to custody and secure accommodation are kept to the essential minimum.*
>
> (Warner/YJB, 13th November 2000. *Own emphasis added*)

Problems had begun to emerge and all was not well with bail supervision and support at the national level of implementation and delivery. The YJB highlighted a number of focal concerns relating to the delivery of BSS[25]. They were as **(highlighted)** follows:

'Delayed Implementation': That at this time, despite funding being released, nationally 17% of the projects had not 'gone live'. This had occurred due to the speed of change in implementing YOTs, the range of programmes, including bail supervision and support, on the back of the Crime & Disorder Act 1998 in re-shaping the delivery of the youth justice system. The main concern was centred upon the issue that bail supervision and support was now a statutory requirement under the 1998 Act. In England and Wales 17% of local authorities had not met that statutory requirement.

'Distracted Staff': There were major concerns by the YJB that staff recruited to BSS and paid for by YJB funding were undertaking other youth justice work, that was not specified in their bid to the YJB. For example, in writing pre-sentence reports, which

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[25] All of the concerns below were highlighted in the same letter to YOTs. See Warner/YJB, 13th November 2000.

was not there role to do, was viewed by the YJB as 'unacceptable practice' in diverting them away from developing and promoting bail supervision and support. At the Sunderland project there was evidence of this malpractice. Vic had been recruited under a bid to the YJB for funding, as an educational worker at the BSS Project. Her role was to design and deliver an educational package to young people, who were on BSS and were without mainstream education (this was the majority as most had been excluded or had just stopped going to school).

The YJB invested a substantial sum of money for this much-needed role. Despite Lord Warner's warning relating to this 'unacceptable practice' (ibid.), the education programme never got off the ground. It became a standing joke between Vic and my self.

R.H: *How many lessons have you delivered today Vic?*

Vic: *None as usual, I've been sat on my arse at court all day as court duty officer. Loads of young people in dire need of some basic education, and no education to give them.*

(Vic: Fieldnotes, April 2002)

My own experiences, in talking with and observing the young people who came onto BSS, were that they were generally very poorly educated in terms of 'academic' ability and credentials (see for example, Robins and Hill, 1966; West and Farrington, 1973; Kolvin *et al.*, 1990; Maguin and Loeber, 1996). Many were illiterate and it would be more than reasonable to speculate that, by the time these young people reached official school leaving age, there would be few who came away with any formal qualifications. Despite the inter-agency and partnership approaches in dealing with the 'holistic' picture in dealing with offending related 'risk' factors (education being at the top end of those factors), disparity in how to apply interventions across the multi-agency approach was a common occurrence. Attempts to steer young people back into mainstream and/or specialised education the failures, or at least the disappointments, far outweighed the successes. Mark aged sixteen and regarded as one of Sunderland's most prolific young offenders, told me:

Every school that I've been to I've been kicked out of. There was nowt they could with me. I was pure rotten. Telling the teachers to fuck off, just walking round the corridors smoking joints, doing buckets [a more potent method of smoking

marijuana/cannabis resin][26] *in the toilets and all that, so they kicked me out. And I'm just hanging around with the older kids who didn't garn tae school. See, my mates were all a canny bit older than me, fifteen, sixteen and seventeen most of them. So they're all on the streets getting pissed, stoned and taking cowies* [ecstasy] *and I'm around them and it was fun, so I join in don't I. I mean you cant tell me what I was doing wasn't a lot more fun than gannin' tae school? I haven't really done any proper schooling now since I was eleven or twelve.*

(Interview: January 2002)

Truancy and expulsion from (and rejection of) schooling have long been recognised as perhaps one of the most common causal associations that can be attached to deviance and crime for young people (West and Farrington, 1973, 1977; Farrington, 1996). The failure to fully address young people's educational disassociation has also been recognised as an important element of young people's continued, and often escalating involvement in criminal behaviour (Farrington, 1990; MacDonald, 1997; Ball and Connelly, 2000). A number of studies have clearly stated that for those young people who don't attend school the possibility of continued levels of involvement in crime are strong and may worsen over time (Cavadino, 1994; Hagell and Newburn, 1996; Audit Commission, 1996). Research has also found that the role of the youth justice sytem in tackling this well known youth offending risk factor was largely ignored at key stages of the youth justice process (Ball and Connelly, 2000) and that 'many youth justice workers seem to distance themselves

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[26] A 'Bucket' or 'Lung' as they are also referred to, consists of a large two litre plastic bottle (often a coke/lemonade type of plastic bottle). The very bottom of the bottle is cut off and a bucket is filled with cold water. If a bucket isn't available, 'bucket heads' (a term applied to those who use this method of smoking marijuana were often referred to as), will use a larger three litre plastic bottle with the top cut off so that the smaller bottle can be inserted into the neck of the larger bottle and then filled with water. Whatever receptacle is used, for example a larger bottle or bucket, this is filled with water. The next stage of the process usually involves making a 'chilm'. This is a gauze, usually made from tin foil, and holds the cannabis resin during the lighting and smoking process. The chilm is placed over the top of the bottle and wrapped tightly over the lip of the bottle-neck to secure it in place.

A pin is then used to make numerous small holes (of indiscriminate number) to let the smoke from the burning cannabis rise upwards from the partially submerged bottle within its water holding vessel (the bucket or larger bottle). The force and vacuum effect from the cannabis holding dissected bottle being plunged downwards into the water holding vessel drives the vacuumed energy upward intensely burning the contents within the chilm.

Again, the water, the smoking bottle create a vacuum, of which the smoke from the cannabis slowly spirals upwards to the expectant bucket head who will suck inwards sharply from his or her mouth positioned just slightly above the bottle to inhale the intoxicating fumes. For a far more detailed ethnographic and intriguing insight and sociological analysis in the use of 'buckets' see Kate O'Brien (forthcoming)

from the educational circumstances of young offenders' (ibid: 602). Such apathy was apparent from my own observations at the local BSS project.

It was rarely the case that in bail supervision visits I observed and conversations between workers regarding new bail supervision applicants that the issue of education was raised as a priority or indeed a secondary topic of discussion. There appeared a general acceptance that the vast majority of young offenders were without education and that at this stage of the process there was little scope to tackle this somewhat significant (although it rarely appeared to be of significant concern to many of those in the BSS office) aspect of offending related risk.

Many of the workers within the youth justice system are aware that their roles and interventions they offer in steering young people away from crime are often limited and that the new managerialism strategy (Newburn, 2002), with much of the emphasis placed onto supposedly improved monitoring and evaluation protocols which aimed to provide data as to 'what works' (YJB, 2002; Goldblatt and Lewis, 1998), but also placing significant emphasis upon the accountability of the new system (YJB, 2000). Yet, as Dee suggested:

The kids are just put on a pile, they really are, what their real needs are, obviously come secondary to what ...emm... resources you've got, what time you've got and what funding is available. Most of these kids are poor, we know that, you know that, not all but by and large, the vast majority are in desperate need for specialist, tailored education interventions which many of them, for whatever reasons, they're not receiving.

(Interview, September 2001)

Exclusion and/or disassociation from mainstream education was the *one* variable that was an intrinsic factor with the majority of young people who came onto BSS. Whatever problems they brought to BSS assessment procedure, educational matters would be the most common factor involved that the majority had in common. This factor was so ingrained within the aggregate make-up of all 188 who came onto BSS that the project did not monitor, evaluate or analyse the 'education' factor to any substantive level. It was taken as a 'matter of fact' that these young people just didn't do schooling. In Gregg's (a BSO) opinion of the education situation. He suggested that: '*Nine times out of ten, as sure as the sun rises every morning, these kids don't and just won't go to school. I don't mean like playing the 'nick'* [truancy], *they are beyond that. Some of them haven't been for years. We place them into 'specialist' education programmes but often the kids just stop attending these as well. So what happens? They're on the street, too much time on their hands, no routines, no discipline and low and behold they carry-on offending*'.

Vic's 'revised' role within the project at this time was to sit in court and make assessments of young people and consider as to whether BSS should be offered to the court. This was not a run of the mill 'education package' for educationally disaffected young people in any shape or form. The education programme was in a dire straight before it was launched. This was due to internal wrangling between the local YOS, Vic, the local education authority, and the local YOS and BSS mismanagement of the situation. With no manager at the helm of the BSS Project, the newly intended intervention to improve the service the project's delivery of its newly realigned education aim and objectives sunk without a trace.

Vic: *They* [YOS] *had no idea how to implement and organise the education programme for young people on bail support. To be honest Rob, in the early days, they didn't have a fucking clue.*

So I set about trying to implement one and at every stage I was knocked back. It became clear that the LEA were being initially obstructive and then they started to have a change of heart in thinking that the minority of those young people [on BSS] *who were still going to school but might be troublesome to teach...you know like the ones who were on the verge of exclusion...we would become the education dump for those young kids.*

Rather than work at keeping them in school they knew that we might have the education programme and would rather exclude the kids rather than work with them and I wasn't going to be party to that.

It's [the intended education package] *been a monumental fuck up from the start and we're still no further forward. The management of the Youth Offending Service and at bail support has been absolutely pathetic. I'm so pissed of with it all that I'm not even bothered if you were to go back to them and tell what I've said, that's exactly how I feel about the situation. We've got kids coming onto bail support who are absolutely desperate for intervention with their education, a role I was recruited for, and how many young people have I taught, none.*

(Vic: Interview June 2001)

A somewhat summarised statement of Vic's intended role with the BSS project can be offered as, 'the appointment of a specialist education officer [April 2000] to ensure the needs of young people are not neglected through bail and remand periods' (Hornsby, 2002). However, after two-years the intended BSS Education Programme had failed to deliver. In short, it just didn't get off the ground. Yet the YJB funding continued to roll in for the Education Project and its Education Officer. Such neglect of a well-known contributory factor within the delivery of youth justice has been recognised elsewhere and termed as 'disparate agency responses' (Ball and Connelly, 2000:612). This however is not solely a localised issue, as in 1996 it was found that 80 per cent of young offenders sentenced to supervision were without education or, had severe learning difficulties that impeded the learning process (ibid: 613).

The interconnecting linkages between youth crime and education are now well established. Low educational attainment, often beginning at primary school, has some implications for later attachments to school (Downes, 1966). A number of longitudinal research studies have demonstrated that for children whose academic performance has been considered as 'below average' during the later years of primary school the association with crime increases (Robins and Hill, 1966; Elliot and Voss, 1974; Kolvin *et al.* 1990; Maguin and Loeber, 1996). For the majority of young people who came onto BSS it appeared that it was their perceptions and frustrations of the experience of 'failure' at school which accelerated their disassociation (Downes, 1966) from mainstream education which by just hanging around and 'doing nothing' (Corrigan, 1979) brought them into a subculture where the association to 'anti-social behaviour' and drug and alcohol use often became normalised routine activities (Gold, 1978; Farrington, 1991; Jessor, 1976).

At the project a central issue remained. Bail Supervision and Support and the remand management for young people was a highly specialised programme of

intervention. New projects were being brought in, such as the intended education package and coupled alongside the BSS Project, with the intention of strengthening the overall remit of BSS. Thus, the internal and external organisational partnership wrangling relating to the planned education programme of intervention stalled and was eventually quashed. Despite all the academic evidence and practitioner savvy relating to the undeniable importance of education in turning round young people's offending behaviour, the local level delivery could not supply it. Indeed, as there was no direct BSS project Operations Manager to implement, oversee, and indeed, manage this complicated role it ran aground before it got the opportunity to be launched. As George, the 'line manager' told me one morning, particularly flustered with an ever increasing workload (and the stress that would often come with it):

Belle thinks she's going to push the responsibility onto my shoulders to oversee the management of this project. Well I've got news for her. She can fuck right off! It's not in my contract to run this project and fair enough I'm the immediate line manager for much of what goes on here but I am not the fucking project manager. If she [Belle] *wants to give me the job then I'll consider her offer. But if she thinks I'm going to do Andy's job* [the now long-departed former manager of the project] *for seven grand less a year than he was getting, she can fuck off. What I am stupid? Have I got 'Silly Arse' stamped across my forehead Rob?*

This new youth justice system has turned out to be a fucking farce. We've got new staff starting with projects that I haven't got a clue about and have no intention of sitting down and designing with the new starters, because I just haven't got the time. What the fuck do I know about setting up an Education Programme? Andy should have had all of this sorted out a long time ago and although I like the man he must of sat in that office and done fuck all for the last two-months while he worked out his notice.

The intra-agency conflicts appeared so deep-rooted and problematic that as time progressed, the atmosphere within the office and also at the YOS was thick with tension. Sickness increased and staff with over twenty year's service working in youth justice threw in the towel and left (in some instances not for other jobs, but by opting out of the system forever). As the research began winding down there was an influx of young fresh faced social work graduates, some obtaining relatively high supervisory positions and it was not to everyone's taste.

Geoff: *It's an old political ploy this one. Drive out the older and more cynical troops, it doesn't matter about the years of graft, of that immense fucking experience of unlimited skills and drop in some fresh faced easily manipulated kids that will play the game. Surround yourself with 'yes men'. That's what she's done. Time to watch yer backs lads.*

Despite a fresh drive in recruitment, the BSS project instead of recruiting was 'side-tracking' one of its BSS Officers into other areas of the youth justice process. Hilda was now mainly dealing with the Final Warning Programme, which had nothing to do with BSS. The YOS management tried to manipulate the situation, for example, I was told that this was '*just using its resources to best effect*' as '*bail support is very quiet at the moment*'. However, I felt that this did not carry too much weight in explaining as to why sixteen-thousand pounds of YJB funded money for BSS, was being spent on a worker intended to deliver bail supervision and was instead now being spent on Final Warnings. It should be noted that BSS was intended to 'reduce the remands into custody', not to deal with those young people who were considered to be in danger of entering the system, at its lowest forms of involvement, by way of issuing Final Warnings to those young people who would have previously got away with a caution. One thing was for sure, the YJB would not have viewed the situation as the project as '*just using its resources to best effect*'. Indeed, the YJB got wind of such scenarios happening, on a frequent basis, right across the system in England and Wales. Letters were sent from the Board to all of the Youth Offending Services, insisting that the practice ceased. The Board stated that if found evidence of continued misappropriation of roles, funding could and would be stopped. Hilda was back delivering BSS in no time at all.

Relations with YOTs/YOS

The YJB were concerned that local YOT/YOS were regarding BSS as a 'peripheral activity' of YOT/YOS objectives. It was believed that this was more likely to occur, if project workers were isolated from the local YOT. It was generally found that many BSS workers were not fully integrated within the local YOTs and access to information the BSS workers required was not always available.

The Sunderland project, although an 'integrated' aspect of the local YOS, possessing a relatively long operating history prior to YJB involvement, experienced a far more worrying aspect of the BSS Project's delivery. Without an immediate

manager at the project for well-over a year, newly recruited staff, and new legislation regarding the delivery of bail supervision and support, the BSS Project and its staff faced a multitude of problems. Indeed, when the project advertised positions for the newly created posts of 'Bail Supervision Officers' (x4) and offered the posts to the 'ideal candidates' all but one of the four, this being June, turned down the job offers. I could only speculate as to why this had happened. However, George suggested:

To me it was obvious. First the money [wage] *is terrible and these were very well qualified and experienced people to take on the posts. Second, they all saw through us and could see that the project was ramshackle. In the end two of them were interrogating us* [interview panel members] *and I could tell that we'd been caught out. There was only June who accepted the job offer and I'm pleased about that because she is very smart. So, we then had go to the next ones we'd interviewed. Well to be honest with you they were the only other ones on the list, as we weren't inundated with applications. So, we were really scraping the bottom of the barrel.*

I don't mean to be rude, but they're not the smartest of people are they? [Raps his fist upon the desk-to indicate 'density'] *Look at Mike for example, he's as thick as a piece of four-be-four. I bet the magistrates think 'what the fuck's this' when he stands up in court to offer bail support.*

(George: Interview, November 2000)

Initially, it was clear that the attitudes of the longer established workers at the project and also at the YOS were far from hospitable to the new BSS Officers. Comments were made behind their backs, rooms would go quiet when they walked in, sarcastic skit would be directed at them, and vexed-eyes would be raised upward when they asked questions relating to the bail process. The newly appointed BSS Officers in the 'new' youth justice system were considered as untrained amateurs, as second-rate and annoying novices by the skilled 'professionals' within the local YOS. Indeed, the impression given was that the organisation had scraped the bottom of the barrel when they recruited this bunch of perceived unskilled misfits. Between the four new recruits taking on the role of Bail Support Officers (BSOs), there was little to no prior youth justice experience.

It was difficult not to sympathise with the new recruits. The BSS Officers', like Vic the Education Officer, had been dropped right in 'it'. They were left, in the main, to tend and fend for themselves. When I left the field some two-years after they took their positions of employment, none had been trained in the fundamental aspects of

'bail' (for example, The Bail Act 1976). These were the youth justice workers, whose role it was stand up in court and argue the merits of 'bail' supervision and support and rescue the young people from potential secure remands. In terms of offering interventions to reduce the possibilities that the young people place on BSS might re-offend, It was clear to the newly recruited BSS Officers' that their intended roles within the local YOS, had not been thought through at the management level within the BSS Project. Grant, another of the new BSS Officer recruits, reinforced this.

> *They recruited three of us as Bail Support Officers and didn't know what the hell to do with us. There was an existing Bail Support Project* [as it was then known as] *with funding I believe that came from the Youth Justice Board to improve this service, but they didn't have a new Project in place. So we came in to do a job with young people at risk of being remanded, you know in at the sticky end, and there really wasn't a bail support project in place to do it. We had to sort of design our own, or to be honest, make it up as we went along. There was very little guidance, little management input into designing the project. We still don't know if what we are doing really works* [approximately eighteen months after recruitment].
>
> (Grant: Interview, August 2001)

And as Geoff told me:

> *I suppose someone should have taken them all out to show them what we used to do. But then again we never really knew if what we'd been doing all those years was 'right' anyway.*
>
> (Geoff: Interview, February 2002)

These obvious organisational conflicts impeded the envisaged policy rhetoric. Instead the intended smooth, harmonious and seamless transition taking on board the new policy directives did not occur. The project stuttered and stammered its way along in incorporating the rhetoric of the new youth justice system. The earlier BSS project had been hastily and somewhat shoddily cobbled together. This must not have been what was intended by the YJB emphasis on 'best practice'. As we have also seen in an earlier chapter the issue of 'evidence-based practice' (see Holdaway, 2001: 1) within the BSS office, by way of its monitoring procedures, also left a good deal to be desired in turning around many of the failings highlighted within the previous system which appeared, to some significant extent, to have been culturally transmitted onto the new recruits.

Gregg: *We were, I feel very much, left to our own devices as it were. To be honest, apart from George, I don't think any of the other managers* [at the local YOS], *either at an equal level or at a senior level, actually knew what the Bail Support team did. There was no shadowing... no guidance... I was told to go out and do my best. Basically I built up the system myself and then when the full-time staff came in, I took the other three of my colleagues one at a time and showed them how I did it. Obviously over the two and a half years or so, each one has built up their own methods of bail supervision. We may not all do it the same way. ...In fact ...really there's no feedback whether we're doing it right or wrong.*

(Gregg: Interview, March 2002)

Despite years of practice delivering BSS, nobody at the project had decided that a training programme was required for the new BSO recruits. In short, Gregg *et al.* had to turn up at young people's houses and deliver, what he thought might constitute a bail visit. At court, despite some training undertaken by the local YOS and some 'shadowing' exercises for the new BSS Officers, by more experienced team members, the new recruits were poorly equipped to deal with this previously skilled role. The issue of the *de-skilling* of the new BSS workers' roles, inasmuch by definition of one of the longer serving social workers at the project was that:

Yvette: *The case is now that we've got former generic youth workers standing up in court without the skills to take on the magistrates', Clerks of the courts, the police and the CPS shows you just how far this system is sliding down the pan*

(Yvette: Fieldnotes, May 2000)

However, as we have seen in earlier by way of Geoff and Jack's explanation of the 'drive-bys' it would be wrong to presume that all was well within the delivery of BSS in its previous context and methods of delivery. However, within the older and more established team (George, Geoff, Jack, Dee, Pam and Yvette) there was a consensus that the latest recruits, in the main, just didn't cut the mustard.

Not Waving but Drowning...and 'Fucked By Wanton Neglect Son'

It was generally accepted at the BSS Office and within the local YOS, that the conditions of BSS work was being downgraded and also deskilled. Braverman (1974) has argued that routine white-collared work had become deskilled, to the

degree that it differed little from 'manual work' in its context. Whether, or not BSS had been de-skilled was difficult to assess. I wasn't there to make objective judgement on what had existed prior to the C&D Act 1998, in the delivery of BSS. However, when I attended court with Social Workers from the BSS project it was clear to me that they did, at least, appear more professional, more 'skilled', more competent in 'taking on' the courts' in arguing the case for BSS for young people. They were better educated, more experienced, knew the rules, the procedures, the culture of the courts. They were intrinsically aware of the important factors relating to bail for young people. They were also better 'read'. They were, for example, well versed in the Bail Act 1976, the Crime and Disorder Act 1998, the Young Persons and Children Act 1969, the Police and Criminal Evidence Act 1984. They knew their 'stuff'.

The same was hardly true of the new BSS workers. Due to their lack of experience and training it was a somewhat embarrassing situation to observe. The new BSOs with their eagerness and guile, set about learning the ropes. The 'old-guard' of youth justice workers made life difficult for them. They offered paltry advice, little guidance and this became all too evident in the BSOs initial stumbling, clumsy and ill-informed addresses to the courts in the observations I undertook of their work during youth court hearings. It was clearly evident to all of those within the BSS office that the 'old-guard' was unreceptive and uncooperative to the newly recruited BSOs. At times the hostility and sarcasm directed towards the new BSOs by some of the old guard was embarrassing to witness. Cold-shouldered and left to 'get on with it', the new recruits struggled in delivering this significant area of the youth justice system at its intended level of intervention for a considerable amount of time.

However, the 'blame' of the current state of affairs relating to the project's standing within the local youth justice system, can not be laid at the feet of the new workers. BSS, over the years it had been operating in Sunderland, had been left to run its course without much consideration as to whether or not it was fulfilling its intended aims and objectives.

The emphasis upon bail supervision and support, as a worthwhile intervention to reduce the remands into custody of young people, was intended as a counter-balance within system that had adopted a range of 'anti-child' themes (Goldson, 1999a, 2000a, 2000b). As has been discussed in this chapter to this point the conflict between policy and practice, in delivering BSS at the ground level, was far more difficult than the civil servants and politicians would have imagined. Remands in custody of young

people in Sunderland remained relatively unchanged throughout the two and a half years of evaluation.

Grant, a BSS Officer, reinforced the general opinions that were to be found within the project and its intended 'integrated' role within the local YOS.

R.H: *How do you view the project has developed over the last two and a half years Grant?*

Grant: *Well to be completely honest, when we first came here it was a shambles, it was shit. Even now, and I've worked in a number of voluntary, you know voluntary* [emphasises the point] *organisations, this project is a mess. I mean, if someone from a private sector organisation came into here they'd think it was a bloody joke. The level of management and strategy is terrible. When I first came here, the other BSOs and my self came in and this project was supposed to have a history, it had been up and running since the early nineties I believe. It was in a terrible state.*

R.H: *How difficult was that for you to get on with the job of providing bail support?*

Grant: *Can I be metaphorical about it? It was if we were on a ship, and we've got to sail this ship somewhere, but nobody knows where it's supposed to be going and how we're going to get to this place that nobody knows where it is, and remember we're without a skipper. So then we get a captain, and the management still haven't got a clue. So we're like saying, 'Where are we going and how are we going to get there'? 'We don't know'. 'Should we hoist a sail up then?' 'Yeah, go on. Stick one up'. 'Well what type of a sail do we use?' 'I've got no idea-just stick something up - and we'll see how it goes'.*

It doesn't fill you with confidence does it? That is what we we're dealing with when we came in here. As one of my colleagues at the pit [Grant was a coal-miner for a number of years] *used to say, and I think this sums up the situation we were confronted with, and to a lesser degree we are still facing now, we're battling on but 'were fucked by wanton neglect, son'.*

(Interview: Grant, BSO, March 2002)

It was clear that the project's development, implementation, maintenance and overall management had gone astray. This is not to suggest that the project did not 'deliver'. The level of delivery of its aims and objectives often appeared 'piecemeal' and inasmuch at times it took on the appearance, from those back-spaces that I observed the daily rituals of delivering BSS. Of course, some great work was in fact

done. BSS would be applied successfully to the courts' and young people were rescued from the potential of being remanded into custody or local authority care. The BSS Officers tried to work closely with the young people placed onto BSS and their parents/carers. Services were referred to through the multi-agency approach for example, with education, drug use, employment training, leisure activities. Housing/accommodation issues were addressed and referred to, those particular agencies in order to deal with those pressing basic requirements that many of the young people placed onto BSS may have been socially excluded from.

Summary

This chapter has examined a number of areas that were brought to the forefront of this research in the legislation, policy and practice of bail support. As a form of social control directed to young offenders, there remained a precarious balance in dealing with troubled children in need of welfare orientated interventions. This was balanced against the imposition of restrictive bail conditions, in order to appease the local courts' that the young people could be maintained within their communities.

The heralding by the YJB of Bail Supervision and Support as an intrinsic youth justice strategy in order to appease political concerns regarding young people re-offending while on bail, did little to explain the organisational difficulties that would be experienced by this BSS Project particularly in delivering this youth justice system intervention. The long-standing organisational culture, which was transmitted from the earlier Youth Justice Service into the new YOS Bail Supervision and Support project, has been discussed. The problem of attaining its expected aims and objectives were firmly rooted in the differing expectations of a variety of stakeholders. From this situation, conflict and contradiction would rise and jeopardise the successful referral to and delivery of BSS.

The organisational tensions experienced by the project in its development, no doubt affected the standing of the BSS Project as it was without a manager for over a year. New recruits weren't trained up, and the magistrates continued to lock up a disproportionate number of young people on remand. As one specific and specialist agency the BSS project certainly struggled within the multi-agency approach. Here the tensions that existed not only internally within the project but also externally with other key agencies (for example the local youth courts who were an intrinsic aspect of this

multi-agency approach, they were part of the court users group which brought together all those agencies who dealt with young people at court) certainly appeared somewhat disjointed and at times a paradox of the often heralded merits of partnership and multi-agency working. The experiences of this rolling transition of the local BSS project attempting utilise its operational aims to best effect within the multi-agency approach in delivering youth justice encountered many obstacles. As an interconnected mechanism within the youth justice machine, BSS encountered many areas of conflicting organisational interests, traditions and cultures within this organisational political system. As Liddle and Gelsthorpe suggest:

> Although terms such as 'inter-agency', 'co-operation' and 'partnership' enjoy a wide currency in the crime prevention field, they tend to suggest that relations between agencies involved in multi-agency work are more straightforward than they usually are in practice. As participants in multi-agency work are usually quick to recognise, agencies having an interest in crime prevention seldom share the same priorities, working practices, definitions of the problem, power or resource base.
>
> (1994:2)

Following on from Liddle and Gelsthorpe's poignant statement, which relates to what happens when someone or something sticks a spoke in the wheels of the desired multi-agency process, the following section deals with a number of other interlocking agency approaches in delivering youth justice. In the following chapter we turn to the next stage of the BSS process. Here a discussion follows that examines what happens to young people when BSS has not been selected as a suitable intervention and the threat of a remand decision takes over the process. Despite the intention to provide a range of other remand rescue interventions for young people under threat of being 'sent away' to various institutions, the following chapter examines a range of difficulties in the 'remand management' aspect of the BSS project in providing such welfare-orientated youth justice resources.

Chapter Six

Between A Rock and a Not as Hard Place: Alternative Resources to Locking Up Children on Remand

Introduction

This chapter examines a number of inter-related dilemmas in providing a range of interventions that attempt to maintain the equilibrium between the welfare and punishment of young offenders. The discussion that follows provides details of inter-related areas of youth justice provision to bail supervision and support. Here, the provision of local authority secure accommodation for young offenders, intending to offer a 'better' and more welfare focused alternative, to that of remanding young people into Young Offenders Institutions, is examined.

This chapter argues that the relapse in the wider scale of youth justice issues relating to accommodation for the more troublesome of young offenders left young people vulnerable to the worst kind of remand scenarios. It was often the case that the local BSS Project and the magistrates were impotent to follow a welfare orientated protocol in dealing with those young people, due to widespread problems within the system of providing less stringent remand accommodation measures.

Secure Accommodation

Secure accommodation, in the provision of local authority secure units, is recognised as being a proactive resource in providing an intervention for assisting young people requiring professional care and standards in order to address and deal with offending behaviour. However, the expertise involved in dealing with these challenging young people comes at a price.

> Resources are also spread inequitably. Young offenders convicted of very serious offences may find themselves accommodated in local authority secure facilities at a cost to taxpayers of £1,800 to

> £3,500 a week while others are held in young offender institutions which the prison service estimate cost taxpayers £400 to £600 a week.

(Crime & Disorder Act, 1998: http://www.homeoffice.gov.uk/docs/yc13.html)

It is often recognised that from within the functioning of the system that the issue of remanding young people is often not weighted within a debate of 'what's best' for a young offender, but instead focuses upon a fiscal crises of 'what's cheapest' for the system (see Monaghan, 2000). As George at the BSS office explained this fiscal function of youth justice:

Look, there's no getting away from it. It's far cheaper to have the kids locked up in prison than it is in secure accommodation. The local authority has to buy, like lease beds from other local authorities who have secure units. We got a bill for one of the young lads we dealt with and got a secure placement with another local authority, for fifty thousand pounds. That worked out at over three grand a week for about four months he'd been remanded to that secure unit. The amount of kids we have remanded into custody or, to local authority accommodation would bankrupt this local authority if they had to place them all in specialised secure units.

R.H: *I sort of think that you're trying to tell me that the local authority prefers, from a purely financial perspective, that it would be cheaper for them if the young people go to prison rather than secure accommodation?*

George: *They just couldn't afford to do it. Prison costs about five hundred* [pounds] *a week and secure placements at local authority units cost between two and three grand per week. You don't have to be an accountant to work it out, do you? The local authority has to work to a budget as well.*

(George: Interview, November, 2001)

It is clear that in delivering youth justice the aspect of 'justice' becomes weighted against the economics involved in delivering it. This factor raises incredulous ideas relating to the youth justice system's rhetoric in dealing with young offenders and the potential of offering resources that, if not ideally suited in dealing with the outcomes of the harsher elements of the regime, at least offer a less severe and often damaging aspect of the youth justice system (Monaghan, 2000; Goldson, 2002). Government plans which initially recommended that five extra secure training

centres for young offenders be built in order to alleviate the national shortage of secure accommodation unit placements were blocked by the Chancellor of the Exchequer in 2002. The YJB had proposed that an expansion programme of secure accommodation units increasing the current number by four hundred and fifty extra places. Despite the damning reports from the Chief Inspectorate of Prisons about the juvenile prison system, the director general of the Prison Service has directed that these extra places should be placed in "enhanced quality prison service provision" (Guardian, October, 2002:1). Since 1998, three secure training centres have been built and although these have assisted in alleviating the problem they fall well short in providing highly sought after secure placements. As is discussed in the following section of this chapter, a range of inter-locking conflictual arrangements within the system can often be viewed as creating detrimental outcomes to young people engaged with the system.

Johnny Too Bad: Up at Court Again and Really Up Against it

On one occasion I had intended to attend the local magistrate's court for observation purposes. The primary aim was to observe the young people who were often to be found waiting around the corridors before going into court hearings. I wanted to record their mannerisms, clothing styles and general attitudes to the processes they were engaged with. It was at court that the 'group' could be located in larger numbers than usual. A lot of my time researching the young offenders would be on a one-to-one basis or, otherwise in small groups of three or fours. Court was the ideal place to observe on Tuesdays and Thursdays for these were the days in which the Sunderland Youth Court hearings took place, where the charvas and their families would be congregated (albeit this would hardly be by choice). It was an ideal place to assess the cultural disparity in terms of language, attitudes and style. The court was where the Charva population of Sunderland assembled *en masse* and caught up with each other. It was also here that the youth justice system caught up with the town's young offenders.

I bumped into June from the BSS project. She informed me that John-Jon was being held in the cells below the court and filled me in on the case. The initial reason for my attendance at court that day was abandoned there and then. I quickly decided that I could catch up with the initially planned aspect of the observation

process at a later date. John-Jon's court attendance was important to my research, as it was directly linked to the bail process at the police station (where John-Jon had been detained overnight); the court bail pre-trial hearing (how were the magistrates going to handle this particular case?); and for the BSS process, in what it had to offer the magistrates if they considered a remand to custody? This was bail supervision and support at the front end of youth justice delivery. It was here that the conflict and contradiction involved within this aspect of the youth justice system would occur. What I wasn't prepared for, in the events that were to unfold relating to John-Jon, was a systems breakdown that involved a number of agencies within the youth justice system and ultimately impinged upon his right to bail and his freedom.

John-Jon and his mother had been arrested and charged on suspicion of arson with intent to endanger life. John-Jon, at this time, was already placed onto BSS for a previous arrest for burglary. The latest charge against John-Jon and his mother was that there had been some long-standing hostility, between John-Jon, his mother and the next door neighbours. The previous evening the police had been called to the neighbour's house, after a report was made by the tenants that someone had fire-bombed their front door.

A week earlier someone (presumably, the neighbours in question) had lobbed a brick through John-Jon's mother's front window. John-Jon and his offending were beginning to feel the heat of some summary community justice. The neighbours blamed John-Jon and his mother for trying to burn their house down, as an act of retaliation from the previous week's house-brick incident. The 'victims' were outraged. They had kids asleep upstairs and someone could have died. John-Jon and his mother were arrested, questioned by the police, charged, denied police bail and held overnight until the first available court hearing the next morning.

For June from BSS the aim was to try to get John-Jon into the care of the local authority. It was clear that John-Jon was in danger of being remanded into custody by the magistrates, due to the seriousness of the charge against him. Bail for John-Jon didn't look as if it was going to be an option, as the CPS was objecting to John-Jon being released on bail. His mother was also facing a similar outcome, but that was a secondary concern of BSS as it is the welfare of the child that is the main priority. This could be obtained by a number of potential avenues including a remand to secure accommodation placement, a remand into local authority care or remand foster carers, anything but a remand into custody were John-Jon's and the BSS project's objectives.

In discussions between defence and CPS lawyers it was clear that neither of the suspects were going back home. It was considered too dangerous, as tempers on the estate, relating to the arson attempt on a family home had ignited a general loathing of the alleged culprits. The courts' are entitled to remand a young person either to custody or local authority secure accommodation (also known as court ordered secure remands), to local authority accommodation if it is believed to be necessary, in order to protect that young person. Both defendants needed suitable bail addresses for bail to be granted by the magistrates and that address would have to be well away from the area where the offence was alleged to have been committed. Both defendants solicitors (in cases where the defendants are co-accused they are not permitted to have the same solicitor as this may raise conflicts of interest) darted off to the holding cells for consultation with their clients.

The only available bail address for both defendants was John-Jon's eighteen year-old sister, who lived with her young child over the other side of town, which the magistrates would accept as suitable as it was more than four miles away from the site of the alleged offence. The magistrates informed John-Jon's solicitor that they believed this address to be an 'unsuitable' bail address for John-Jon. It was however, deemed suitable for John-Jon's mother. The magistrates accepted it and John-Jon's mother was bailed to that address with conditions. She was free to go leaving her fifteen-year old son, at the mercy of the local YOS in what it could offer the magistrates and also how they would view what was on offer to them. June and I weren't privy to the discussion between the magistrates, regarding this decision although she was outraged suggesting that '*they* [magistrates] *couldn't give a shit about that boy's welfare*'. The options were running out for John-Jon.

John-Jon's solicitor went down to the cells to inform him that his mother had snatched the sister's address from his grasp. We followed him down after he had finished his brief consultation with John-Jon. We met on the stairwell to the cells.

June: *How's he taking the news?*

Solicitor: *Not very well I'm afraid. He's very upset. His mother's just been released. Can you believe that she'd do that to her own son? I'm sure she could have found another address to put forward for bail.*

June: *Nothing surprises me with Sharon* [John-Jon's mother]

Solicitor: *We're still left with the problem of what we can offer the magistrates.*

June: *I've just rung the YOS to see if we can find him some secure accommodation, but the chances are there won't be any. We can always hope we get lucky.*

Solicitor: *The bench is going to look for something along those lines. Things are quite tense on his street and I doubt the magistrates will even consider a remand into local authority accommodation, as I've been told by the police that people are out looking for the lad. So the chances of us getting him put into care are pretty limited. No chance of Bail Supervision now either with his mother out of the picture*[27]*. It's looking like a remand in custody for him if he doesn't get a secure* [accommodation] *place.*

June: *I'm just waiting to hear back from the YOS. It should only be about ten minutes and I'll let you know as soon as I know. We'd better get down there and see how he's doing. I'll speak with you shortly.*

As June and I continued down the stairwell she said to me, '*Poor little sod hasn't got a chance of getting a secure placement. Don't let on mind Rob, because I'll have to let him think that he might have a chance*'. June let John-Jon know that she was trying everything in her power to try and find him some alternative accommodation, including secure accommodation in order to prevent him being remanded into custody. The court was in adjournment and June and I left a tearful and somewhat distressed John-Jon in his cell in order to make some last ditch attempts to avoid John-Jon being sent away on a remand into custody.

The court session resumed after the short adjournment. John-Jon was brought up to the dock and stood beside a security guard. John-Jon looked extremely anxious. June approached him and told him to remain calm, "*Whatever you do John don't lose it, because it will only make matters worse for you*" she advised him. He was now fully aware of what was going to happen to him. The magistrates arrived, and questions were asked about the secure accommodation issue. They were informed that there were no available places within any of the secure units in England and Wales. Over my shoulder I could see John-Jon starting to panic. His eyes were shifting wildly to anyone in the court who would hold his stare. He started rocking from side to side and was talking quietly to himself. The security guard moved a little closer to his side. The magistrates' and the clerk to the justices huddled briefly

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[27] For BSS to be considered as a bail condition it is imperative that the young person has a suitable bail address with a legal guardian. With Sharon, John-Jon's mother, now out of the frame due to her suspected involvement in this crime and with no other relative willing or able to offer John-Jon a bail address the options available to him and BSS were rapidly declining.

for a last minute check of the legislation. John-Jon was remanded into custody for three weeks until the police and CPS could gather the facts and evidence relating to the case. John-Jon was being sent on his way to a regional YOI.

John-Jon: [frantic] *Ah fuck off you bastards! This isn't right! I've fuckin' done nowt. Ah-naw, haway man! Fuckin' hell... June!*

John-Jon started to flit around the dock like a moth around a light bulb. There was nowhere for him to go of course, as the security guard and a ten-foot high Perspex screen prevented his panic turning into an escape attempt. The security guard restrained John-Jon by holding his arm and handcuffing him, while telling him to keep quiet. June left her seat and made for John-Jon in the dock directly behind us and told him to calm down. The magistrates were not happy.

Magistrate #2: *Young man, if you continue with this I will, do you hear me, I will send you down for contempt. Calm yourself and listen to what has to be said in this Court. Another outburst from you and you will find yourself in far more trouble than you currently find yourself in. Do you understand me?*

If the magistrate, in his concerns regarding John-Jon's behaviour, had any understanding of John-Jon's view of the situation he might have understood his reaction. For John-Jon the situation really couldn't have got any worse. He had calmed somewhat since his panic stricken outburst and placidly, John-Jon nodded in agreement. The magistrates' could have been far harder on him considering his contemptuous outburst, but then again, perhaps they could empathise with this young man's fear of the situation he was facing.

I returned to the cells with June. John-Jon was locked in a cell waiting at the door for us to return and appeared panic stricken. He was sobbing and looked desperate. June was visibly shaken and upset for him. Even though I had worked with both of them before in differing capacities, I looked and behaved like an embarrassed stranger. Like someone who was looking in on a personal situation which they shouldn't have been privy to. Stood in front of me was a very edgy and frightened young man and there was absolutely nothing I could do to assist him. The cell door remained locked and the conversation took place through the Judas window[28] of the cell.

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[28] Judas window/hatch is the observation flap positioned at head height on prison/police/court cell doors and they can only be opened or closed externally.

June: *I'm sorry John we've tried everything and there's nowhere that can take you. There's not a secure accommodation placement in the whole of England or Wales and with you included there are six young people waiting for a place.*

John-Jon: [Distressed again] *They cannut send me to Castleton June, I'm fucked if I get sent there. There's kids in there who fucking hate me and will get me if I go there. Please June, please, get them to put me into local authority care* [despite all the evidence pointing to the contrary John-Jon was still clinging to the desperate hope that he wouldn't be remanded into custody]. *Oh fuck man, fuck! If I get sent to Castleton I'm fucking dead.*

June: *John, there's no way the magistrates are going to let you go to the Tower and I'm in agreement with them on this one. There are people where you live who are talking about doing damage to you John-Jon and I'm not prepared to take that risk.*

John-Jon: [Now increasingly agitated and is pacing the cell floor] *Fucking damage, damage? Not as much damage as what I going to get up at Castleton you fucking bitch. You're sending me down! I can't believe you're doing this to me. First me Mam, the cunt, now you! You fucking bitch! At least if I'm out on the streets I've got somewhere to run. I'm fucked in Castleton. There's nowhere to run when I'm in that bastard. Fuck...fuck... fuck!*

John-Jon was glaring at June, his fists clenched knuckle-white, and then he started sobbing again. June in her calm and professional manner ignored John-Jon's personal slur against her.

June: *Look John, I need to go and speak with the office and then your solicitor and let him know what the situation is...*

She stopped mid-sentence as John-Jon swiftly pulled a waistband drawstring from his tracksuit top and screamed at June, "*I 'aint going to fuckin' Castleton. You can all fuck off!*" He wrapped the drawstring round his neck in a makeshift ligature and pulled at both ends of the string. June screamed for a security guard. A guard sprinted down the short corridor, his rubber-soled boots squealing on the tiled floor of the cell-block. June was shouting in a panic at John-Jon to stop. I stood and watched, frozen. I'd seen something similar to this before in my dealings with John-Jon (see Chapter Four), but this appeared as somewhat worse and far more serious than the previous self-harm escapade I had seen him undertake. The security guard unlocked the door and was in the cell in a flash.

guard unravelled the string from John-Jon's neck two thin white parallel welts began to rise from his now rouge neck. He was sobbing again. The guard doubled checked John-Jon with a pat-down [search] and asked him to sit down on the bed in the cell. "*Are you ok?*" he asked. John-Jon nodded his tear tracked head. June entered the cell and sat beside John-Jon and placed her arm around him, "*John, I know you're upset and things are looking desperate to you, but this just isn't worth it because one day you'll take it too far and really hurt yourself.*" The guard and the drawstring left the cell and June was asked to keep an eye on him. I decided to walk with the guard, so that John-Jon could have some personal space away from my prying eyes and ears.

'I've got a load of bloody paper work to do now because of his silly arse game' remarked the guard. He then decided to return to John-Jon's cell but first placed the drawstring in a draw on his table. "*He's too much of a risk to leave with his cell door open, even if someone is in there with him. If he sees a chance to do a runner he'll take it and I'm not going to give him the opportunity*". He about turned and returned to the cell with a somewhat bewildered researcher in tow. We waited by the door and he had the keys in his hand ready to lock up John-Jon once more after June had finished tying to placate him. June picked this up as a signal to leave the cell. She left the cell and the guard locked the door. The Judas flap was left open. June asked me to stay at John-Jon's cell door 'to keep an eye on him and try and cheer him up', while she went out of the cells to an office in the court to make some phone calls. The security guard nodded in agreement. This went beyond anything I'd read about social research. In terms of participant observation techniques and suicide watches this went beyond the pale. I stayed.

June had informed me of this case and had invited me along to observe the procedures. Despite the shocks I encountered I was grateful to her. At no point did John-Jon question my role. He told me in an interview conducted sometime later that during my observations of him at court on this particular occasion, *'I thought you were a trainee or something like that with the project'*. I stood outside his cell door and he was sat on the concrete bed. It was an awkward situation to be in and I was clumsy in my effort.

R.H: *Are you okay mate?*

John-Jon: *Not really, no. I'm not joking when I say that I'm going to get my fuckin' head kicked right in at Castleton. I owe money to some of them in there and some of the others hate my guts. I've never been in prison before and I'm shiteing mesel'.*

R.H.: *Look John, I know June will let the staff up at Castleton know that you're vulnerable. The prison officers up there will keep an eye on you and look after you.*

I did know that after the self-harm incident John-Jon would be 'flagged up' on his travel documents to the YOI, as an 'at risk of self-harm' inmate and that the Prison Service would have to maintain observations of him. John-Jon is by no means exceptional in his attempts to injure himself while in the care of the youth justice system. High numbers of incidents of self-harm occur and since 1990 at least 63 young people under the age of 21 have taken their lives while in prison on remand (Inquest, 2002). John-Jon then repeated his earlier statement about 'having nowhere to run to inside prison'.

John-Jon: *June's fucking sent me down the bitch.*

R.H: *Whoa John-Jon! I've been around June all morning and she's bent over backwards to get the best result for you. You really shouldn't call her like that, because she's upset about all of this, as well you know. She really has tried everything available to her not to get you remanded to Castleton. You can't stay in Sunderland because you haven't got a bail address and the magistrates won't even consider a remand into a local care home. Her hands are tied. Try not to be so hard on her. She really tried her best for you.*

John-Jon didn't view the situation in this way. To John-Jon the world and his neighbour (particularly John-Jon's neighbours) were out to get him. Parker's (1974) study of 'The Boys' found that their understanding of their relationships with authority, were grounded in an understanding of conspiracy in which their "distrust of it are centred around an embittered and perhaps occasionally exaggerated sense of injustice" (169). For John-Jon, it is fair to suggest from my observations, that his feeling of a conspiracy by those in authority around him, perhaps not at a 'personal level' but at the structural level, were well founded. The systems failure found within this particular case study highlight the negative consequences that can occur within the youth justice system. And despite the court's right to remand him for his own protection, the magistrates certainly didn't explain this as a critical element in the decision making process. Ideally, in such a situation it would be expected that the young person should be remanded into secure local authority accommodation, but as was usually the case in Sunderland this type of remand decision rarely occurred.

For John-Jon, the events that had unfolded for him during the last twenty-four hours would have certainly assisted him in is re-collection of a 'memory file that

collected and understood those injustices' (Matza, 1964: 102; Parker, 1974:169). After all, the youth justice system was dealing with a fifteen year-old boy whose understanding of the term 'justice' would have been limited. From his arrest and over night detention at the police station (where he should have been accommodated in local authority accommodation); the failure of the local authority in which to provide secure remand for him (which it is legally obliged to do so); the lack of remand foster placements (the local YOS/BSS Project had none); the magistrates for taking the interests of the co-accused-John-Jon's mother-before the interests of the child (they may have argued it was in his best interests); his mother, in John-Jon's terms, for being a 'cunt' and leaving him high and dry (a matter of opinion-but perhaps-one that John Jon was entitled to). John-Jon had received a raw deal from the youth justice system. In many ways, knowing of John-Jon's history he had generally received a raw deal in his short life and one that continued to deliver rum deals to him.

John-Jon: *Aye, I know that really, June's good to me, but everyone's let us fucking down man. Me Mam, she just fucked off without a word and then June's saying that there are no places for me in secure accommodation so I'm going to have to go to prison. How come the court won't let me stay at our Mandy's and then say it's ok for me Mam to go there? Oh, fucking hell! I'm fucked man.*

R.H: *John, I don't know why your Mam got your Mandy's bail address and you never. I can't explain that. But I know that there was only one secure bed in the whole of the country and five people waiting for it and unfortunately mate you were the last one on that list of five. They've got nowhere to send you. But, they'll look after you up at Castleton, I mean like, watch out for you. Everything will be alright.*

I had no idea that this would be the case. In fact, much of what I'd read and understood regarding the experiences of vulnerable young people on remand conferred with John-Jon that he might be in for a rough emotional and physical ride whilst being remanded (Howard League, 1995).

John-Jon: *How long will I be up there for? Three fucking weeks and then I'll probably get sent back there again, cos there's no where for me to go. I'll get no visits from anyone and me Mam won't be bothered to come and see me.*

R.H: *Look John, I'll come up and see you in a couple of days and I'm sure June will also come up to Castleton to see how things are going. In fact I know she will.*

John-Jon: *Will you really come and see me? 'Cos I'll get no visitors you know. Me Mam won't travel to see me and there's no one else really since our Mandy* [sister] *had the bairn* [baby/child].

R.H: *I promise I'll be up to see you in the next couple of days. OK?*

John-Jon: *Thanks.*

This in it self may have been beyond the call of duty for the social researcher. It will also raise questions of the objectivity and impartiality of my role. However, it was hard not to be concerned or, to care about what this young man was experiencing. He'd never been to prison before, as those agencies involved in the youth justice system, whose interest was primarily focused upon the welfare of the child, had previously managed to avoid John-Jon being remanded to prison. This time the options had run out. I believed that a prison visit to see John-Jon would be the right and proper thing to do. Not as a 'friend' but, as someone who cared about the social injustices he faced. And also, in a self-interested fashion, I could view the remand situation, tracking the remand processes encountered by John-Jon from behind the walls and the experiences encountered by him of prison.

My promise to John-Jon never materialised. I'd forgotten about my summer holiday (I can only blame this oversight on the nature of the observations I'd been privy to that morning) which was due to start in two days time in a sunnier and what I hoped to be a less depressing climate. I only realised that evening when I was reminded that 'the cases needed lifting out from under the bed'. How different the life of the researcher, to that of the participants. John-Jon had never been on holiday in his life. I had also let him down. Where John-Jon was due to go he would be arriving empty handed, with just the clothes on his back and whatever he had in his pockets.

On her return to the cell, he instructed June to contact his Mother, to pack up some clothes for him and to send some money for his stay while being remanded. June agreed and told him she'd bring these up to Castleton in the next few days. I told John-Jon to keep his chin up when he got to Castleton, not to look weak, and to keep his head up and be proud. I was quite aware that in confined spaces such as prison those looking scared and/or weak can be targeted. I reiterated that I'd see him soon and said fair-well to him through the flap in his cell. I left June to finish off. As I got to the secure exit door and signed myself out, while waiting to exit, I turned round and could see June, her arm through the window of John-Jon's cell-hatch, obviously trying to comfort John-Jon again.

I left the court angry and upset. This couldn't be right. Why the magistrate's chose the mother over the son for the bail address was never accounted for. It may have been that they may have believed that Mandy was not a suitable adult to supervise John-Jon at this bail address, although that was never expressed in the court. It may have been that the mob on the Uphill Estate believed John-Jon to be the main culprit in the arson attempt. After all he was a young offender, and the magistrates' believed the address not to be as safe for him as it would be for Sharon, his mother. But again, there was no clear reference made to this made to John-Jon by the magistrates. It could have been that the magistrates were now sick of seeing him up in front of them and that John-Jon had now run out of chances.

June was needed elsewhere in the courts' to carry on the business of bail support. I'd had enough and decided this was the time in which to return to the office to write up my field-notes. As I walked across the town from the magistrates' courts' towards the BSS office I saw John-Jon's mother, in the company of another woman and a man leaving one of the town centre pubs. All had had a good drink and were well under the influence, talking loudly and laughing as they entered another pub. They were obviously celebrating Sharon's good fortune. John-Jon wasn't so lucky

A Catalogue of Injustice

The Criminal Justice Act 1991 recommended that provisions were to be made for the abolition of prison remands for children. However as Goldson argues:

> ...in so doing it appeared to signal real progress to those who had consistently raised concerns about the practice of remanding children in prisons for the best part of the previous twenty years. Although the provisions of the 1991 act have never been implemented, few people could have anticipated what was to follow. A radical and reactionary shift in public mood and political priorities served to dampen their optimism. In the ten years that have succeeded the 1991 act, the practice of remanding children in prisons has not only endured but has been substantially extended. The most recent legislation, the criminal justice and police act 2001 opens the floodgates: a further massive increase in the numbers of children remanded to locked institutions is certain.

(Goldson, 2002: 16)

The concerns relating to the remanding of young people into prison runs through political, public and practitioners debates about the unnecessary harm remands inflict upon many (although perhaps not all) young people sent away on remand to prisons. Goldson study of young prisoners provides evidence of these concerns.

> They're not guilty of anything necessarily, it isn't an appropriate place for them, not at that age.
>
> (Prison Officer, Quoted in Goldson, 2002:76)

> We cannot guarantee their safety if we are honest. We fulfil a function for society I suppose, in holding them until the courts' decide what they want to do, but in honesty, we do a very limited job.
>
> (Senior Prison Officer: ibid)

It is clear that the remanding of young people into custody remains high on the agenda of an ongoing crisis within the youth justice system. It is also evident that successive governments have failed to seriously address the problem in any meaningful manner in which to tackle this issue. The United Kingdom has of late received its second censure, from the United Nations Committee on the Rights of the Child (2002) for failing to uphold the principles and standards of the UN Convention, particularly in relation to children involved with the criminal justice system. Article 40 stipulates that children held in custody have the right to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, yet the prison system is unable to fulfil this obligation. The continual cycle of over-crowding, poor educational facilities, bullying, self-harm and drug use are visible in the majority of custodial institutions, and the needs of individual children are not met (Her Majesty's Inspectorate of Prisons, 1997, 2000 and 2002a, Howard League, 1997, Goldson, 2002b, Neustatter, 2002). The plight of young people on remand appears to be a particularly intractable problem; indeed, young people on remand in prison have been described as a 'forgotten' group (Her Majesty's Inspectorate of Prisons, 2002a: 37).

If the local YOS had been successful in recruiting remand foster carers John-Jon might have decided to stay put rather than absconding from their care. Then

again, he might not have. There were no remand foster carers anyway, so this was not an option (although it should have been). BSS was helpless, as Norm pointed out earlier in this chapter, *'most of the remands occur because the parents won't have them back home'*. John-Jon just didn't have a bail address. A remand into local authority accommodation was not considered plausible. John-Jon often absconded and it was believed that he would be at risk of summary street justice from the people of the Uphill Estate. Prison was considered to be the most suitable and safest place for John-Jon, considering the options that were available to the youth justice system for this case.

Later that afternoon June returned to the office, furious with the events that had unfolded at the court. She immediately went to George's office, her face like thunder, to express her concerns regarding the magistrate's decision relating to John-Jon's remand into custody. George, I'm sure had heard it all before and knew fine well that with no bail address. John-Jon was stumped. A short time later, they entered the main office carrying on the aftermath of their conversation from the Line manager's office. Her anger and annoyance was directed at John-Jon's mother, Sharon and at the local Social Services Dept. for allowing the miserable saga that was John-Jon's life to have continued for so long. June was speaking to George in the main office about the situation.

June: *I'm absolutely disgusted. John wanted to go to his sister's, but the Mam had also used this address as her get of jail card. We all thought that John would be ok and get this bail address and that the emphasis would probably fall on Sharon to find somewhere suitable or, risk being remanded. Christ, it's not as if she's never been inside before. She did eighteen months for GBH not too long ago. They* [the magistrates'] *initially took on board John's application for bail using this address and decided it wasn't suitable and then allow the mother to go there! It's disgusting the way that lad* [John-Jon] *has been treated. The total ineptitude of social services in its dealings with John over the years is disgusting. Heads should role for its inadequacy in dealing with John and his mother.*

George: *Well we all know it's unfair, but what options did the magistrates' have? His mother took his kip, he's in danger of getting hurt if he's left in the town, and we've got no secure accommodation for him. They only had a remand in custody available for him.*

(Field-notes: June/George, September 2001)

June was smart and knew most of the ins-and-outs of the system and realistically was aware, after all she'd reluctantly agreed, in the end, that a remand to custody, although not the best result for John-Jon, was as things stood the safest place for him.

George moved from the table he had been sat upon and walked to the office door and then looked at June. He used a sideways head motion at June, chinning her in the direction of his office. June was about to receive some of George's wisdom and line management. She left the office and followed George. George came back into the office about an hour later. June had left to attend a bail supervision visit at a young person's home address. George and I were alone.

George: *I take it, it got messy up at court today then Rob?*

R.H: *Well, it shocked me George.*

George: *It's bad for the kid we know but I doubt we'll ever find out why the magistrates took the decision they did. It'll get raised at the next court users group*[29] *but it'll get swept under the carpet. There will be other more immediate problems to deal with at the next one* [court users group] *anyway.*

R.H: *Yeah, but that wont help John-Jon any I guess.*

George: *Yeah I know, and June's right about the issues she's raising, but this system is full of competing issues and all the fucking problems that come with them. If we dealt with each and everyone we'd never get any work done with the young offenders we'd spent all week sat about in meetings raising points and arguing about this and that. We have enough of that anyway and in most cases the magistrates and the police come out on top.*

(Field-notes: R.H/George, September 2001)

Later that afternoon when June had returned from her bail supervision visit, she came into the main office and over coffee we sat talking through the day's earlier events. June was still angry. She continued her attack on the Social Services Dept.

I was doing a bail visit to John's home last week. It was nine o'clock in the morning and John and his Mam are there, and there are two strange men sat in the living room. Sharon was obviously off her head, pissed, and they were drinking

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[29] Court User Group meeting were bi-monthly. A range of the court users, YOS, Police, CPS, Magistrates, Clerks' of the Courts' would attend to discuss issues relating the youth courts' in the town.

spirits out of mugs, classy like. So, I asked John if he wanted to go to another room to talk through the bail visit and John said:
'No, we can just do it here'.

So, I asked one of the men, 'Sorry to ask-but who are you?' The guy explained to me that he was a friend of the family and that he had known John-Jon since he was a bairn [child/kid]. *I suggested to him that if this was the case then perhaps it might be a good idea if he could try and support John-Jon as a positive male role model, because John-Jon was quite vulnerable at this time. Sharon started laughing and said:*

'Role model-Him? He's the man that battered me with the hammer the other month! Oh aye, he'd make a great role model he would[30].

I then asked the other man in the room who he was and he just started laughing. I asked him what it was that he found so amusing and Sharon butted in saying,

'I picked him up in the Crown [pub] *last night. He's alright. John-Jon slept with me and him in the bed last night'.*
Can you believe this Rob? The mother's fucking some stranger she's picked up in a pub and her son's in bed next to them while this is going on.

R.H: *Doesn't John-Jon have his own room with a bed?*

June: *Oh yes he's got his own bed, but MC. Hammer-Time had crashed in John's bed and John had decided to sleep in his Mam's while her and the arsehole got inebriated. They must have decided that the bed would have been more comfy and got in beside John-Jon. I mean that is absolutely outrageous behaviour in any one's books. It gets worse mind you. It turns out that the bloke that Sharon picked up, and is having stay over in bed with her and her son, was later arrested by the police. He'd done a bunk from a local mental hospital were he'd been sectioned and was later picked up by the police in the town.*

June was irate with John-Jon's mother for placing her own son in such a vulnerable situation with two individuals. One, who she barely knew and who had serious mental health issues relating to violence, the other who was known to set about his victims with hammers. John-Jon had been on the Child Protection Register, on and off, for much of his life. John-Jon's father (his parents had been separated for

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[30] I attended court some two months earlier when Sharon had made a rare attendance at court for her son. Usually, Sharon stayed away from court cases involving John-Jon and it was left to the local BSS to act as his representatives at court. On this occasion Sharon turned up black and blue in colour to her face and arms. She had been attacked by her male partner at that time with a hammer. She didn't press charges against her assailant.

years) was a Schedule 1 Offender and it had been known for John-Jon to be placed in his care as part of his bail conditions. According to June this had occurred because: *It's the easiest option for Social Services. It saves them money, time and limited resources in terms of placements. It's just a very dodgy practice, Social Services placing a boy like John-Jon in the care of a known Schedule One offender even if it is his father. If that's the best social services can do here then things are in a bad way and it's a very iffy practice.*

June told me that she'd spoken to John-Jon and Sharon's family social worker, about the concerns she was having about the issues she had just raised with me. She told me that the social worker had responded to June's concerns by saying, *'He should have been taken away and we should have tried for adoption when he was six. Now all we can do is mount a damage limitation exercise relating to his and his mother's behaviour*'.

Epilogue

My involvement with the BSS project temporarily broke for two-weeks while I went away on holiday and I'd broken my promise to John-Jon about getting up to Castleton to pay him a visit while he was on remand. On my return it was the first thing I tried to arrange. I rang June to ask how John-Jon was doing regarding his remand.

June: *He's out. The charges and case were dropped after about ten days of him being up there.*

R.H: *What do you mean dropped? It was arson, with an endangering people's lives charge. What happened?*

June: *Turns out that the neighbour's wanted a new front door off the council and set fire to it themselves and blamed John-Jon and his mother for it.*

R.H: *You're joking! You can't be serious. Really...?*

June: *Yep, I'm afraid I am.*

(Phone Conversation with June: October 2001)

I never heard anyone in the team question the original charge. Indeed, neither had I. Like the courts', the police and the local community of the Uphill Estate we expected that it would be the usual suspect up to his criminal ways again. We all ignored that John-Jon's crimes were never violently orientated (he saved that for himself).

Usually, he was searching for goods and/or money in which to feed his habit. At court, on the day he was remanded for this suspected offence, his solicitor had argued to the bench that John-Jon had been arrested on suspicion of the alleged offence. He also argued that there was at this stage of the police enquiry, no evidence by way of witnesses, forensic, or admission of guilt that he was responsible for the alleged offence. The solicitor also made a play to the court that John-Jon was also a child. This held no weight in granting John-Jon bail. As the case study demonstrates, the decision-making processes in the youth justice system are far more complex and influenced by a melange of stakeholders. John-Jon was a usual suspect and that would do in the terms of justice.

The complexities involved in granting John-Jon bail, his mother residing at the sister/daughter's address, and the restrictions that the co-accused could not share the same bail address; that John-Jon had no suitable bail address, so BSS could not be offered by the project; that a remand into local authority accommodation was deemed unsuitable due to the perceived risk of harm which might be inflicted upon John-Jon by the good people of the Uphill Estate; the severe lack of secure accommodation at the national level; no remand foster carers; too young for a bail hostel placement; too young for a bed and breakfast placement and; too young to be placed at the local YMCA meant that John-Jon was excluded from these youth justice welfare orientated options. He spent time remanded in prison for a crime that (in its original recording and context) hadn't been committed. The new Labour catch phrase of being, tough on crime, tough on the causes of crime took on a whole new perspective in this particular case. One thing was for certain, it was tough on John-Jon. Bart Lubow, a child advocacy official, has raised a similar issue in the US regarding foster children who spend months in detention centres and poignantly suggests:

> Awaiting placement in detentions is one of the dirty little secrets of the system. It's an issue across the country, an example of kids being blamed for a bunch of stuff adults should be fixing.
>
> (New York Times, 31st May 2003).

Perhaps John-Jon and Parker's 'Boys' are correct in their conspiracy theory of the 'Authority' (Parker, 1974: 157-194). Defendants' rights to bail have consistently been eroded, by the enforcement of increasingly repressive legislation, including the Bail (Amendment) Act 1993, the Criminal Justice and Public Order Act 1994, the

Crime and Disorder Act 1998, the Youth Justice and Criminal Evidence Act 1999, culminating in the implementation of section 130 of the Criminal Justice and Police (CPJ) Act 2001. The latter Act empowers the courts' to impose secure remands on children who have committed repeat offences whilst on bail, irrespective of whether or not such offences are considered to expose the public to serious harm. However, this was not the case in Sunderland.

The magistrates rarely implemented secure accommodation orders on those types of young offenders the CJP Act 2001 intended to sanction with this order. The courts' in Sunderland blindly continued to resort to the old tried and tested sanction of remanding these types of young offenders into custody. Although the allegation of John-Jon's suspected offence, may have been high on the tariff of 'seriousness' my own opinion of the situation was that, this was not the deciding factor for the magistrates. If it were the case how could the magistrates allow the co-accussed (Sharon-John John's-mother) to walk out of court? If it were a case of protecting John-Jon from potential physical harm then the Social Services Dept in Sunderland badly let down John-Jon. They had nowhere to care for him. Perhaps due to John-Jon's repeated drug-related offending this was beginning to tag him as a nuisance and the 'seriousness threshold' was thereby replaced by a 'nuisance test' (Goldson, 2002b). It is anticipated that this amendment will have a considerable effect on the number of young people remanded to secure facilities (Goldson, 2002b, Nacro, 2002).

Hard Bitten and Tough Justice: Young Offenders and Court Remand Decisions

The main court in Sunderland did have a reputation for being punitive. For example the courts' in Sunderland during 2000 placed 17.1 per cent of all 10-17 year old defendants into immediate custody (Home Office, 2001). This figure equates to 222 fifteen to seventeen years olds were immediately sent to prison upon sentencing. The national average was 13.9 per cent (ibid).

A regional comparative analysis of sentencing indicators for persons aged 10-17 for all indictable offences provides as useful overview of the situation at this period of time.

Table Six

Local and Regional Magistrates' Courts' Custodial and Community Sentencing Rates of Young Offenders: 2000

A Court & Total Proceeded Against	B Number Committed for Trial at Crown Court	C Total Sentenced at Magistrates' Courts'	D Number Given Immediate Custody	E Number Given Community Sentences	F Average Sentence (months)
(1) **Gateshead** 453	18 (4%)	278	17 (6.1%)	112 (40.3%)	8.6
(2) **Houghton le Spring** 175	4 (2.3%)	93	3 (3.2%)	32 (34.4%)	3.3
(3) **Newcastle** 1,094	53 (4.8%)	667	14 (3.9%)	239 (35.8%)	9.3
(4) **N. Tyneside** 570	27 (4.7%)	358	14 (3.9%)	158 (44.1%)	3.7
(5) **S. Tyneside** 418	25 (6%)	231	18 (7.8%)	105 (45.5%)	8.1
(6) **Sunderland** 600	**13** **(2.2%)**	**340**	**63** **(18.5%)**	**92** **(27.1%)**	**6.8**

(Source: Home Office, 2001: Volume 4)

In analysing the above data it is evident that at Sunderland Magistrates' Court (*Row 6*) the use of immediate custody (*Row 6*, *Column D*) was disproportionately higher than the other courts' in the region. The use of community sentences (*Row 6*, *Column E*) was used significantly less than other courts' within the Tyne and Wear

district. It was widely acknowledged for those involved in the youth justice system, that the courts' in Sunderland were 'hard' on the young offenders who stood before them. As George told me in the initial stage of the research "*Sunderland magistrate's court is renowned for being one of the worst courts' in the country for remanding and serving up custodial sentences*" (George, Fieldnotes: November 1999). It is also interesting to see that both Sunderland and Houghton le Spring (the Houghton le Spring court is in the a borough of Sunderland) young defendants were committed for trial at Crown Court, with less frequency than other courts' in the region. The following table provides details of the remand decisions by age and gender decided upon by the magistrates/youth courts' in the town.

Table Seven

Remand Decisions by Age and Gender in Sunderland: 01/04/00-31/12/2000

Age	**10yrs**		**11 yrs**		**12 yrs**		**13yrs**		**14 yrs**		**15 yrs**		**16yrs**		**17yrs**		**Total**	
Gender	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	**M**	**F**
U/C Bail	2	0	5	1	9	2	28	4	50	13	81	17	91	19	134	29	**400**	**85**
C. Bail	2	0	2	0	9	0	11	9	26	4	43	11	52	9	67	11	**212**	**44**
BSS	0	0	0	0	1	0	3	0	5	0	9	1	9	0	7	0	**34**	**1**
LAA	0	0	0	0	1	0	2	0	4	1	7	1	6	1	0	0	**20**	**3**
CO Remand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**
RIC	0	0	0	0	0	0	0	0	2	0	4	0	9	0	22	3	**37**	**3**
Total	**4**	**0**	**7**	**1**	**20**	**0**	**44**	**13**	**87**	**18**	**144**	**30**	**167**	**29**	**230**	**43**	**703**	**136**

(Source: Sunderland Youth Offending Service, 2001: 29)

Remand abbreviations from above Table.

U/C Bail = Unconditional Bail

C. Bail = Conditional Bail

BSS = Bail Supervision and Support

LAA = Remand in Local Authority Accommodation

CO Remand = Court Ordered Remand (Secure Accommodation)

RIC = Remand in Custody

Relating to the use of BSS by the magistrates during this period of time in Sunderland, a number of important factors are discussed from the above table. *First*, is the courts' non-use of CO Remands (Secure Accommodation Remands). The courts' did not use the secure accommodation estate during this period. The research I conducted failed to provide any detailed knowledge (from the magistrates' perspective) as to how and why the secure accommodation estate was not used for its intended purpose. As has been highlighted elsewhere in this study the magistrates', to any large extent, failed to co-operate with the research.

After my initial engagement with magistrates' at the main court in Sunderland further repeated requests, by my self and the YOS Head of Service, failed to engage the court in any meaningful discussion about the court's practices relating to a number of areas connected to BSS. They just wouldn't play ball. The lack of acknowledgement from the court to my requests left me with the feeling that, I was being 'stone-walled' by this intrinsic group of stakeholders in the success, or otherwise, of the Bail Supervision and Support project. However, there are potentially two reasons why young people weren't being remanded into secure accommodation, *a*) that there were no available places within the secure estate and/or *b*) that potentially the magistrates' just didn't consider the option of secure accommodation remands. As I have suggested elsewhere, the court was renowned for being a 'tough youth court'. It was also the opinion of not only some the magistrates but also some of the BSS workers that for some of the more persistent young offenders.

Norm: *Some reach a path in their criminal routes where we choose not to offer bail support because we know it's just a waste of everybody's time. They are so ingrained into a culture of offending that.... Christ, what all of us are doing is just pissing on the edges of a raging fire. It doesn't make any bloody difference.*

(Fieldnotes: October 2001)

It is clear that the 'targeting' of the BSS project at times was widely perceived to be of limited use to the 'hardcore' of persistent young offenders. The magistrates' believed this to be the case and more disturbingly so did a number of BSS project workers. The fundamental aim of the BSS project was to 'reduce the incidences of

remands' of young people in the town. Remands, in this context, relate to not only custody, but also remands into secure and local authority accommodation. If we take a closer view of the total remand figures during this period, it becomes clear that the BSS project was struggling to win the magistrates' over, in using BSS as an alternative to remanding young people in the town. The following table provides some evidence of the project's incapacity to fully engage its intended target group.

Table Eight

Remand Episodes Ordered by Courts' in Sunderland: 01/04/00-31/12/2000[31]

Age	12 yrs		13yr		14 yrs		15 yrs		16yrs		17yrs		Total	
Gender	M	F	M	F	M	F	M	F	M	F	M	F	**M**	**F**
BSS	1	0	3	0	5	0	9	1	9	0	7	0	**34**	**1**
LAA	1	0	2	0	4	1	7	1	6	1	0	0	**20**	**3**
CO Remand	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**
RIC	0	0	0	0	2	0	4	0	9	0	22	3	**37**	**3**
Total	**2**	**0**	**5**	**0**	**11**	**1**	**20**	**2**	**24**	**1**	**29**	**3**	**91**	**7**

(Source: ibid)

If these data are further analysed in order to calculate remand decisions by the courts' and the success of the BSS project, in attaining its target group of young offenders at risk of being remanded to local authority accommodation or custody, the following data emerge.

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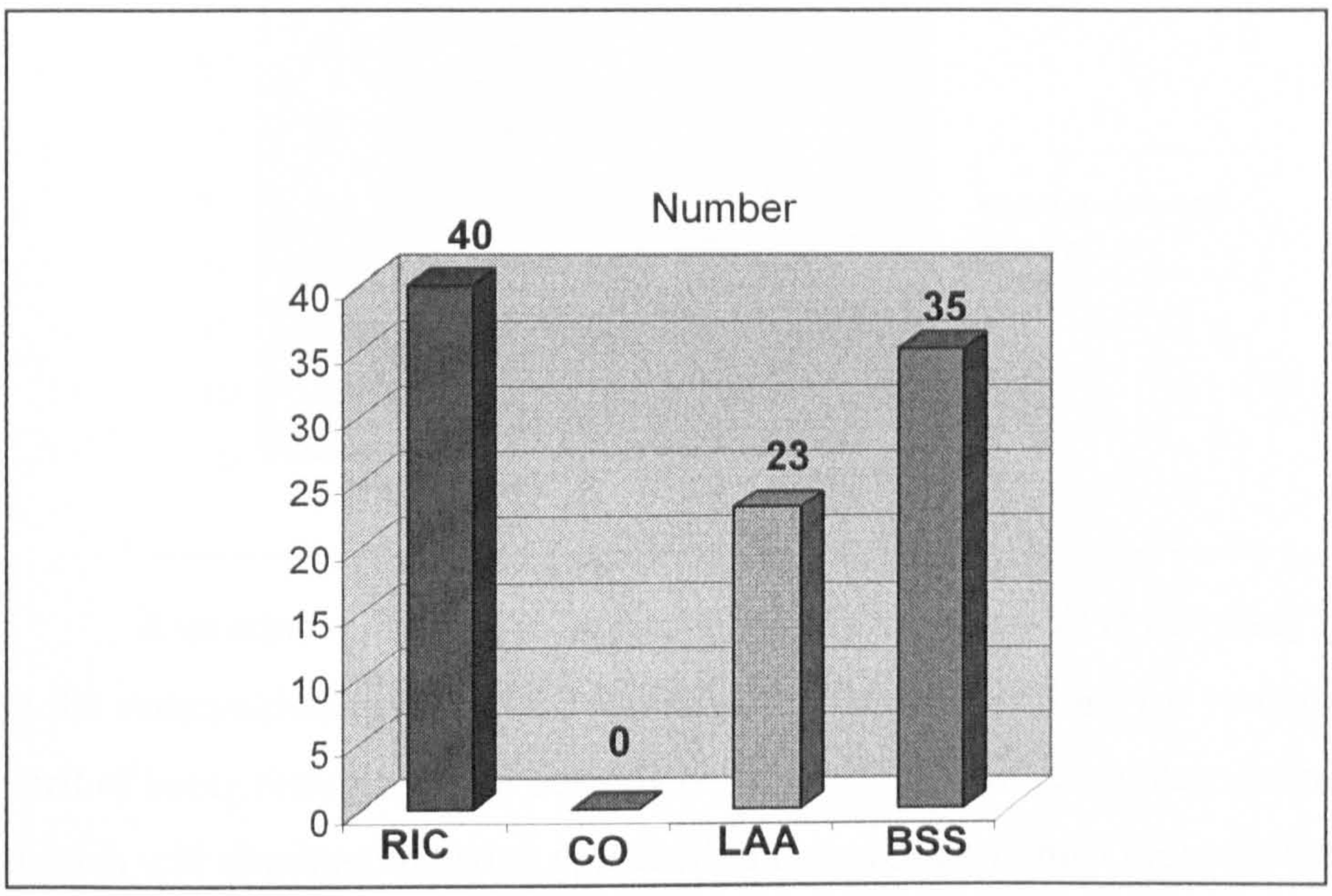
[31] This table excludes the categories of Unconditional Bail and Conditional Bail (without BSS) as these categories do not represent 'remand' decisions by the courts'.

Chart Two

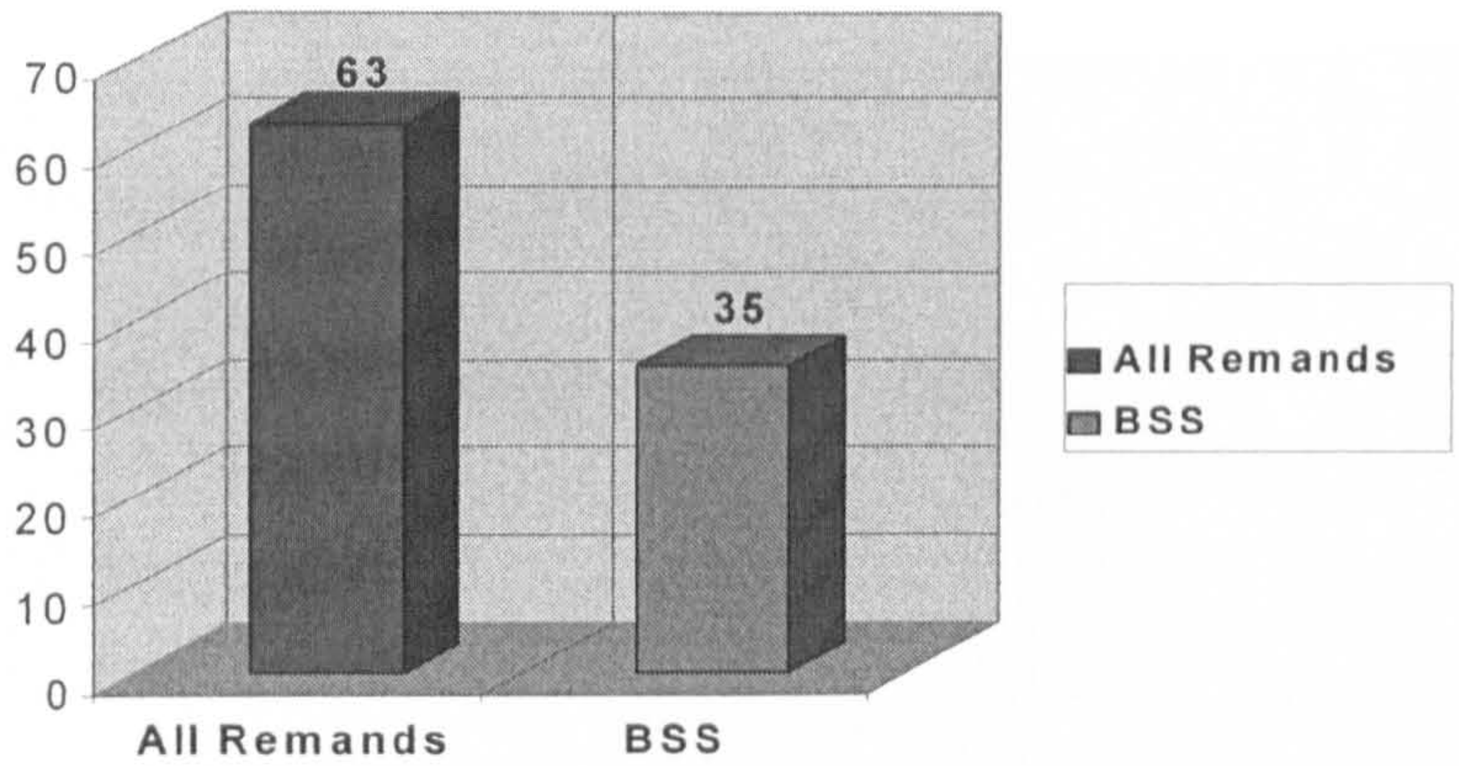
Rates of Remands by category by the courts' in Sunderland: 01/04/00-31/12/2000



Remands into Custody were the option that the magistrates' in the town relied heavily upon. This remand strategy was the one which magistrates' would rely upon for significant numbers of the town's young offenders. The role of the BSS project in achieving its stated aim of reducing those remands fell significantly short in attainment of that aim. The following graph demonstrates this significant short fall. The categories of Remands into Custody and Remands into Local Authority Accommodation are aggregated as one category. The reasoning for this relates to the BSS project's central aim which was 'to reduce the incidents of all remands'.

Chart Three

All Remand Decisions and BSS Decisions

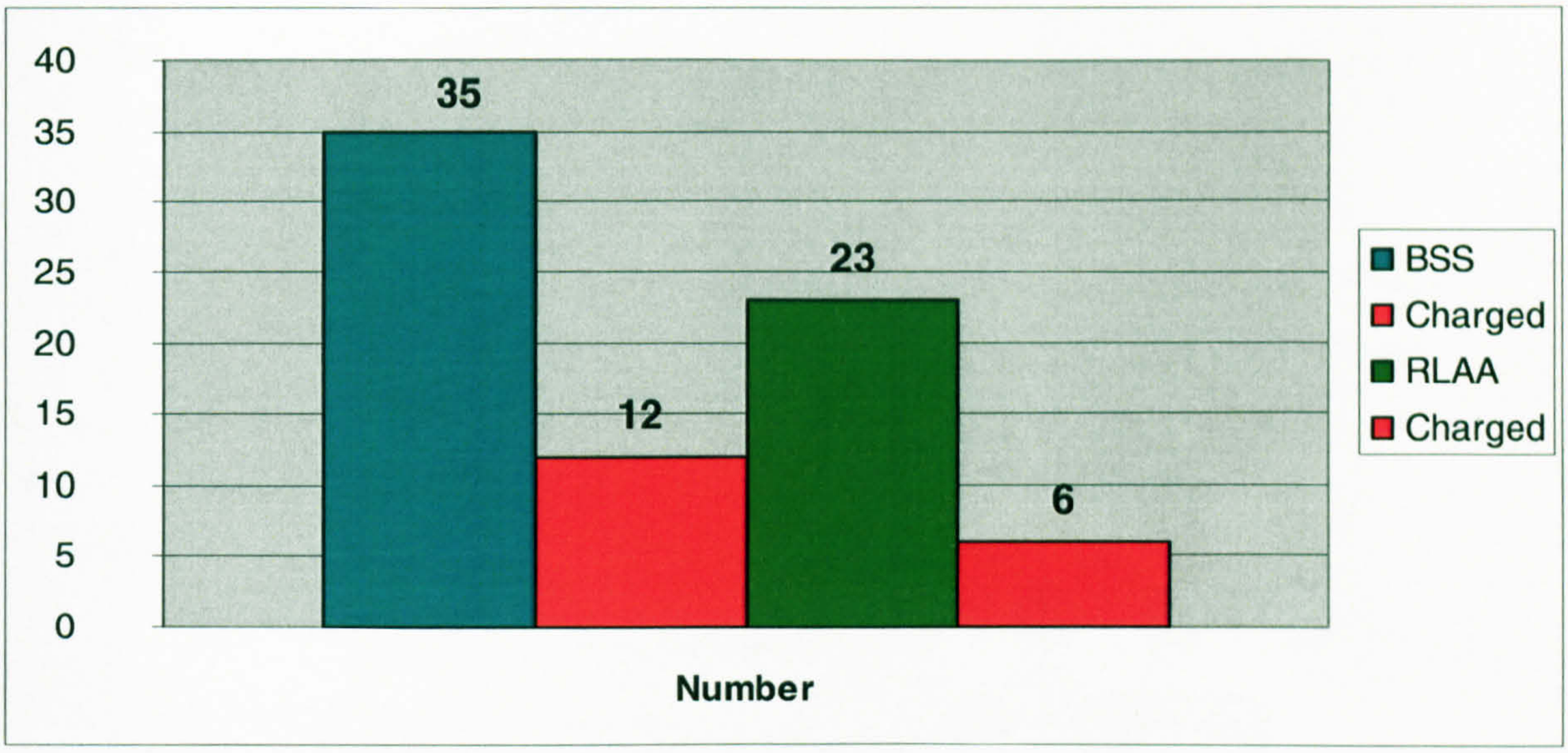


Assessment of the BSS project's significant shortfall in directing its services to the stakeholders involved the assessment of remand options for young offenders at peril of being remanded into custody or, to local authority accommodation. The figures will demonstrate what appeared to be a trend amongst those stakeholders. From the 1st of April 2000 until 31st of January 2000, BSS was only successfully referred to in 55 per cent of those cases. The remand picture presents a far more worrying trend that of those remanded young people 63[32] per cent were remanded in custody, and only 36 per cent were placed into the remand care of the local authority. At this stage it will be useful to provide a snapshot analysis for this specific period of time relating to re-offending on bail by the BSS target group. Offending by young people placed on either the BSS project or remanded into local authority accommodation during this period of time remained relatively high. The following table (below) presents an overview of the size of the problem relating to young people re-offending, while on bail and placed with services which are intended to combat the offending behaviour of the young people, placed onto those respective services.

[32] Figures have been rounded.

Chart Four

Young People Charged Whilst Subject to BSS and RLAA Remand 01/04/00-31/12/00



The charge and re-offending rates of young people on both the BSS project and of those remanded into local authority accommodation were disappointing. Simple analysis of the above data, suggest that during this period there was a *one in three* ratio (35/12 or, 34.28%) that young people remanded onto BSS were re-arrested and charged for new offences while on the project. For those young people remanded into local authority accommodation the odds of re-offending were slightly reduced, with a ratio of *one in four* (23/6 or, 26.08%) young people being re-arrested and charged for re-offending while on bail to the local authority care homes. It is clear that for a significant section of the young people, known as young offenders in the town, the odds of reducing re-offending while on bail may have been limited. The local YOS in its Youth Justice Plan stated that the "numbers re-offending whilst on bail are of concern" (Sunderland YOS, 2001: 28) and that to improve the stakeholders opinion of the BSS project, a far greater effort would be required in which to build confidence in the range of service provision provided by this project (ibid: 69). A detailed analysis of the BSS project aims and objectives will be further addressed in Chapter 6.

Moore's (1998) study observed that more than 2000 boys were remanded into prison custody in 1997. This entailed a 100 per cent increase to that of the remand population of young men in 1990. Goldson (1997, 1999, 2000) has defined this as a 're-politicized' statement in which youth crime and young people in trouble have

become 'systematically demonized'. Carlen (1996: 48) refers to the contemporary process of 'folk devilling of children and young people'. In a similar vein Young (1999) sees the 'creation of monstrosity' to describe the current political context of the situation relating to young offenders. These of course are useful theoretical insights into the current political phenomena relating to young offenders yet they fail to consider the structural weaknesses within the system as a working mechanism. In terms of pragmatic guidance they offer little insight into what is wrong at the more practical level of dealing with young offenders in the current system. Although, these highly important theoretical arguments provide a useful cushion, in which academics and practitioners can frame their mind-sets in an overview of the current situation they do little at the practical level in which to appease the immediate suffering/injustice and abuse of welfare rights that many young offenders have experienced and continue to face. Social opinions inform us that something must be done about crime and criminals. As one of the YOS workers told me:

Gregg: *I'm fully aware that these young people are victims and that generally society has offered them a somewhat shitty deal in their lives. So yes they're victims but they also create a trial of victims in their wake and we are required, we're responsible to do something about that.*

(Interview: December 2001)

The longstanding and escalating trend in remanding suspected young offenders, who at this point of the youth justice process are legally innocent, requires a somewhat more pragmatic approach in which to deal with the intransigent position of locking up young people in institutions and establishments, that are ill-equipped in which to deal with, and transform, young people's recognised offending behaviour. It has long been recognised that the youth justice system requires far more secure accommodation units in which to alleviate the damage that remanding young people into custody is widely acknowledged to inflict (see, Millham *et. al*, 1978; Stewart and Tutt, 1987). However, the sheer numbers of young people being remanded into custody confirm the scale of the task that would be required to be undertaken in providing secure accommodation for those young people. Although justice must be seen to be done the juvenile remand estate requires a far greater overhaul than is currently being addressed by the government. The concern focuses upon what is to be done with those young people remanded or sentenced to prison.

> But no one is suggesting some of them shouldn't be locked up. The issue is how many, where, and under what regime - in secure units run by local authorities with a duty of care, or by hard-pressed, under-resourced prisons that turn the already disturbed, madder and badder.
>
> (Tonybee, *Guardian*, November 24, 2000).

The statistics speak for themselves. Reconviction rates are very high for children with 84 per cent of 14 - 17 year olds discharged from prison in 1997 being reconvicted within two years of their release (Home Office, 2000). Prison, as a rehabilitative model of criminal justice, just doesn't work. The number of prisoners on remand in England and Wales has more than doubled in the last 15 years. Likewise, the number of 15 - 17 year olds in prison has doubled over the last ten years (Prison Reform Trust, 1997). The Prison Reform Trust has called for an immediate end to the remanding in custody of 15 and 16 year olds, and for acquitted remand prisoners to be entitled to apply for compensation (ibid). The majority of those children in prison (including remand prisoners) have been convicted of non-violent offences. Of the boys who received custodial sentences in 2000 nearly half were convicted of property crimes such as burglary and theft (Home Office, 2000). The juvenile prison system has also been criticised for its inability to cope with and provide services for young offenders. Referring to the HM Chief Inspector of Prisons report on HMP/YOI Ashfield[33], Juliet Lyon, director of the Prison Reform Trust said:

> This utterly damning report by the Chief Inspector raises the question of why it was ever considered acceptable to place our most vulnerable and challenging children in the care of a private company with such a dismal international track record in work with young offenders. More than anything children who offend need consistent care and guidance, far too often what they get is state sanctioned

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[33] Premier Custodial Group Ltd is a subsidiary of Wackenhut Corrections Corporation Ltd, an American company. When Wackhenhut won the contract to run Ashfield in 1999 the company had no experience of working with juveniles and had faced problems in America and Australia where they had lost contracts to run detention facilities for young offenders. HMP/YOI Ashfield has had the worst record of reported incidents of self-harm of all prisons in the juvenile estate. In 2000/2001 there were 112 out of a total of 231. In 2001/2002 there were 128 out of a total of 312. Up to end of September 2002 there had been 51 incidents out of a total of 132. (The Prison Reform Trust, 2003).

neglect and abuse. This report must act as a wake up call to review the policy of incarcerating children. Intensive supervision and surveillance, specialist fostering and small local units close to home all offer more chance of success than bleak institutional settings.

(Prison Reform Trust, Press Release: 5th February 2003)

Following on from the Report by the Inspectorate of Prisons which provided damning evidence of HMP/YOI Ashfield's inability to provide the necessary services in which to look after young offenders the Youth Justice Board decided to withdraw sentenced young offenders from this establishment. HMP/YOI Ashfield was recognised as the worst example within the prison system in providing the necessary welfare and services for its detained young people.

> There are therefore already significant barriers to the Prison Service being able to provide a safe and positive environment for children; and the question of whether it should continue to do so is a live one. Yet during the year the number of children has risen, to close to 3,000, and looks set to rise further. Promises to reduce unit size and locate children nearer to home are further than ever from being delivered.
>
> (HM Chief Inspector of Prisons for England and Wales 2001/2002: 36)

The report also highlighted the problem of a 'forgotten' group of children held in prisons, these being remanded young people.

It was hoped that they, too, would be held outside prisons, but they are still there, in increasing numbers and often for longer periods than those who are sentenced. Yet there are no mandatory standards for the education, training and activity they should receive, and no requirement to plan their period in custody so that it is as productive as possible. Some establishments are making laudable attempts to fill those gaps, but this should not be left to individual initiative and innovation. But this is not simply a question for the Prison Service. Children in prisons

are often ignored by other departments and bodies which should have responsibility for their welfare.

(ibid: 37)

Bail Supervision and Support is aimed at 'rescuing' those young people at risk of being remanded. As we have seen in John-Jon's case study, without a suitable bail address BSS is impotent. From my observations and participation with the system it was clear that many of the young offender's parents just couldn't handle the situations they found themselves in, relating to their sons and daughters offending. They'd often refuse to have them home, even if this meant that their child was at risk of being remanded into custody. In such scenarios the BSS project would attempt to acquire a local authority secure accommodation placement, as an option to present to the magistrates. Yet, a truth of the matter was that this rarely occurred locally, as secure placements were in high demand and extremely limited. Remands into local authority (unsecured) accommodation could often alleviate that situation and these were widely recognised as being the better option to that of a remand into custody. At times the magistrates would refuse these requests from the BSS project. Magistrate's refusals of such remand management scenarios would often be related to young people's histories of absconding from care on previous occasions. Alternatively, the 'nature of the offence' the young person was up at court for could also merit a 'protection of the public' caveat, where either a remand into custody or, to a local authority secure accommodation was preferred by the court. It was usually the case that in such circumstances a remand into custody would result, as there just weren't the local authority secure 'beds' available.

However, it was also recognised by the YOS and the BSS Project that because of the nature of some of the young offenders they placed into the care of the local authority the situation was far from ideal. As we have seen in earlier chapters the workers at the project often were concerned about the impact some of these young offenders could have on more vulnerable children at these placements. Local authority residential units have been found to struggle to adapt to difficult and disruptive behaviour of young residents (Colton, 1988, Chamberlain, 1998, Walker, *et al* 2002).

Research has also shown that problems such as bullying and intimidation are common within local care homes and that some young people are encouraged by others to participate in delinquent behaviour (Hazel, 1990, Walker *et al*, 2002). It is

evident that in accommodating some of the more persistent young offenders, the system is ill-equipped to deal with this particular aspect of youth justice delivery. The over reliance upon an increasingly over-stretched prison estate (Young Offenders Institutions) as supplement used instead of secure accommodation units for young people, is an unacceptable youth justice strategy.

What often occurs in such scenarios is that it is *not* the nature of young offender's criminal acts or, the threat to public safety that sees remands into prison custody occurring. Rather, it is the lack of local authority secure accommodation facilities, with trained social workers and relaxed welfare orientated regimes that sees many young people being remanded into prisons. And, anecdotally it is well established within the youth justice system that the welfare aspect of remand management of young offenders is weighted and restricted by fiscal consideration (Monaghan, 2000). This fiscal and strategic crisis within the delivery of youth justice remains as Moore suggests is something '...the Youth Justice Board for England and Wales to openly acknowledge that state policy since the early 1990s has been an expensive and damaging failure' (2000: 126).

Along the inter-connecting youth justice strategies other less punitive measures to remands into secure facilities (whether these are local authority or the prison estate) should also be provided. Often they are, for example, in the use of Remand Foster Carers. Yet, as the discussion that follows will argue, the lack of specialist 'crisis' foster carers also disrupts the mechanisms of a far more welfare orientated approach in dealing with young offenders placed onto bail, and this increases the possibilities of young people being remanded into custody.

The uncoupling of some of the key areas of welfare orientated youth justice linkages due to a lack of available resources, government funding and a political unwillingness to increase the number of available local authority run and owned secure accommodation units, more than hints of an unspoken emphasis towards a continued punitive rhetoric for some of the more troublesome and persistent young offenders.

Remand Foster Carers

A further option for the BSS Project to provide alternatives to remands into custody to magistrates was the option of a 'remand foster placement'. The aim of this service was to provide a team of specialist remand foster carers to foster a selected target

group of persistent young offenders while they were on bail and whose parents refused to have them back home. It is this group of young offenders who are at risk of being remanded into custody or to secure accommodation. As has been discussed, the use of remands into secure accommodation within the district was extremely limited. Many of the young offender's who perhaps should have been remanded in this way, were instead sent to prison. Remand foster placements are proposed to further reduce this risk and the service is intended to provide an increased level of welfare focused options.

This particular aspect of the BSS Project had been running for a number of years and had proved to be a very useful aspect of the project's armoury in offering the magistrates alternatives to custodial remands. When I first engaged with the fieldwork late in 1999, the project had only one remaining couple engaging in remand foster care to provide this much needed service. Bert and Frieda were in their late sixties and were now retired. They had often been called upon for their services as remand foster carers by the project. They were by any standard, from the 'respectable' working class and lived away from the City of Sunderland in a small town named South Side, some fifteen miles away from the project. They cared deeply for the young people they offered to provide a stabile home environment for. Over the years Bert and Frieda had with assistance from the BSS Project, looked after scores of young people. At the office however there seemed to be an embarrassing undercurrent of the project's role in continually sending some often disturbed and very persistent young offenders into the care of Bert and Frieda. Sat in the office one afternoon, just after Bert had called in to report a missing young person from his care, a conversation started up relating to the BSS Project's continued use and exploitation of the elderly carers. Bert had just left the office.

Geoff: *It's a fucking shame isn't it?*

Norm: [Laughing, and already seems to know what Geoff is referring to] *Aye, it's a shame all right.*

Jack: *I think it's sad. Them two* [Bert and Frieda] *are saints with all the shit they've had to put up with over the years. Some of the kids we've sent up there to them should really have been in prison and not being fostered by an old couple of old aged pensioners with big hearts.*

Geoff: [Sarcastically] *Oh yes, in our wisdom over the years we've sent them some evil little bastards.*

Jack: *But we've got no one else to do it have we? But that doesn't make it right for us and social services in general to exploit the good nature of these people. Bit by bit all the other foster carers have seen sense and packed the job in. It's no surprise to me that nobody has applied for the posts. Surely in this day and age there can't be people out there that naïve, or desperate for money that they'd take on the nightmare job of looking after the kids we get coming through this project? I mean, we're supposed to be the professionals and we can't stop some of them offending while they're on bail. Here Rob, you answer me this one. Would you take one of the kids into your home?*

I was on the spot now and I had to think hard and fast about this one. The Social Services Department and local YOS had recently engaged in a regional blanket media re-advertising campaign for Remand Foster Carers after a previous recruitment drive had failed to attract a *single* application for the available posts. The latest recruitment drive had offered a relatively good rate of pay, training, and support in what looked like an appealing deal. The up take had been slow and finally the local YOS gave up its central role in the recruitment and training of remand foster carers to be integrated into the BSS Project. The unfilled vacancies and the role itself were handed over to the local Families and Children Services of the Social Services Department. At that stage the local youth justice system just couldn't attract anyone to take on the role.

R.H: *Well, I'm not sure, but the money's good. What was it advertised as, about twenty-six grand? That's not a bad rate of pay for sitting at home and looking after troubled kids is it? It would give some of the kids who are always being remanded a chance to stay out of jail. I guess you might also get some satisfaction from the job as well...sort of putting something good back into society and helping out these kids.*

Geoff: [Laughing] *You're fucking joking aren't you? There's absolutely no chance that I'd let any of the scumley little bastards across my door and any where near my own kids. I don't care how much money they offered, there is absolutely no fucking way I'd contaminate my kids with the shite we work with.*

Jack: *Would you Yvette? You wouldn't let them anywhere near Chloe would you?*

Yvette: *I can honestly say that I wouldn't touch that job with a barge pole. I know the kids are vulnerable and need lots of support but there is no way I'd ever consider letting them into my home or anywhere close to my daughter.*

Pam: *There's no way I'd do it. I mean a lot of them are canny kids and that, but you just don't know what problems they've really got.*

Jack: *Really Rob, even though you've been working with them and know what they are like, would you let one of them near your family?*

Jack was right and no, I wouldn't have. Bert and Frieda decided that they'd enjoy what remained of their retirement and decided to stop fostering young people on bail supervision. During an interview in their home the pensioners explained:

Freda: *If we had had children at home, you know young children we wouldn't have fostered these types of children* [remanded young people]. *Absolutely, not. I mean when we were fostering the remand kids I wouldn't let my own grandchildren come and visit. We were certainly never that naïve to think that the young people we fostered couldn't have damaged our own family members. We decided from the on-set that, because our own lads* [sons] *had left home and settled down with their own families, that we would we keep the two things separate. We'd fostered other young lads for about twenty years on and off before we decided to do the remands. But if we'd had kids at home we would never have considered doing the remand foster care work. Isn't that right Bert hinny?*

Bert: *Aye pet. It wouldn't have been right. I mean the young lads we took in, and it was always lads, never nae lasses, were all canny bairns but we weren't daft enough to not knaa that those bairns came laden with problems. So for the remand bairns, we waited until our lads had flown the nest and then decided to foster the remand lads. But as our lass* [Freida] *has said, we keep the family away while the lads stay with us, like the grand bairns, if you knaa what I mean like...?*

Freda and Bob were quite aware of the challenges that fostering remanded young people would offer. However they were adamant that the young men they fostered were generally rewarding. They only ever offered their service to young men on remand as Freda suggested, "*Because I've two lads of my own and we've fostered lots of other young lads over the years and I know how their brains tick. Usually, I'm two or three steps in front of them and can see what they are up to before they even think of it*". Their experience of remand foster care work was one that both stated they '*wouldn't have changed for the world, not for all the tea in China*'. They were specially trained for the role in issues such as drugs/alcohol and the associated risk factors of offending behaviour of young people (see for example, West and

Farrington, 1973, 1977; Utting *et al.*1993; Farrington, 1996; Rutter *et al.* 1998). They also received training on the youth court and remand process. Freda stopped going to court in Sunderland because; "*It was too rough. I didn't know there were so many rough people in Sunderland. The court was full off them and I decided I couldn't be around them so I stopped going to court*". They started remand foster care in 1997 on a short-term basis and stopped in early 2001 because as Bob put it, "*we were getting on* [too old]". It was recognised by many within the youth justice system that the role of remand foster carers was perhaps one of the more demanding positions. Freda told me:

When we took on the role, the police, social workers and those at the bail project all thought we were absolutely mad for doing it. But we loved it and most of the bairns who stayed with us made really canny progress. Every now and again it wouldn't work out and they might leave the house within an hour. They just left because it just wasn't for them, but in the most part the kids enjoyed being here. Of that I'm sure. We loved it didn't we Bert hinny?

Bert: *Oh aye, it was like, what is it they call it nowadays, like 'a challenge' but both one me and our Freda enjoyed.*

Policy orientated rhetoric regarding the valuable resource that remand foster carers can provide to the youth justice system is clear:

> The Remand Fostering Project is a positive alternative to youth custody whereby young people on remand are placed by the local authority in the homes of foster carers. Instead of being surrounded by other young offenders, the young people are placed into a stable family environment outside their community. Remand Fostering is not an easy option. Curfews are strictly adhered to and, unlike prison, young people are required to take decisions and responsibility.
>
> (www.e-politix.com)

Recent proposals in the White Paper, *Justice for All*, have suggested extending the use of foster care for young people on remand, and introducing the use of 'intensive fostering' for sentenced young people (Home Office, 2002). These

proposals echo calls from campaigners and practitioners (see, for example, NACRO, 1999, Moore, 2000, Lipscombe, 2002) for more remand foster placements to be made available, and they generally reflect the views of Youth Offending Teams who see foster care as an essential element of their remand management strategies. Despite, the BSS office staff hard-bitten cynicism about many of its young offenders and as to the impacts that remand foster care could make, it was still evident amongst them that this was perhaps one of the more useful integrated remand management tools available. However, attracting potential foster carers to commit themselves to this difficult role is a problem in itself.

The recruitment and retaining foster carers is awkward and despite a £2 million national recruitment campaign that was conducted in 2001, only 1,000 applications were received from potential foster carers (McVeigh, 2001). It has also been estimated that currently there is a shortage of approximately 7,800 foster carers required to ease the demands upon this service (Fostering Network, 2002). As Lipscombe suggests within "the current political climate, it is unlikely that children on remand will be seen as a priority for foster care" (2003:46).

Remand foster carers continued to be considered a useful resource to the Sunderland YOS and determined efforts were made to recruit new foster carers to undertake this role. Two recruitment drives across the region were implemented. Yet, both failed to attract much interest from the surrounding communities. A new post had been created for a social worker to co-ordinate the Remand Foster Carers team and to provide training and support for the prospective team of remand foster carers. It didn't happen. There were no ideal candidates, there was very little interest. Perhaps the general public was aware that this particular group of young people might not be worth the money or the trouble. The project was abandoned and the BSS Project would not have this very valuable resource to rely on at court and offer to magistrates' when a remand to custody appeared to be on the cards.

The use of remand foster carers remains a positive step in providing the intrinsic welfare and rights that should be afforded to young people in serious trouble within the youth justice system. However, it has been argued that the welfare orientated drive to expand this service "is based more on 'blue skies thinking' than rigorously conducted research" (ibid.). There have been few recent, independent studies of foster care for young people on remand, and one on-going study suggests that it is not suitable for all alleged young offenders (Lipscombe, 2002). The policy

orientated rhetoric that lies beneath the emphasis on the services of remand foster carers, it is argued:

> In terms of criminal justice requirements, remand foster placements are expected to provide a safe environment for young people whilst on remand, to ensure their appearance at court hearings, to prevent them from absconding, and to reduce the incidence of offending whilst on remand, thereby protecting the public and maintaining community safety
>
> (Lipscombe, 2003: 52)

Remand foster care also remains a far cheaper option than remands into custody and secure accommodation units (Fry, 1994, Walker, *et al* 2002). Studies of mainstream and specialist foster care indicate that fostering teenagers is highly problematic, and that the disruption rates for placements of adolescents are high (see, for example, Berridge and Cleaver, 1989, Triseliotis *et al*, 1995, Farmer *et al,* 2001). Research has also found that foster carers often feel isolated during periods of crises in the family home (Nixon, 1997). Wilson, Sinclair, and Gibbs (2000) longitudinal research of 950 foster carers with 'looked after' children found that high levels of stress were experienced by over two-thirds of the sample. In many of these events experienced by the foster carers, the support provided by the Social Services Departments were insufficient and the effects associated with the stress experienced by the foster carers resulted in mental ill-health problems and their attitudes to continuing fostering were significantly impacted upon.

Walker, Hill, and Triseliotis's (2002) evaluation of a specialist foster care project set up in Scotland, studied the use of alternative accommodation placements with foster carers for young people who might otherwise be remanded into secure accommodation. This project in many aspects mirrored the Sunderland BSS Project's intended use of remand foster carers. The study found some worrying evidence that within the independent foster care provided to this particular project, there a business like rhetoric involved with the relationships between the agents involved (social workers, local authority, children and foster carers). Such arrangements led to unjust pressures being placed upon the foster carers at that project. Many of the foster carers found themselves having to see through a foster placement that was either discomforting or unworkable, thus placing them under further stress. The study

concluded these types of specialised foster placements' pose different dilemmas to that of 'mainstream' foster care. They require new and diverse forms of management to assist these foster carers to cope with and mange the particularly distinct context of remand foster care.

Lipscombe's (2003) research of remand foster care demonstrates that the use of such an intervention within the youth justice system is relatively successful. The study found that its was a useful resource in preventing offending by young people whilst on remand and in getting the young people to attend court when required. Yet, reservation was called for in believing that the project would be successful in attaining its objectives for all of the young people placed into its services. Increasing the level of the remand foster care service is considered a:

> ...very positive move towards calling for an increase in remand foster care and intensive fostering for young offenders is a very positive move towards balancing young people's needs, rights and responsibilities, but it is somewhat premature in light of what is known, or not known, about fostering young people during periods of remand. However, in spite of these difficulties remand foster placements must be recognised as amore humane and beneficial way of providing for young people who are on remand than are residential or custodial placements.
>
> (Lipscombe, 2003: 53)

The intended use of remand foster carers and secure local authority accommodation are welfare-based interventions, which are affianced in order to cushion the impact of a young person being removed from his or her normal place of residence. The use of remand foster carers is therefore an extremely important aspect of the youth justice system, in providing a resource to the Youth Offending Teams that employ such measures to offer magistrates an alternative to remands to secure accommodation and/or remands to custody. The BSS Project was running out of alternative options to offer to magistrates. During the period of evaluation of the BSS Project both secure accommodation and remand foster carers were rarely used. Between November 1999 and March 2002 remand foster carers were used by the

project on only four occasions.[34] The project's ability to place young people in local authority secure accommodation was also negligible. During the same period of time the project could only successfully place eight young people in secure accommodation[35]. This was not necessarily a failing of the project *per se* as has been discussed earlier in this chapter. The YJB has a remit to ensure that the most vulnerable young people are held away from prison in Secure Training Centres (STCs) or Local Authority Secure Units (LASUs). However, at the local level the Sunderland YOS and its BSS Project the utilisation of secure accommodation was the exception rather than the usual course of events relating to the remands of young offenders. Due to this failing young male offenders in Sunderland continued to be at an increased risk of being remanded in custody.

The BSS Project would often attempt to get those young people who were at risk of being remanded into custody (usually due to a lack of local authority secure accommodation) into the care of the local authority with a remand into local authority (un-secure) accommodation. For certain elements of the target group this might not be deemed acceptable by not only by the magistrates, but also by BSS Project workers. It was widely acknowledged by those at the project and the local authority care homes that some elements of the young offenders' in the city and its surrounding districts would be too much of a threat, too risky, too 'criminal' to even consider a remand into local authority accommodation. They went straight to jail.

The wider issues of a national shortage of local authority secure accommodation placements and a lack of interest, and consequentially, suitable candidates for the role of remand foster carers played a significant role in the project's inability to provide these two fundamental interventions to reduce the number of young people being remanded into custody. Both of these issues require far greater emphasis placed upon them at the level of central and local government in order to alleviate the continued emphasis upon locking young people up while on remand. Until these issues are resolved the ability of interventions such as the Sunderland BSS Project, will continue to encounter barriers that restrict these BSS Projects' aims.

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[34] The BSS Project failed to record the overall extent of this problem, in any concise details, as to the extent of the problem of the lack of remand foster carers. It was recognised as a problem but at no point did the project provide data that could have highlighted to what expected level would remand foster carers reduce the incidences of remands into custody.

[35] The project also failed to systematically record the number of times referrals/requests for local authority secure accommodation placements were executed and refused due to a lack of secure accommodation throughout England and Wales. Within the project there was an over-riding atmosphere that to obtain a secure placement was down to 'luck'. Over time this had an impact upon emphasis of the project regarding the corresponding data recording exercises and Management Information Systems. In short, there was a work-place atmosphere that it 'just wasn't worth the effort'.

Worse than this, young people will continue to be remanded unnecessarily due to the structural failures within youth justice system.

And Back at Court Again

As has been discussed, the Sunderland court has a long tradition of being renowned as a tough youth court. My own observations at courts' in the region (I attended, on BSS related court observations four of the six courts in the region) found an post-industrial harshness equating to a romanticised and industrial disciplinary model of how working class youth should appear, present themselves, and more importantly how the magistrates at this particular interpreted this romanticised and eugenic viewpoint of their relationship to these young people's life-worlds at the Sunderland courts' that was not apparent at the other courts I attended. In many aspects the courts' the young people attended for pre-trial hearings [prior to judgement and sentencing] mirrored Parker's account of the judicial processes The Boys' had to endure:

> The Boys' part in the drama is usually a small one; often it is a non-speaking part, seldom is it eloquent. The more important actors will often proceed without even looking to the dock or acknowledging the accused's presence
>
> (1974: 170)

However, on occasion a magistrate would either voice his or her opinion on the matter at hand (often a moral judgement regarding the young person's behaviour). At times magistrates would 'stare down' the accused from the safety of the bench some thirty feet away from the young defendant who was accompanied by a security guard and shielded from the main events being acted out within the court behind a twelve foot high Perspex screen. On one occasion, attending court with Jamie, I noted a magistrate after entering the court and hearing the charges, stare hard at Jamie, eyeing him up and down in an intimidating manner. To Jamie, incidents such as these were all a part of the proceeds.

Jamie: *Did you see that old cunt trying to stare me out. Fucking fat bastard, trying to think he's all hard and that. Giving me the evil-eye when he knows there's fuck all I can do about it. It's not like you can stare back at them is it?*

R.H: *What can you do about it? I mean how do you react to something like that?* [I had witnessed the event and was aware that the magistrate in question was trying to intimidate Jamie. I had initially glanced over my shoulder as the event unfolded and saw Jamie shifting his weight from foot to foot and then look downwards at his feet].

Jamie: *There's fuck all you can do is there really? Keep your mouth shut and keep your eyes down. He knows I can do fuck all and if were to say anything to him then I'd be right in the shit. Even though you try to keep your head and that they* [magistrates] *know you're shitting yourself. There's no need for that fat fuck trying to large himself up thinking he's hard. He'd shit himself if he saw me out on the street.*

These dramaturgical and intimidatory processes (Parker, 1974: 170-171) within the court and delivered at young offenders are viewed as antiquated settings.

> To them the pomp and rigidity of nineteenth century justice, still retained in today's Court, would be farcical were it no so powerful. As we unravel their view of this crucial part of the prosecution process one thing should be made explicit. The Court's kadi, the judge or the magistrate, is trying to assess the accused's moral character.
>
> (ibid.: 170)

This industrial pomp was still evident in my observations of courts in the town. The magistrates often appeared to adopt some by-gone and alienated view of the world which mirrored their own moral codes and one that was somewhat disassociated from the subjective realities to that of the young offenders who appeared before them. I heard one middle-aged male magistrate say to young a female, believing that he was offering some paternal and informal advice to the young defendant, '*You'll never get a boyfriend or a husband if you carry on like this*'. On another occasion, a different magistrate told a young female defendant:

'*You're back here in two weeks. Now, when I next see you before me I will expect that you've got yourself a job. There's no reason in this day and age that an attractive young woman like you shouldn't work. In two weeks when we next meet and you're before me again in these courts I'll be expecting that you have a job and*

have put all this offending behaviour behind you. It's time you settled down young lady'.

The fact that Sunderland had one of the highest unemployment rates in the North east region, that one in five of it's working aged population were on incapacity benefit (National Statistics, 2002), and the fact this young woman had no prior work experience, no formal qualifications and indeed was only partially literate, had little to no bearing upon this magistrate's view of the 'other' social worlds that he made judgement upon on a weekly basis. In terms of the assessments made of young offender's morals, it has been suggested that as a theoretical perspective a 'conflict theory' remains deeply embedded within the culture of magistrates courts (see Baldwin, 2000: 240). It is argued that the poor, the young unemployed and ethnic minorities (who generally make up the core of criminal defendants) are the most likely disadvantaged groups within the court process (Box 1971; Sanders and Young 1994). Furthermore, others have argued that the continued traditional route of the criminal justice process in its aim to establish truth neglect to consider that these 'truths' are social constructs (see, Baldwin, 2000: 241; McBarnet 1976; McConville, Sanders and Leng 1991). What is argued to occur at court is a process of 'interpretation, addition, subtraction, selection and reformulation' (McConville, Sanders and Leng 1991:12). As we have seen, John-Jon's case, for the prosecution were 'constructed from competing and malleable accounts presented by the parties' (Baldwin, 2000: 241) involved with that case.

It was often remarked to me that the magistrates would often 'make it up as they went along' and had little knowledge or empathy of the impact their decision making would often incur upon the young people stood in front of them awaiting crucial judgements to be made for them. It wasn't unusual for the same magistrates to treat similar cases of comparable offence related backgrounds to face very different pre-court hearing outcomes. On one occasion a request for BSS had been made by the court duty officer for a young person at risk of being remanded for a car theft and this was accepted with the accused young person being placed onto the BSS Project. An hour later in another adjourning court a similar case was being heard. Again it was a car theft. Again an application was made for BSS. However, this time the request was refused and the young person was remanded into custody. As Vic the BSS Project worker who had dealt with both cases I was observing told me:

It's a friggin' lottery. Both those kids had committed the same type of offence with remarkably similar backgrounds in terms of their offending histories. The cases they were up in front of the courts' were exactly the same but one gets bail support and the other gets remanded. I sometimes wonder if the magistrates judgements come down to things like whether or not they got their legs over the night before. seriously, this is a major issue. I know a little bit about the issue of justice by geography but this is something else...more like justice by personality.

BSS would often be asked for by solicitors to magistrates when BSS court duty officers believed that BSS was not required. The magistrates would accept the solicitors request for BSS despite the BSS court duty officers' protestations that he or she believed that BSS was not required for a young person. At times when other young offenders who were well known to the BSS team, the magistrates and solicitors recommendations for BSS would be turned down. Here it is clear that the interpretations of 'who' is best suited for BSS is a dichotomous process. On the one hand, solicitors will generally attempt to get the best possible result for their clients. If this means requesting BSS as a condition of bail perceived to be a better result than a possible remand into custody then solicitors will, without doubt, attempt to pursue that youth justice outcome. On the other hand, a BSS worker might not believe that the young person in front of the magistrates will benefit from this intervention. Such knowledge might be grounded upon previous instances where the young person may have come onto BSS and has comprehensively failed in keeping to the conditions set by BSS. In such cases BSS will be withdrawn as a condition of bail and the young person may end up being 'remanded' by magistrates who ultimately make the decisions as what remand management scenario will be best suited in each case.

In such instances BSS might attempt to protect itself from potential recrimination by magistrates who might view BSS as unmerited or unjust and not worthy as a form of youth justice intervention. However, competing interests between young people and their solicitors (aiming for the best possible result) and BSS workers (with the young person's welfare at heart-but weighted by selected targeting of the intervention) mean that somewhere in the middle of this often competing youth justice dilemma sit the magistrates who make the decisions that, whatever the outcome, will possibly have detrimental effects upon individuals. For example, if the young person is remanded both the solicitor and the BSS Project can be viewed as failing in their intended objectives. For solicitors in such circumstances,

'word gets around' amongst potential and some of the more well-heeled young offenders used to the processes at court and other areas of the youth justice system. In such circumstances there is the possibility that the young people will consider their options and go elsewhere for legal representation. For the BSS Project the deficit is far clearer. It failed in applying its intended services and aims in reducing the possibility of being remanded.

A further important aspect of the accommodation issue also requires a very brief assessment at this point. Many of the young people who went in front of the magistrates at pre-court hearings did not have suitable bail addresses to go onto BSS. Often these young people had been turned out of their homes by their parents. In a number of cases local authority accommodation was not believed to a suitable place of accommodation due to previous episodes of absconding from the care of the local authority care home or issues of 'contamination' by prolific young offenders onto other young residents with no previous histories of offending. Here, it was widely accepted that some of the more persistent young offenders 'preyed' upon younger and often more gullible young people to engage with offending behaviour. Despite some of the alleged offences of being amongst the minor-tariff scale, for example, a petty shoplift, young people in such situations, simply because of the lack of suitable accommodation issue had been remanded to prison. Again, such examples highlight, and are recognised within those at the practice and management level of youth justice service delivery (but rarely spoken about openly beyond the system of youth justice), the restrictions currently in place in dealing with young offenders in a far more positive method of supervision and potential correction.

Beyond the policy shortcomings of the system there lies a far more emotive issue. In March 2002, 2,915 young people were held in secure accommodation of which 2,713 were boys and were 202 girls. Of these, 86 per cent (2,379 boys and 118 girls) were kept in Young Offender Institutions and 14 per cent (334 boys and 84 girls) in non-Prison Service accommodation such as local authority secure accommodation (Social Exclusion Unit, 2002:41). Clearly the remand accommodation issue is an area within the youth justice system which requires a great deal more focus upon. There was little scope to provide a thorough discussion of this aspect of the breakdown of mechanisms within the cogs of the youth justice system. However, what has been provided here will go some small way in highlighting an intrinsic short-coming of the current system.

The court users group (I attended two of these meetings) was a body of agencies which came together regularly to address issues that made impacts upon those agencies that were represented at youth courts in the area. They include the police, magistrates, probation service, local YOS, clerks to the courts, CPS and defence solicitors. On the basis of their empirical research, Crawford and Jones (1995) found that the structural conflict to be found within inter-agency partnership work is an absence of, rather than the presence, of overt conflict. This absence arises, they suggest, from creative strategies that circumvent conflicts and, "Rather than being aired or resolved, conflict is avoided" (Crawford, 1998: 177). This was a common trait I observed with heated complaints bounding around the BSS office about the police, magistrates, probation, and social services (particularly the Family Services section of this agency). Liddle and Gelsthorpe are quite correct in stating, "Relations between particular agencies involved in multi-agency crime prevention are highly complicated, seldom static, and influenced by a variety of institutional, individual and local/historical factors" (1994: 26). These often conflicting influences were found in my own study to be inherent not only at the *inter*-agency level but also at the *infra*-agency stages.

Table Nine

All England and Wales Remand Episodes 01/01/01 to 31/12/01

Age	RC	RS	Total
15	43	274	318
16	584	147	736
17	1,339	95	1,452
Total	**1,966**	**516**	**2,506**

(Home Office, 2002)

As the above table demonstrates the RC (Remands to Custody) far outweigh the RS (remands to local authority Secure Accommodation) numbers. The above table presents the crux of the problem faced by local authorities when dealing with young offenders who are deemed to be a risk to the public and/or to them selves. In such situations magistrates, under guidance from the government, are expected to place these young people in some form of 'secure accommodation' (either secure local authority units/accommodation or

Young Offenders Institutions). The lesser of the two evils is widely recognised and supported as being secure accommodation provided by local authorities. The discussion within this chapter has focused upon a range of inherent problems and conflicts within the system which often and for a range of contributory factors sees young people being remanded into prison. It is evident that there are a number of inter-related and quite complex issues at play here in the continued over-reliance upon prison remands' within the youth justice system.

Summary

This chapter has provided an overview of the problems associated by those working within the system in delivering welfare focused remand facilities for young people. As has been discussed, the issue of remand foster carers, local authority secure and un-secure accommodation and the often desperate reliance by the system upon remands into prison as a way to plug the gaps in official state provision of accommodation services for young people engaged with the youth justice system. At court when BSS is considered unsuitable as an intervention the remand management strategy takes another form recourse that attempts to reduce the potential for remands into custody. However, as has been discussed the strategy is compromised by a range of inadequacies inherent within the youth justice system that limit the potential of welfare-orientated discourse from operating at its intoned level of involvement.

In the following chapter we examine the overall findings of BSS delivery. This chapter brings the key elements of the preceding and inter-connected youth justice discussions to the focus of bail supervision and support's intended aims and objectives.

Chapter Seven

Bail Supervision & Support in Practice: The Findings

Introduction

This chapter presents the findings of two and a half years of research of the BSS project. Here, the aims and objectives of bail supervision and support as an intrinsic factor of the youth justice system, aimed at offering an alternative community based supervision intervention for young people to magistrates are considered.

As has been discussed in the preceding chapters, BSS does not operate in isolation from a range of intertwined components situated within the youth justice system. As the findings of the evaluation have already been provided elsewhere (for full details see Hornsby, 2000a; 2000b; 2001a; 2001b; 2002) and due to limitations in word-length of the overall thesis, I have been selective in presenting the policy orientated findings of the evaluation process[36]. In the provision of key areas of findings relating to the success or otherwise of BSS in meeting its organisational aims, a number of inherent areas of the project's objectives are reviewed. As the participants within the BSS project play a fundamental role in providing their shared experiences of delivering youth justice, it is perhaps correct to provide an overview of the lay out of the BSS office. It was here that much of the participant observation and interaction for obtaining the data were obtained, and upon which key areas of this study are based. However, this section of the thesis does not deal only with the ethnographic approach in obtaining data gained from my interaction with workers at the project. In this chapter the triangulation of data sources are applied. In a number of interweaving ways qualitative and quantitative data are coupled, often referred to as to as 'mixed strategies' (Douglas, 1976) or 'multi-strategy research' (Bryman, 1988) as a method to validate the findings. Such a methodological approach has been recommended elsewhere as a useful strategy to further support research findings (Webb *et al.* 1966, Denzin, 1970, Bryman, 1988, 1992, May, 1993; Bottoms, 2000).

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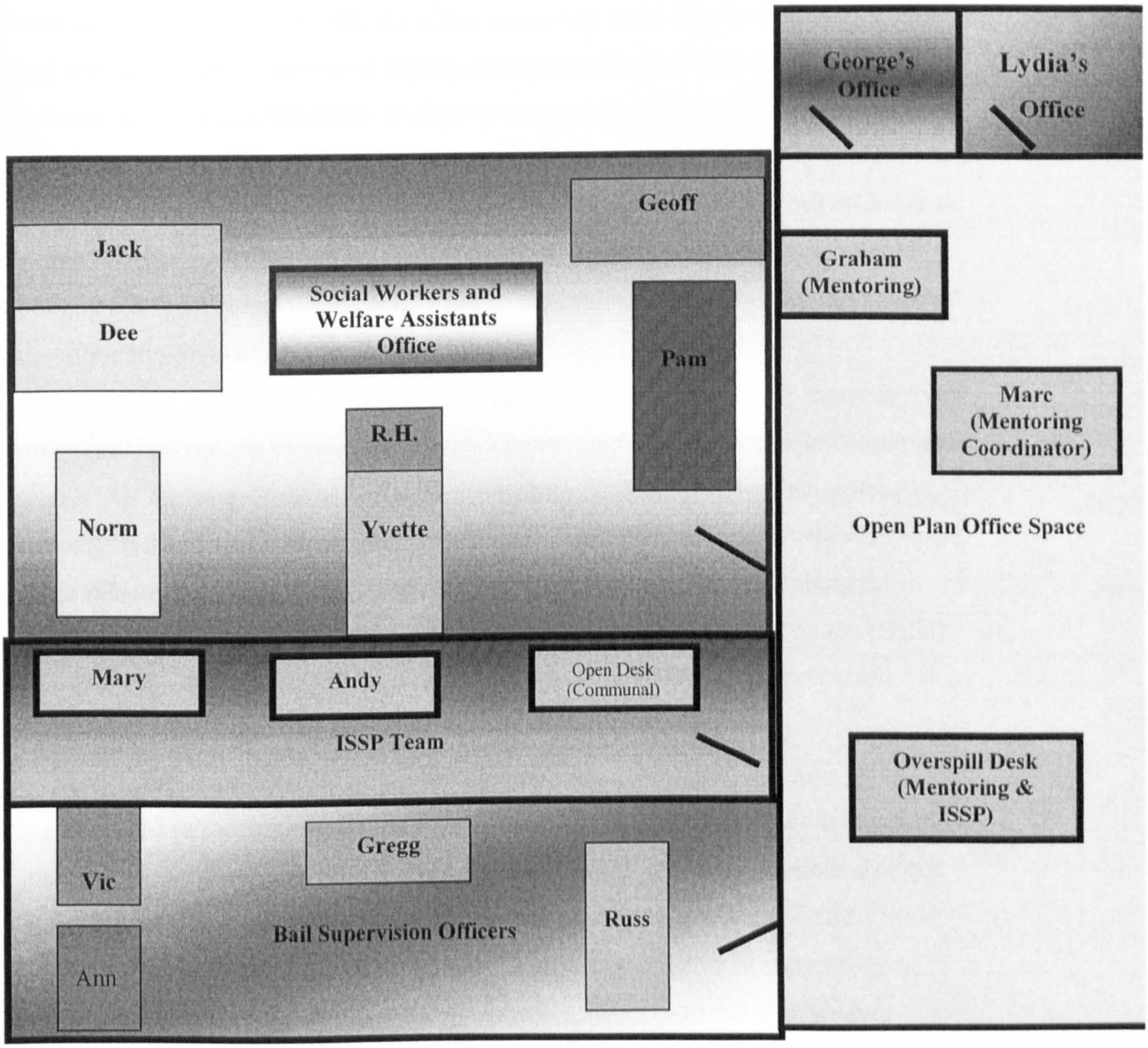
[36] These reports can be obtained in full from Nacro's Bail Supervision Dissemination Unit and the author of this thesis.

In using this methodological approach, emphasis is placed upon observational, interview and self-completion questionnaires. The project's recorded process outputs (in evaluation terms the 'things' that needed to be done by BSS to achieve its aim) and the outcomes (the resources available to complete specific pieces of work intended to meet those project aims [see, Patton, 1988]) were also analyzed. In deploying this strategy the aim is to provide theoretical insight into the '*interconnections* between different parts of the complex world' (Bottoms, 2000: 21) of BSS and those complexities within the youth justice system that BSS as a youth justice intervention intended to manage.

Below is a diagram of the BSS office and its key-players. My location within it was an essential ingredient and method to obtain much of the data that is used to gain views from the 'first-hand experience' (Atkinson *et al.* 2001: 4)) of those at the frontline of this particular form of youth justice intervention.

Diagram Four

The Office: The Key Players



From the above diagram it should be clear that from my own location within the office (**R.H**.) I was well positioned to hear and observe the daily interactions and rituals that occurred in the delivery of youth justice.

Paras, Bangers, and Other Pragmatic Youth Offending Conflicts

Within the office some members of the team played far more active participant roles than others. My location within the office opened up areas of organizational tensions and resistance during a period of rapidly changing contexts within youth justice delivery, and this enabled access to observe a range of overlapping experiences and insights.

For example, Geoff[37] had, for some time, decorated the wall behind his desk with a large poster of the leather clad, hot-panted, crop-topped and Botex induced pouting celebrity Pamela Anderson. Prior to the evaluation he was asked to remove the offending Ms Anderson from his wall.

Geoff: [Narrating the story] *Belle* [the Head of the new YOS] *comes in to the office and looks at the picture, she'd seen it before and I knew she was uncomfortable with it, but she never had the balls to say anything about it. Anyway, she comes in one day and tells me it's inappropriate. I mean, what's inappropriate about Pammy? She's fucking gorgeous* [slaps the back of his head in an Eric Morecombe style comedy sketch routine]. *She'd been up there for well over a year but as she* [Belle] *was now 'Head of Service' in the new supa-doopa Youth Offending Service she considered Pammy as' inappropriate'.*

Geoff combated the newly installed political correctness that was being implemented (although how he got away with this prior to that moment is any one's guess) at the project in his own distinct manner. '*Right, fuck her I thought. I've got something else that will rile her*'. Geoff was also a volunteer Warrant Officer in the Territorial Army (TA). He had earned his 'wings' as a parachutist and took great pride in the fact that he had trained with and was a member of the 4th Battalion Parachute TA Regiment. Following Ms. Anderson's enforced departure he brought to the office and stuck on all the available wall space around his workstation, posters, photographs and drawings of camouflaged men in maroon berets leaping out aeroplanes and posing menacingly with self-loading automatic rifles . His *piece de resistance* was a Royal Air Force Airfix model aeroplane suspended from the ceiling by a piece of cotton. Dangling from the aeroplane were scaled models of

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[37] Geoff was also a Union Representative for local authority workers employed in Sunderland and at the YOS.

paratroopers, parachutes opened and sailing downward towards the battlefield that was Geoff's desk. Geoff's corner of the organization was turned into something that more resembled an army recruitment office than a workplace occupied by a social worker within the youth justice system.

Geoff: *I know she thinks this* [pointing upwards to his suspended brothers in arms] *is inappropriate as well, but she can't do fuck all about it, can she? What's she going to say? That she thinks my open support and involvement with the army is inappropriate? I don't think so. It drives her fucking mad and I know it. That's the whole point of it. Bye-bye Pammy - Hello boys! Watch her face next time she comes over here and walks into this room, she hates all this* [pointing to the 4th Battalion of the Parachute Regiment carrying out its planned assault on the local YOS]. *She looks like she's sucking a lemon when she sees it.*

Such internal conflicts of 'micro-level practice' (Harris and Webb, 1987) within organisational systems are compounded by the fact that those working within organisations recognise the reality of having to work together, despite 'contradictory elements that create various kinds of role conflicts' (Morgan, 1986: 157). These conflicts brought the complexity of delivering youth justice to life. Such personality clashes often transgressed the 'micro' occupational relationships and appeared at the 'mezzo' practice level, which put workers at odds with managerial and organisational politics (ibid.).

What follows are deeply rooted and contextualised understandings of working within the organisation and attempting to deliver youth justice. The reader may be hard pushed to find anything from within the youth justice system and studies of it, that provide such negative views of the potential of roles and the operation of the system intent at turning around known young offenders' criminal behaviour. Jack was a welfare assistant at the project. His role, within the division of labour at the project, was generally to run around with, and after young offenders who came onto BSS. As he viewed his role, '*I'm the youth justice delivery boy*'. He did bail visits, passed on information regarding young people to other professionals, did court duty attendance and also fetched and carried young offenders to court when their parents, because, as Jack viewed such situations *'can't be arsed to turn up at court to deal with their kid's behaviour. See what we're dealing with here, Rob? What type of parent doesn't turn up at court to deal with their kid's offending behaviour? Society's misfits, that's what.*'

In his early thirties, Jack lived in the town with his schoolteacher girlfriend and possessed enough local knowledge to offer assessment of the town's rougher working-class element that he dealt with on a daily basis. Six foot tall and constantly watching his weight because, as Geoff often reminded him (and others within the office environment) that Jack, '*Used to be a bit of a bloater, a reet* [right] *fat bastard was Jack there. We... well me really, used to call him Dinners. Done well though in keeping off the weight, that he has*'. Jack was dapper and the only youth offending worker I knew of who wore Armani suits, Dolce and Gabanna glasses, and a hundred-pound pair of shoes. Jack pitied many of the young offenders he had to work with, others he despised. He also thought the town he lived and worked in was, in Jack's words, '*overflowing with shit*'.

Jack: *The thing about Sunderland Rob, is that unlike say Durham or Newcastle, no matter how nice or, at least decent your own street might be in the town* [Sunderland], *you're only a stones throw away from the shite that's scattered all over this town. I mean look at the place. It's full of shit. The town centre's a fucking disgrace, the people are scruffy, the shops are shit and it's full of charvas. Sunderland's the charva capital of the world. It's cheap, low-rent stuff. What was it your professor was told when you came up for that meeting?*

R.H: *A woman told him it was full of pasty eating scum.*[38]

Jack [Laughing]: *That's a fucking great description of the place. Spot on, that. The kids we deal with, and I really believe this, is that for about eighty per cent of them there is absolutely nothing we do that will make a major difference. The vast majority of them come from shite, their families are shite and the kids themselves turn into shite. It's like a culture thing. You're the sociologist you tell me what it is if it's not that then?*

Geoff: *Aye, that's spot on my son. Here, I'll let into a little trade secret Rob. See what you got here Rob, in this youth justice system? It's like a sausage factory. At one end you got all the shit that goes into making cheap, nasty bangers. All the offal, gristle, cock and balls, all that nasty stuff that's padded out with stale breadcrumbs that no one else will touch or can do anything with.* [Now performing an *ad hoc* demonstration] *So, all that shite trying to pass itself off as meat is dumped off at one end. We then, just like factory workers, push the slop through the entrance*

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[38] In October 1999, my supervisor, co-supervisor and my self were invited to the Sunderland YOS for meeting for the role of evaluating the BSS project. My supervisor and co-supervisor had arrived early to the town and called into a bakers in the town centre to buy a sandwich to eat before meeting up with me to attend the meeting. While standing in the

point of this sausage machine. Inside there [pointing to the imaginary machine he was demonstrating his point with, by way of an impromptu rendition of a butcher-all that was missing was a straw boater and a blue and white stripped apron] *it gets churned around, moulded and shaped into something that will hopefully fit the bill of what a sausage, or in this case, a decent human-being might look like. Then, hey presto, it's forced out the other end wrapped up in a protective skin and sent on its way to wherever. The problem is that inside that skin you've still got the same shite ingredients that were there when it first came in. We send them away and the chances are that within a short space of time, surrounded by the mush* [the raw ingredients] *that made them into that scanky mess in the first place, the skins come off and we're back to square one again. Never mind eh, just push 'em back through the machine again.*

(Fieldnotes: March 2000)

Geoff, as with others at the project, was quite aware that with significant numbers of the most persistent young offenders the system, at that time[39], had its limitations. That 'skanky mess' Geoff referred to lay beyond the parameters of the youth justice system and was situated within wider structural contexts of societal relations themselves. Disassociation from education and the labour market, and hedonistic leisurely pursuits (Downes, 1966) often brought them into contact with the police and subsequently the youth justice system (see Hornsby, forthcoming). Professional perceptions of the limitations of criminal justice policy desires for 'quick fix solutions' (Smith, 2003: 193) in dealing with a sub-culture that represented many, if not most, of young offenders they dealt with. These divisions within society produce a significant minority being brought up within the 'compound social dislocations' of a culmination of 'drug misuse, family violence, teenage pregnancy, children taken into care and school failure' (Hope, 1998: 52).

Such dislocations from the mainstream of society, as others have convincingly argued, remain embedded within offending related cultural dislocation of factors associated with what is now commonly termed as social exclusion (Wilson, 1987; Davis, 1990; Anderson, 1992; Wacquant, 1996; Madinapour, 1998; Young, 1999; Pitts, 2001a; Social Exclusion Unit, 2002). YOTs are expected via a multitude

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queue a local female customer noted his cockney accent and asked him where he came from. She replied, thinking he was just a Londoner visiting the town, '*You don't want to stay around here in Sunderland pet, it's full of pasty eating scum*'.

[39] At that point in time the local YOS had not began its intervention of Intensive Supervision and Support Programme (ISSP) which would aim to provide far greater levels of surveillance and interventions which attempted to offer a more credible alternative to custody.

of methods and interventions, to fill and attempt to correct these damaging aspects of young offender's life styles. However, for many of the participants involved with this research, the professional and structural limitations of the system were recognised.

As we have seen in an earlier chapter relating to John-Jon's remand to a YOI, for an offence that he did not commit and indeed that did not occur, the system was not equipped to provide a less severe (i.e. secure accommodation or remand foster placement) pre-trial outcome. 'Out-there' amongst the lived realities of poverty and social exclusion, bigger and far more complicated components and issues than the provision of a placement suitable for a vulnerable child require addressing. Most of the young people entering into the machinery of Youth Justice came from the poorest sectors of the populace and constituted to what Byrne (1999) has described as the 'reserve army of [working class] labour'. Many experienced and lived with a multitude of associated offending related risk factors (see, Graham and Bowling, 1995; Farrington1996, YJB, 2001a) such as family difficulties, low educational attainment, truancy from school and outright rejection of education, mental ill-health, alcohol and drug abuse, poor housing and low income (YJB, 2001b, 2001c). They also committed a magnitude of criminal offences that often went well beyond what could constitute (generally) working-class youth low-level deviance. Many were well 'at it'. The potential to 'repair' such fundamental contributing factors associated with the BSS project's offending target group, was widely recognised by staff as generally being beyond the potential of any 'quick fix'. As Russell, one of the newly recruited BSOs who generally toed the new policy line by adhering to the emphasis on 'good practice' explained:

How do I know if my practice will make a difference? To be frank, I don't know. It might not. I'm more than aware that with some of the kids I don't and they just go through the motions. But, it might be that in a year or, perhaps in five years time, they might say 'I remember what Russell said and now it makes sense. Now I'm going to change, now's the time to start anew and change direction.

(Interview: February 2002)

Practitioners recognition of the limitations of the new youth justice system, it might be expected, would fail to appease many of the concerns raised in the highly politicised debates relating to Youth Justice (Newburn, 1997; 1998; Goldson, 1999b, 2000b; Muncie, 1999 (Ch. 6); Pitts, 2001b; Muncie and Hughes, 2002b; Smith, 2003). As Muncie has argued, this 'process of public sector managerialization' has

involved 'the redefinition of political, economic and social issues as problems to be managed rather than necessarily resolved' (1999: 288). As has been discussed above, the workers on the frontline were quite aware that there were issues involved in addressing and correcting criminal behaviours that they had little control over (Pitts, 2001a: 109). As Yvette suggested:

We can only do so much, of course and that has always been the case. We attempt to recognise the risk- associated factors and where possible offer potential interventions that reduce those risks. But, these kids, if we can keep them out of prison, have to go home, go back to their communities and streets where the outlook on life can be, and often is, very different from our perspectives of 'right' or 'wrong'. If the male partner in the home is a drunk, beats his partner and the kids in the house, and let's say the home is generally chaotic we're limited as to what we can do there aren't we? If the boundaries are loose or non – existent we can advice the parent they need tightening but really that's all we can offer. The fact that a fifteen-year old more or less represents himself in such situations, when he has to present himself here [at the BSS office] *without a parent being with him perhaps says something. But, and by and large that's the norm.*

I mean, the session you sat in this morning with Billy [a persistent young offender] *you heard what home was like for him. He's fifteen, no education, drinks and takes drugs every night of the week, comes home at two or three in the morning, sometimes just doesn't make it home. He's been in care, police are always at his door, his mates are offenders, no one works and it's a chaotic lifestyle, not just in his house but throughout the estate, this is the way the world is. His Mam thinks that's ok, that's fine, that's the way she was brought up. The problems faced by these young kids are not individual issues. It's much wider than that. Other things feed into these young kids that are, to be honest, beyond the scope of what others within the team, or I can cure.*

(Yvette: Interview, December 2001)

The quest for addressing and turning around the problematic behaviour of young offenders identified by the system is of course an honourable and indeed needed function of social control. Yet, the depth and scale of such individual and cultural disassociation from mainstream practices suggests that the system will continue to flounder in attempting to meet its intended aims (Pitts, 2001a).

However, there is, particularly at policy and management levels, much self-congratulatory hyperbole relating to the triumphs of the system (Burnett and Appleton, 2004). This 'air-brushing' out of the flaws within the system is at odds with the practice of delivering youth justice, and impacting upon those factors which workers such as Yvette, Gregg *et al.* recognise as being associated with continued offending.

In the following section of this chapter I will examine a number of significant areas of BSS provisions which are aimed at curtailing the offending behaviour of its target group of young people[40]. The aim and objectives of the project were to offer a range of interventions to limit the risk of offending by its target group and to promote the project to a range of stakeholders connected to BSS.

Promoting the Project

The YOS and BSS project made a number of attempts to promote the intervention to essential stakeholders. The YOS delivered '*Bail Support and Remand Project – Information for Professionals*' to magistrates and clerks of the courts in the district, and to the police and solicitors firms. Similarly, leaflets were also designed and distributed for young people targeted for the BSS. It is important to understand that the project required its acceptance to a range of inter-connected agencies concerned with young peoples re-offending whilst on bail, and to promote the use of YOS and reduce other remand decisions.

In particular the project made a determined effort to inform magistrates, clerks of the courts and defence solicitors of the aims, objectives and benefits of the BSS project. This occurred by way of invitation to a seminar presented by senior managers and BSOs from the project. Attendance by solicitors was better than expected and was well received. Surprisingly, no magistrates or clerks to the court from the two magistrates' courts in the city made the effort to attend this seminar[41]. Although, significant progress had been made by the BSS project in improving levels of communication and information sharing between the project and courts, there was a strong feeling that the courts in the area were unenthusiastic in engaging with the project.

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[40] In this chapter not all of aspects of the service delivery, are provided. For a thorough analysis of the BSS project's intended aims and objectives see Hornsby 2000a, 2000b, 2001a, 2001b, 2002.

There's A Hole in My Bucket

During the last two phases of the evaluation, of the two youth courts in the area, one agreed to participate in a focus-group interview schedule. The other youth court failed to acknowledge or, communicate with the research. Verbal and written requests (six in total) for interviews with magistrates and clerks to the courts, requested by me in my role as the University of Durham's local evaluator of the project were unanswered and/or ignored. The absence of magistrates and clerks to the justices in the area invited to attend the BSS project seminar demonstrated the difficulties the project faced in its adaptation of the much heralded 'multi-agency' approach in tackling local youth crime[42]. As George put it:

Well what can you do? If they [the magistrates] *won't play, they won't play. We just have to keep plugging away at it and hopefully in time we'll win them over. But, with that lot* [the magistrates'] *it really doesn't surprise me, as much of the time, for me anyway, I feel we're just pissing into the wind when we* [BSS/youth justice] *try to bring anything new in to deal with the remands* [into custody] *that they continually rely upon. It would take a lot more than some half-arsed seminar to change their opinions anyway.*

R.H: *So how does the project* [BSS] *overcome this? I mean, what do you do to win them* [magistrates'] *over and change that culture...those opinions?*

George: *You'd have to ask the magistrates that one Rob. We've asked them to attend a seminar to try and negotiate and educate them about what we intend to do with BSS, to improve its standing with the courts, but they just didn't turn up.*

R.H: *Well, as you know I've bent over backwards to try to get into the Sunderland court to interview them and get their views but...*

(George: Interview, November 2001).

I stopped. George had a wry smile on his face. He started humming the tune of a song that I hadn't heard since I was six or seven years of age. The tune was from Harry Belafonte's cover of the satirical song '*There's a Hole in My Bucket*'. It took me a moment to recognise the tune and as to what it meant in context at that

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[42] See University of Durham (2001a) '*Local External Evaluation Report Number Three: The Sunderland Youth Offending Service Integrated Bail Supervision and Support Service*'

particular moment in time. It sank in. George and I both burst out laughing. The situation had turned into a farce. The interview ended.

Despite regular 'court-user group' meetings with a range of partnerships involved with BSS (the courts, the BSS project, police and probation) it was evident despite the official rhetoric of the partnership approach, where the aim of each partner agency was to be an 'active co-producers of crime prevention and public safety" (Crawford 1998:169), the various partners, remained organisationally and culturally segregated. As Liddle and Gelsthorpe (1994) suggest:

> Although terms such as 'inter-agency' 'co-operation' and 'partnership' enjoy a wide currency in the crime prevention field, they tend to suggest that relations between agencies involved in multi-agency work are more straightforward than they usually are in practice. As participants in multi-agency work are usually quick to recognise, agencies having an interest in crime prevention seldom share the same priorities, working practices, definitions of the problem, power or resource base.
>
> (1994:2)

There has been considerable research undertaken at magistrate's courts' (see for example, Carlen, 1976; Burney, 1979; Baldwin, 1985; Parker, *et al.* 1989; Brown, 1991), and all of those studies were successful, both in gaining substantive access and in providing useful insights into a range of important issues regarding the organisational culture of the courts. From my own perspective I was granted two-hours of the magistrate's undivided attention, by way of two interviews and a focus groups of five magistrates. The data obtained were useful as 'guiding points' to plan for later interviews. However, and as has been discussed in earlier chapters, the magistrates simply failed to participate in a substantive manner.

Access was blocked by the local courts' apparent disinterest in 'opening up' and discussing in detail the connections with the outcomes (intended and unintended) of BSS. This area of the research was potentially one of the most significant areas of this research, and sought to interview the decision-makers involved in this critical stage of the youth justice process. In attempting to gain access to the courts and researching variations in the acceptance of bail decisions (see, for example, King 1981) this area of the study can only be regarded as a failure. Although the

evaluation was 'officially sponsored', or as Parker *et al.* suggest 'bona fide' (1989: 38) one of the local courts simply failed to acknowledge, despite numerous requests, for its continued involvement with the research. The other court agreed in principle, but this came towards the end of the research and thus limited the potential to fully exploit this access. However, the research did gain (accompanied) access to the 'semi-private world of the court' (ibid: 37) and selected observations have been utilised (again see, for example, John-Jon's pre-trial case in an earlier chapter) in order to demonstrate areas of structural weaknesses in the BSS.

Conducting empirical research in areas of the delivery of law and youth justice policies has been described by Baldwin and Davis as involving "the study, through direct methods rather than secondary sources, of the institutions, rules, procedures, and personnel of the law, with a view to understanding how they operate and what effects they have" (2003: 880-881). For youth justice policy, for example bail supervision and support, involving a disparate range of non-complimentary organizational and multi-agency aims and objectives there remains a continued need for 'Rigorous empirical research of law and the institutions of law *as they operate* is needed to underpin many areas of legal and social policy' (Nuffield Foundation, 2004: 6, *original emphasis*). As has been discussed above, my own study failed to 'underpin' how variations in the acceptance of BSS by the courts may have occurred.

The absence of empirical data relating to the decision-making processes that occurred in the courts is regrettable. Particularly as others have suggested that in the early stages of the implementation of the Crime and Disorder 1998 the courts would have far greater powers to remand suspected young offenders (Children's Society, 1999; Monaghan, 2000; Moore, 2000). In assessing potential remand decisions and in weighing up the perceived potential of BSS as an intervention the courts have to consider:

> ...what constitutes a 'violent offence', a 'recent history of absconding', 'serious harm' and 'vulnerability'. In the face of robust applications from the Crown Prosecution Service, a probable history of failing to complete a final warning and often, an apparent failure to apply with bail conditions, the new youth court will be placed under ever-increasing pressure to lock children up on remand. Moreover, such pressure will only be exacerbated by the extremely

> limited range of local authority accommodation or, in some cases, the complete absence of the same.
>
> (Monaghan, 2000: 148)

Again, in reminding the reader of John-Jon's earlier experience at court seems to me to be fitting, as it is a case study that perhaps epitomizes what can and does go wrong when the interconnection of mechanisms within the system grind to a halt. In such situations there is a real threat that jail, not bail, beckons.

Staffing, Structure and Competing Cultures

The Bail Supervision and Support project was an integrated core programme of the YOS at Sunderland. For the Sunderland Youth Offending Service 'integrated approach' in dealing with young offenders, the BSS project was fundamental to this advancement. Staff funding at the Project was received not only from the Youth Justice Board, but also from other partnerships associated with the project, including the local authority Social Services Department and the Probation Service. The BSS project worked closely with the YOS in areas of standards, at both national and local practice levels, and in the use of data to provide a 'joined-up' approach in dealing with young offenders.

The areas of significant difficulty encountered by the BSS project during the overall evaluation were as follows:

1. The recruitment of staff
2. The strategic and operational planning of the project
3. The use of quality information for internal evaluation purposes
4. The level of guidance proposed and accepted by magistrates in the area

The BSS project, it was acknowledged by the Youth Offending Service, suffered during the earlier stages of implementation, in the recruitment of ideal candidates for the role of Bail Support Officers. Although this was eventually overcome it did have an effect on the envisaged strategy of the project.

This challenging area was further complicated by the secondment of the existing operations manager of the BSS project, to another Youth Justice Board venture. Although the project was well informed of the challenges ahead for bail supervision and support under the guidance from the YJB, the 'Bail Supervision,

Support and Remand Project' as it was named at this time, was poorly prepared and unclear of a coherent local strategy to tackle the challenges that lay ahead.

The secondment of the previous 'bail support' manager from the BSS project, which at that time was undergoing a major conversion in the expected approach for the delivery of bail supervision and support, occurred at a crucial period in the development of the 'new' BSS project. The project was, at this critical developmental stage without an operations manager for approximately eight months.

The outcome of this significant problem became apparent during interviews with staff and through participant observation techniques. The local evaluation found evidence that at the strategic level of planning the development of the project's intended outcomes and outputs and of senior level management input was found to be wanting. Interviews conducted during earlier stages of the evaluation, found that the newly recruited BSOs, themselves not yet accomplished in their understanding of both practical and legal issues surrounding the youth justice system, were in the unsatisfactory position of attempting to design the development of the 'new' Bail Supervision and Support project. Although senior and experienced personnel at the BSS project and the YOS were involved in the development of BSS, the level and quality of professional guidance in this key area of development were neither clear nor efficient at the operational level.

The subsequent dilemmas were clearly a consequence of the problems encountered by the YOS in the recruitment of the ideal candidate for the Operations management post. The difficulties experienced by the project at this time were severe and were recognised as:

- An impact upon the organizational arrangements
- An impact upon the implementation of organizational innovations
- A lack of literature on the planned organizational changes
- A failure of the administration at the YOS in the implementation strategy regarding the above
- A decline in staff motivation to implement the innovation of the BSS project
- Resulting in, strain and fatigue of more senior and experienced staff in dealing with increased workloads and responsibilities due, in the main, to the absence for a significant period of the project development stage of an Operations Manager.

It was recognised that the difficulties encountered during the early stages of the local evaluation were beginning to be overcome due to the Operations Manager

taking post and a more focused strategy being in place in order to develop the BSS project projects and interventions. However, there remained conflict between middle-level management and "shop-floor" workers concerning the selection of the candidate for this post. Experienced workers had little faith in the new appointee's credentials and experience in running, what they perceived as, a highly complex area of youth justice delivery.

George: *I'd rather have you running the show than that useless bastard* [the new manager]. *No offence intended with that by the way Rob. But, she knows fuck all about it* [BSS]. *If that's the best they* [local YOS management] *can do, then we're all fucked.*

A mid-level manager at the YOS expressed a different point of view "*It's a service delivery and you don't have to be well-versed in the ins and outs of too many details in the provision of BSS in order to provide that service. If I thought there was a suitable candidate who was a super-market manager for that, or any other post, I'd give them the job. It's about the management of personnel and making them provide a service to its best effect.*"

Such disparity and conflict between management and frontline workers was commonplace. Such grounded internal discord within youth justice has, to date, rarely been considered. In observing the unfolding of organisational flux and transformation from within the youth justice system, it was evident that the cultural and practical upheavals requested and sanctioned by the Audit Commission (1996; 1997), the Crime and Disorder Act 1998 and the YJB (2001a, 2002), were somewhat naive in their respective understandings of the internal conflicts that such fundamental organisational issues of interests, conflict and power would involve. In essence, the difficulties that have been briefly discussed at earlier stages of this thesis, relating to 'partnerships' and 'joined-up thinking' strategies, with regard to how to deal with youth crime under the umbrella of the new youth justice system, were compounded by the internal agency conflicts that also ensued during the same period of time.

Within the organisation of the local YOS there were many different and competing value systems which, under the guidance of the 1998 Crime and Disorder Act created 'a mosaic of organizational realities rather than a uniform corporate culture' (Morgan, 1986:127). As we have seen, the frontline workers delivering BSS wanted a "boss" who understood the many legal and practical issues involved in

providing BSS. They wanted, and believed the job required someone who had dirtied their hands in delivering BSS. The senior (and mid-level) management of the YOS viewed the situation differently. The belief was that someone with limited knowledge of bail law, but with the credentials to drive through reforms and make the workers toe the new organisational line would and adhere to the managerialism agenda (Pitts, 2000; Newburn, 2002). As Blau has noted in his thesis of organisational change:

> Social cohesion enables the members of a group to institute adjustments that further their interest. These adjustments will, however, not advance the objectives of the organization, if operating employees feel that their interest conflicts with that of management.
>
> (1969: 397)

During, what should be considered as the initial period of YJB involvement, in the full implementation of the managerialism strategy of the overall direction of the new youth justice system, it was evident from observations and interviews with staff at the project, that a conflict of operational interests were embedded within the delivery of BSS. With a focus upon partnership approaches implemented by the local YOS and then directed down-wards onto workers at the frontline delivery end of youth justice, many workers experienced a distinct sense of alienation.

Jack: *That bloody session yesterday was a waste of time.* [Laughing] *Bail Asset what a load of bollocks. I'm going to shame myself here. When that woman was talking and trying to demonstrate the use of it, the best I could was to keep my friggin' eyes open. Honestly, I feel asleep three times during the session. I haven't got a fuckin' clue what she was talking about. I can't remember a thing about it. A lot of use I'm going to be aren't I?*

George: *You're not the only one mate. It was about as useful as a chocolate fireguard. These sessions* [instruction seminars] *they're sending us on...if you gave me a one-sided piece of note-paper I couldn't fill it with information about the new practices we should be delivering and monitoring.*

Pam: *I'm lost in it all. I haven't got a clue...*

(Fieldnotes, April 2001)

'Fucking Paper Work': Bail Asset

'Bail Asset'[43] information was comprehensively and routinely collected at all youth court hearings by the project members acting in their capacities of Court Duty Officers[44]. This aspect of the project's delivery was intended to provide a crucial 'safety-net' to limit the possibility of slippages of young suspects into the harsher and more intrusive elements of the youth justice system (for example, a remand into custody). Court Duty Officers from the BSS were present at all scheduled youth court hearings and on-call for unscheduled youth appearances at magistrate court hearings, in order to make assessments of the suitability of young people for BSS. This aspect of the service delivery also offered the potential to provide the courts with alternatives to remanding young people if the courts' considered that the young people before them might have posed a significant risk to their communities, and other viable options may not have been suitable.

In providing assessment of the perceived risk posed by young offender, Bail Asset is a mechanism intended to measure and classify individual's requirements for specific interventions available within the current system (Smith, 2003). The longer serving members within the BSS team viewed the situation relating to Bail Asset information gathering procedures in a different light to that of the YJB.

Geoff: *Fucking paper work, put that in your thesis! We spend more time filling in bastard forms than we do in any shape or form doing quality work with kids, actually making an impact and doing our jobs in helping them desist from offending.*

Norm: *You're right there, the kids are now well at the bottom of the pile. The paper work and the sheer amount of it we have to fill in and trudge through is now far more important than actually working with the kids. As long as the Youth Justice Board is getting the quantity of young kids the figures can be manipulated, there's little concern about the quality of work that actually goes in.*

Do you remember the days when we used to actually work with young offenders...you know in a social work focused approach to making differences in

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[43] 'Bail Asset' Forms presented a detailed overview of assessment of the young person being referred to the BSS. For example, the form includes information relating to the young person's current legal status, home-life, and issues relating to vulnerability.

[44] National Standards are set for the YOT to maintain consistent court duty cover for all scheduled Youth Courts.

young people's lives? These Bail Assets and them fucking PSRs [45] [Pre-sentence Reports] *are a pain in the arse.*

Geoff: *Tell me about it! I've had to write three of the fucking things this week. How much time have I spent with the scumlies? I'll tell ye, about two hours this week. That's really going to make a difference to them isn't it? We're really going to change their offending behaviour sat on our arses writing reports for the magistrates.*

(Geoff and Norm: Fieldnotes, September 2001)

Geoff's seemingly contradictory attitude of what went before (i.e. the drive-by bail visits) to what was now occurring in delivering youth justice (i.e. being bogged down in that 'fucking paper work') was common within the team, which understood that their previous professional and often autonomous working practices were being infiltrated and weakened by the new youth justice managerialism strategy (Newburn, 1998).

Geoff and Norm's disgruntled annoyance and reluctance with regard to the recording of data, is a concrete result of the managerialism shift in the organisation of the new youth justice system (Newburn, 1998). As has been discussed at a number of previous stages of this thesis, the managerialism strategy (ibid.) remained an incessant gripe of the new routine activity expected of the daily frontline activities expected of the ground troops involved in delivering youth justice. Such conflicts were embedded within the pragmatic realities of delivering interventions, of making the job run as smoothly and as simply as was possible. The intended introduction of Asset forms within the new youth justice system, was directed towards the 'routinization of practice' (Smith, 2003: 99) prior to 'any intervention…made with a young person' (YJB, 2000:9), as a 'clinical approach to the risk and assessment' (Annison, 2003: 119) of young offenders entering at a variety of access points into the system.

The Bail Asset form was generally viewed, and particularly at its initial introduction and prior to some revisions regarding its format, as a cumbersome, time consuming and somewhat academic exercise. In providing such systematic evidence

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[45] Pre Sentence Reports are reports which are written by members of the YOS to provide detailed information about young people who have been to court and are awaiting sentence to be passed. The information provided is expected to be a balance between objective and subjective information relating to the young person's history of offending and the latest offence for which they are awaiting sentence. Issues such as education, family, drug use, interaction with the YOS while awaiting sentence may all be included if believed to be necessary.

the Asset forms at this time included the completion of twelve pages[46] of detailed information. The workers at the project were not as enthusiastic as the YJB in providing such levels of 'evidence-based practice'. The following statement occurred during a somewhat lively discussion when the 'evaluator' (R.H) attempted to explain the merits of data. A somewhat irate Geoff voiced his opinion and explained:

Here, I'll give it you fucking straight shall I, Doc. Bob? I visit the holding cells at the courts on a Monday, Wednesday and a Friday to see which of the little shites have been locked up by the police and then brought to the courts, who are by the way, in danger of believing every fucking word or lie that the police have told the CPS and following suit and remanding the little darlings. So, I'm down in the bowels of the court mixing it with the shite and I'll have anything between seven or eight young 'uns to get through before the court starts sending them off to the naughty farm. I've got that form [Bail Asset] *and those arseholes who designed it[47] have no inclination of the pressure to get round and suss out the kids being held over* [detained] *in a matter of minutes before they're brought up in front of the courts. The aim is to keep them from being locked up not asking stupid questions about 'How they feel about the situation' and 'what got them there in the first place'. For fuck's sake! Why not ask them what they'd like for breakfast while we're on, shall we. I know how they feel. They feel like they want to go fucking home and wished they'd never done the crimes in the first place!*

(Fieldnotes, April 2000)

Cynical concerns of YOT members relating to the emphasis upon statistical data for the government and YJB, the uniformed approach to practice and the sweeping aside of professional discretion highlight many aspects of practice concerns within the system (Roberts *et al.* 2001; Smith, 2003). The emphasis upon manageable data to inform practice for many at the BSS project was perhaps 'stating the obvious' (Bottoms, 2000:20). However, the complexities in 'getting the message through' to the quality of newly recruited staff and the failure of those managing, at the *local* level of youth justice delivery, in ensuring that there was a filtering of policy rhetoric to those delivering at the practice level.

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[46] Due to widespread complaints from practitioners within the system a Bail Asset form was subsequently produced which was a much shorter and less time consuming document to complete.

[47] Those, in Geoff's opinion,, 'arseholes' in this instance being the Centre for Criminological Research at the University of Oxford.

The four BSOs, in the main, were reluctant to engage in the data processing of BSS outcomes. They were still reliant upon 'hard-copies' (paper and files) of the recordings of individual episodes of BSS and were collectively naïve of the benefits that electronic monitoring could provide in utilising the data for aggregate data sets. I attempted to offer some guidance to the BSOs as to how to use the system for computerised monitoring that Nacro had implemented for its national evaluation of BSS. Ann was reluctant, and almost childlike in her appreciation of the system. '*I'm hopeless with computers. I don't see the point anyway. Can't we just carry on filling in the forms like we've been doing?*' I spent about an hour and a half in showing her how to go about it. Disinterested, surly and lacking in confidence, Ann failed to see the point in it all.

At a number of stages I, without the knowledge of the BSO team (I was free to use computers, rifle through filing cabinets, file store-rooms and generally fit in as if I were one of the BSS team) began to notice the over-recording (by way of individual double-counting) and under-recording of episodes of BSS. Locally and nationally this would present an overview of the numbers of young people coming onto BSS that was not valid. This created a research dilemma, should I tell, and if so to whom? In the interests of the evaluation my opinion was that I should perhaps be obliged to inform of areas of 'poor practice' in the monitoring of data relating to BSS. These data would be instrumental in forging both local and the aggregated national findings relating to BSS. These were basic mis-recordings of some of the more simplistic areas of monitoring the numbers of young people who actually came onto the project. This in turn, caused me to worry about some of the more intricate variables that were also required to be monitored and evaluated, for example issues relating to young people's health, education, numbers of offences, family issues and offending risks. However, in conducting this ethnography of the workplace within the overall evaluation of BSS, this raised a serious dilemma. Was I to keep quiet about this and allow the day-to-day working practices within the frontline delivery of youth justice to run its course unimpeded? After all, this was occurring as a course of practice within the system. This ethnographic ethical dilemma was placed *in situ* within two guiding principles of research practice.

First, is that the practice of *non-maleficence* (Beauchamp et al. 1982: 18) [that researchers should avoid harming participants] should be upheld. The danger in spilling the beans was that reprimands, or worse, might occur to some of those involved with this issue. These were data being fed back to the YJB in order to

inform the Home Office of the successes and failures relating to BSS. *Second*, is that the practice of research in the field should adhere to the principles of *autonomy* or *self-determination* [meaning that the values and decisions of research participants should be respected] (ibid.).

According to sociological research protocols it might be in the best interests of the research practice to 'protect' the participants and allow them to continue with their sloppy monitoring procedures. For example, while chatting in the office with the BSO team members, some eighteen-months into the research Ann let it slip out that:

Oh, I don't bother recording [BSS] *episodes if they're only on it for a couple of days. It's hardly worth it if they* [young people] *are not on bail support for any more than a week because we hardly do any work with them in such a short time.*

I was concerned, as this demonstrated the passive organizational cultural implications relating to the monitoring of data at the youth justice 'shop-floor' level.

R.H: *Ann, everything's supposed to be recorded. It doesn't matter whether they are on* [BSS] *for two-hours, two-weeks or two-months it's all got be recorded and monitored. You record them onto the normal paper forms don't you?* [Trying to plan ahead and rescue the situation by doing a paper trawl by inputting the missing data onto the electronic database]

Ann: *Well I didn't know! It just seemed pointless getting bogged down with the paper work if they were only on it for a day or two. I can't see the point.*

Glenn was starting to look uncomfortable and pretended to look interested in a pile of documents resting on his desk. I thought to myself 'Oh shit. This is bad. This is very bad'. Russell chipped in '*I record everything, me. It doesn't matter whether they are only on* [BSS] *for an hour and then get them selves re-arrested and remanded into custody. It all gets put down'*. An uncomfortable silence descended within the small office and I took this as my cue to leave. The YJB's angle that everything was coming-up roses in the new youth justice garden, didn't carry much weight here. How many of the 'short-termers' that came onto BSS during that eighteen-month period went unrecorded will never be retrieved. What is clear however, is that both the local and national figures used to demonstrate the numbers of young people who came onto BSS during that period of time were invalid. Later in the day Ann caught up with me when the office was quiet and nobody else was present.

Ann: *Rob, I didn't realise it was so important. You won't say anything will you? I just didn't think it would make much of a difference. I could get into serious trouble over this couldn't I?*

I wanted to answer her question with a 'yes' and I also wanted to know approximately 'how many' short-termers she'd 'forgotten' to record. I bit my lip and instead mumbled '*I won't say anything but you really should record everyone who comes on* [to BSS]. *You must do it.*"

Although, and of course, the previous youth justice system recorded data relating to young offenders, it was clear that the new system that replaced it expected far more detailed and systematic monitoring procedures within this recent 'paradigm shift' (Pitts, 2002) that has enfolded the current youth justice agenda (Newburn, 2002; 2003b). This was an aspect of the organisational culture overhauls that the new youth justice system had to overcome, in order to present a far more professional, slick and systematic method in dealing with young offenders. Youth justice workers' resistance to the implementation of 'science' and evidence-based 'theory' within their working practices has subsequently been refuted by evidence as; 'It is reported that the Asset form has demonstrated its diagnostic value, by achieving almost a 70% success rate in predicting the likelihood of re-offending' (Baker *et al.*, 2003: 36; Smith, 2003: 113. Also see YJB, 2002: 9). Yet, the new implementation of this 'evidence based practice tool' (Annison, 2004: 122) was not appreciated or used to its fullest potential (Baker et al. 2002).

The working practices of personnel within the system, often reluctant and resistant to change as we have seen by the evidence presented above, are contraire to findings that have since been demonstrated in the efficiency and perhaps effectiveness of Asset as a youth justice tool. However, the neglect and lack of understanding of some of the workers in the basic requirement of recording and the monitoring of data suggests that the '*systemic managerialism*' (Newburn, 2002: 558) advocated within this new system was not being practised during intrinsic stages of youth justice delivery.

Geoff, Jack *et al.* views of the evidence-based findings were often so personalised within their lived experiences that the 'bigger picture' of potential change and successes within the system, by way of the analysis of data to inform practice, was often abstract to their experiences of delivering justice.

BSS and Targeting Young People

In this section areas of the project's delivery of initial targeting and assessment; the type of activities undertaken by the project; the content and length of programmes; and the degree of supervision and support provided by the project to young people placed on BSS are assessed.

The project initially targeted its resources at four distinct groups of young people. The target groups identified as benefiting from BSS fell within the following criteria:

- Those at risk of receiving a custodial remand
- Those remanded to custodial establishments, in order to maximise the possibility of a non-custodial option at the next court appearance
- Those identified as persistent young offenders
- Those who have been identified of committing a serious criminal offence

BSS Referrals

The referral process of young people to the BSS followed two distinct routes of recourse:

- Court based referrals; in which court duty officers attend all youth court sessions to assess and offer (where applicable) bail supervision and support referrals to the project generated at court
- 'Remand rescue' bail supervision packages; offered (for those suitable for and benefiting from) to young people remanded in custodial establishments as an alternative possibility for magistrates to consider at a subsequent scheduled court appearance:

'At risk' referrals; which include the above target groups and the following:

- To provide programmes of bail supervision and support for young people aged from 10 to 18 years of age and most at risk of a custodial remand or local authority care remand.
- For those most at risk of re-offending whilst on bail.
- For those most at risk or previously known for non-attendance at court.
- At subsequent court appearances where changes in circumstances or new information might lead to an application for a remand to be made.

BSS was also targeted at those young people who after assessment were placed onto the Intensive Surveillance and Supervision Programme. This was considered as a provision for those who would benefit from more intensive methods of surveillance and supervision, from the integrated projects that the YOS could offer young people and the youth courts in the area.

The targeting of young people by the project was negotiated through a chain of individual consultations with representatives from a range of participating organisations. These negotiations often involved competing priorities centred upon notions of 'welfare' (of the young person), 'justice' (regarding bail conditions) and 'safety' (of not only the young person, but also, of the public). This created a complex and difficult negotiation process. The project had to set target performance indicators to provide benchmarks of measurement regarding the successes/failures of the project in attaining its specific participant target groups (YJB, 2001). However, at no point throughout the evaluation did the project provide any form of detailed internal evaluation of the success or, otherwise of the attainment of its specified aims and objectives.

Due largely to, and because of, the numbers of stakeholders with often varying perspectives associated with the project's intended target groups, The complex and often competing negotiations affected the varying stakeholders' viewpoints of the intended benefits that the project aimed to deliver. The BSS project had made concerted efforts to tackle this weakness, by way of the publication of information leaflets to distinct categories of stakeholders involved with BSS. These categories involved young people who may have been targeted by the project and professionals (including magistrates), to inform them of the BSS aims and objectives. Furthermore, as already discussed at length, the project had conducted a seminar for defence solicitors and magistrates in the area, to instruct these stakeholders of the benefits of the project

The project attempted to provide a bail information sheet for all young people due to appear at court who, after assessment by BSS workers, it was considered might have been at risk of a possible remand episode by the courts. Following this Bail Information was submitted to the magistrates at the young person's first court hearing. Information was secured by BSS workers from young people held in the cells, and at this stage of the detention process assessment was made about the suitability of the young person for bail supervision. If considered necessary an

application for 'Voice Verification'[48] might also have been included as a further condition of bail.

Entry to the bail supervision and support programme

After the court had placed a young person onto bail supervision and support, the project immediately interviewed the young person, and when available, the young person's parent or carer. The project eventually secured facilities at the courts in the area to conduct such interviews. Staff from the project explained to the young people how the programme would operate; provided an outline of the programme to be undertaken and then explained the obligations expected of the young person. A signed agreement/contract was then completed for the initial programme outline.

If a parent or carer was not present at this court appearance, a home visit was arranged for the next working day. At this initial appointment, contact was made and information was made available to the parent/carers regarding the obligations and requirements of the bail supervision programme. A formal signed agreement, containing the details of the bail supervision and support programme, including breach procedures, was completed within (for the majority of young people) within one working day.

Referral and entry to the project operated at a number of levels. A summary of these entry levels and selected target groups are:

- Those young people who the CPS was objecting to bail
- Those young people at risk of being remanded into custody and/or remanded to local authority accommodation
- Those young people who had been remanded to custody or local authority accommodation as a 'remand rescue' package

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[48] Voice verification works by checking the voice print of the young offender over the telephone at times specified in a contact schedule, in order to confirm that they are where they are supposed to be. It therefore provides additional surveillance and flexibility above and beyond traditional curfew approaches. However, due to the socio-economic background of many of the young offenders who came onto BSS in Sunderland problems arose in the early days of this youth justice programme going live in 2000. The vast majority of young offenders just didn't have 'land-line' telephones in their homes. Mobile telephones were cheaper to run (Pay as You Go) and there is no line rental to incur. Mobile telephones are not compatible with this system of youth justice as part of the curfew order with Voice Verification meant that the young person would usually have to be in their own home to carry out this court ordered procedure. This was a major (and somewhat overlooked issue by the YJB in implementing this particular programme) by the project in the early days of this project. The outcome was that the YJB made a deal with the agencies responsible for over seeing the running/technology of this programme Securicor and then later Group 4 security to organise the connection of land lines (inward calls only to these homes) to the homes of young people placed onto Voice Verification which did not have a telephone land line.

- Those young people identified as persistent young offenders (PYOs) and suitable for the Intensive Supervision and Surveillance Programme (ISSP)
- Those young people who were suspected of committing a single very serious offence.

The BSS project endeavoured to submit bail information to magistrates at a young person's first court hearing. Staff at the project ensured that they were informed by the courts in the area of young people who had been refused police bail and were awaiting their initial appearance before the magistrates and were in custody at the cells at the magistrates' courts'. In such instances, BSS staff interviewed young people and bail information was provided to the young people and magistrates at the related initial hearing. This was a particularly useful method when applied at 'adult' magistrate court hearings of young people suspected of criminal offences.

The YOS made a concerted effort to ensure that at all youth courts and magistrates court hearings, where young people had been identified by the project as due for attendance, that court duty officers were present at these hearings. For all young people who attended court hearings 'Bail Asset' forms were completed, and where considered appropriate, bail supervision may have been offered. The BSS made stringent attempts to address the issue of 'slippages' of young people who could have been in danger of a remand episode.

Content and Length of Programmes

The content of programmes of supervision and support, were categorised into three distinct groups with varying degrees of intensity of BSS specification relating to young people's individual needs. These three categories offer support at the *base, intermediate* and *intensive* levels of programme input[49]. The support the project offered consisted of:

- Counselling projects
- Monitoring of bail and remand conditions
- Compliance with court orders
- Health
- Leisure activities

- Assistance with education, training or employment
- Accommodation
- Support for court proceedings
- Support to young person and family

However, the evaluation found scant evidence to suggest that the BSS project operated any method of rigorous assessment. This is not to suggest that the more 'difficult' offender's who came onto BSS, did not receive extra attention. These offenders often did, but during the course of the evaluation it was not evident that specifically designed packages of intervention were in place. In a number of ways this aspect of the BSS project's objective in delivering specifically designed and packaged programmes of intervention i.e. the *base, intermediate* and *intensive* levels of programme input were no more than 'dressage' for reports and outside enquiring agencies. The project and its workers, in the main, dealt with the job at hand and this often meant basic interventions and referrals to other agencies.

The length of time of BSS episodes and the degree of impact the interventions offered by the project was difficult to assess. The project did not record data which could be analysed of the length of time young people had spent upon bail supervision or, the degree of impact the programmes of intervention that young people placed onto BSS have made with young people. When asked about how the BSS project was viewed as 'altering' young people's offending behaviour Gregg suggested:

I guess we'll never know. How can we make suggestions as to the long-term impact we can make relating to young people's offending, when sometimes they might only be on BSS for a week or two? I've had one kid who only lasted an hour on BSS before he was picked up for another offence and then got remanded into custody. All we can hope for is that we get them through bail support without re-offending or breaching [bail conditions].

(Gregg: Interview, February 2002)

George and Norm had another anecdote regarding what level and degree the project could make roads into young people's offending behaviour.

George: *About four years ago Belle was working with the old Youth Justice Service* [which had preceded the YOS. Belle was later to become the Head of Service at the local YOS] *and she was taking an offending behaviour and victim*

awareness type intervention programme, with some of the hardcore young offenders in Sunderland at that time. I think she had a small group of four or five of real hard-bitten delinquents.

So Belle's giving them all this talk about how the victims feel and the dangers these lads faced in stealing cars and driving them recklessly, getting chased and that innocent victims might be injured or killed because of their offending. Anyway, the session finishes, it was held downstairs here [at the BSS office, in an open planned common room type environment-sofa-pool table-etc.], *and they all fuck off after being given some of Belle's professional wisdom. Belle goes upstairs to do what ever she had to do, before leaving and locking up the building. She comes outside and her fucking car's gone!*

Norm: [Laughing] *Priceless, absolutely priceless. I love that story. She did well there then didn't she? Remember the time she stopped doing the small group sessions here because she couldn't control the lads who just used to take the piss out of her? They'd just muck about, tell her to fuck off and just be daft in those small group sessions.*

George: *Aye, she got me to fill in for her. I thought she was going to crack up when she said she couldn't do them anymore. Stupid fucking idea anyway, those small group sessions. Who the fuck thought that that would be a good idea to get some young hardcore offenders in a room together to discuss their offending?*

Norm: *Some type of academic or someone with too much brain and no fucking sense.*

All eyes were on me. I led the laughter.

George: *We had to scrap them* [small group sessions] *because they were chaos. There'd be kids in there wanting to fight each other, stab each other, generally taking the piss out of each other, and we were just wasting everyone's time.*

(George and Norm: Fieldnotes, December 2000)

Leaving the irony of the situation aside, this anecdote perhaps demonstrates that at times with all the will in the world, youth justice strategies may sometimes appear futile in their attempts to tackle youth offending.

By and large the BSS project had been viewed as welfare based intervention with the voluntary involvement of young people on bail supervision. However, if young people did not wish to engage or attend with specific interventions that the

project attempted to instigate, the young person would be under no obligation to partake in such an intervention.

The length of time that young people spent on bail supervision also determined the quality and quantity of areas of involvement by BSOs. The project made concerted efforts to deal with those areas of young people's lifestyles that may have affected the aspects of risks associated with the young person's individual offending behaviour.

The level of involvement and subsequent content of individual bail supervision packages of interventions for young people who came onto the project, were often determined by the length of time a young person spent on bail supervision. The less time a young person spent on bail supervision the less input BSOs had to comprehensively address the risk offending issues of that young person[50].

The project attempted to make determined efforts to deal with the issue of young people and their family relationships (again, a widely acknowledged and accepted determinant variable associated with young people's offending behaviour [see Farrington, 1996]). BSOs made assessments of the relationships within the family home and analysed the positive and/or negative aspects of those relationships. If required the intention and understanding was that referrals could be undertaken to other specialist agencies within that partnership approach.

Passing the Parcel & Too Hot to Handle

At each initial home visit BSOs made assessments of the existing family relationship. Referrals to the Social Services Department's 'Children and Families Department' were conducted routinely as problems within the home were often identified. The strategy at the BSS was to inform and involve the Children and Families Department, once problem areas were identified, aiming at widening the level of expertise to assist with identified problems which might influence risk related offending behaviour. This stood as a noticeable example of the development of good practice by the project. Yet, problems with this aspect of the project's degree of involvement were made evident during the evaluation. During interviews it was made clear that difficulties arose from workers' experiences in the 'partnership approach' adopted within the local authority district. One worker informed me of bail supervision

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[50] See, for example, Graham, J. and Bowling, B., (1995) *Young People and Crime.* Home Office Research Study No.145 and Home Office Research Findings NO. 24. London: HMSO

involvement within this multi-agency approach that produced unacceptable outcomes:

Gregg: *In my experience once we make a referral to the Children and Families Department, and they may inform us that they're already involved with the family, once they know we are in with the young person and also dealing with aspects of the family relationship, that Department's involvement decreases. You get the feeling that they are just easing off their workload onto you, a bit like passing the parcel. The problem is we* [BSS project staff] *don't have the length of time or continuation to really make any significant change, you know long lasting changes on those problems. What we can do is refer those issues to Department's who can offer professional expertise and continuation of support mechanisms that are intended to have a major effect upon the positive aspects of the family. What we feel is that they just pass the parcel onto us, but at some point they have to get back in there and pick it back up again. And really that is very unfair on the young person and their family.*

(Gregg: Interview, January 2002)

The formal as well as informal action undertaken in this type of work is likely to be located within existing organizational structures, roles, and practices. Workers within each organisation, whose professional expertise is considered relevant to crime prevention are often identified as 'link personnel' (Crawford, 1994:171). Their core tasks remain largely altered, as multi-agency work is grafted onto existing practices or those existing practices are redefined (ibid.). The redefining of roles and expectations has created 'disjunctures' within multi-agency partnership approaches (ibid: 501).

It is recognised that inter-agency working and partnerships play an important role in effectively tackling youth crime (Audit Commission, 1996; Newburn, 2002; Thomas and Hucklesby, 2002). However, it was acknowledged by those dealing with young offenders on BSS, that when the local Social Services Department got 'wind' of the project's involvement, they backed off believing that the local BSS project would take over, providing a number of welfare based resources and professional experience in assisting these 'children in need'. But, and as Gregg suggested:

I mean what can I provide to a young person on the Child Protection Register? I'm not as skilled or experienced as a social worker in any shape or form. The project [BSS] *can't offer the resources or scope of involvement that these kids*

desperately need but the social workers drop these kids the minute we get involved with them. It's not right and something needs doing about it.

BSS Level of Intervention.

The content factor of episodes of bail supervision and support were individually packaged to deal with areas of risk and need, associated with individual young people placed on bail supervision and support. At the most intense level the content of bail supervision and support can, and does, provide the following interventions:

- Seven days a week contact with young person (entailing five arranged visits to the young person's home and/or appointments at the BSS). This level of intensity operates at personal visits Monday to Friday and two telephone conversations over the weekend period.
- Referral to any integrated programme of support supplied by the Youth Offending Service deemed appropriate for the young person e.g. education, health, housing employment.
- Escorts to court appearances (where and when appropriate)
- Escorts to answer police bail (where and when appropriate)
- Monitoring of curfews
- Use of leisure time (for official school levers) with referrals to the 'Solutions' and 'Springboard' programmes for young people to assist in training or education needs.
- Use of leisure time (for 'unofficial' or expelled school age young people).
- Voice Verification

At a base level, the content of bail supervision and support provides assessment of bail conditions and areas of support in the following areas.

- Three pre-arranged weekly visits to the young person's bail address and/or appointments at the BSS project.
- Further discussions regarding 'risk' and 'need' factors and referral to programmes of intervention and support if areas of concern or assistance arise.

The areas of support offered by the project cover the individual needs related to young people in dealing with the following areas:

- Confidence

- Anger management
- Leisure activities
- Education and training
- Employment
- Decision making
- Family
- Peers
- Offending behaviour
- Drugs and alcohol awareness
- Accommodation

These areas of 'need' associated factors of young people, were assessed by BSOs who could refer young people in need of professional specialist advice through its partnership approach, in addressing the needs and risks of young people accepted onto the project. However, none of the newly recruited BSOs, nor indeed some of the more senior professionals had little knowledge of the some of the above 'risk' and 'need' factors. None of the BSOs had had any training on issues such as 'anger management'. In the best case scenario BSOs would attempt pass on the identified areas of concern onto those who within the multi-agency approach who might be better qualified to deal with such issues. This, for a number of reasons, such as time on BSS, young people's willingness to engage, re-arrest and remand might not always be feasible.

It was acknowledged by the BSS project that there were areas of concern relating to the delays that sometimes occur in referrals from the project to other partners of specialist intervention and assistance in accessing those services that they provided.

Contact with the Young Person

Whilst on bail supervision and support, there were three contacts per week (at the minimum) with the young person, except under exceptional circumstances. The BSS could and on occasion did increase the level of contact when this was considered appropriate.

Programme Content

The project had access to programmes addressing and integrating young people into mainstream education, training and employment. Young people placed onto bail supervision and support also had access to social skills programmes (*Springboard Solutions*), health and substance misuse interventions (YOS Health Worker and Drugs Worker through the *Youth Addictions Project*) and opportunities for the constructive use of leisure time.

Once a young person had been accepted to onto BSS, the role of the BSO is to work closely with the young person for the duration of the bail episode and for the young person to co-operate fully with the contract of bail conditions. This included:

- Compulsory attendance for at least three weekly bail supervision sessions at the young persons place of residence and/or appointments at the BSS project including one home visit with the young persons parent(s)/carer(s) in attendance
- Attendance at any additional appointments arranged by the BSO and/or the YOS
- Referrals to other partnership arrangements at the YOS and the existing inputs from the YOS were as follows:
- Drugs counselling
- Housing
- Health
- Probation
- Police
- Probation
- Education

Attendance at Court

The project placed a great deal of emphasis upon the attendance of young people, placed on bail supervision and support at scheduled court appearances. The BSS had been successful in ensuring the court attendance of young people and where there was a perceived risk of non-attendance, the project made a stringent effort to ensure that young people turned-up at court. The project had achieved a good attendance record of court appearances by contacting young people, their parent or carer to

remind them to attend court or where difficulties were encountered by escorting young people on BSS to court.

Young People's Opinions

During the last twelve months of the evaluation it was requested to the project that BSOs should ask (on a voluntary basis) young people on bail supervision and support to complete questionnaires related to the project. The completed response-return rate for the questionnaires was poor. Out of a possible sixty-eight individuals placed onto bail supervision and support from the 3rd April 2001 to the 24th January 2002 only twenty-eight completed questionnaires were returned. Therefore, the sample should be viewed not as a representative response rate of the population of young people placed onto bail supervision and support. However, for recording purposes these responses are listed.

The reasons for the poor response rate may have occurred for two distinct reasons. First, during the initial sweep of questionnaires an attempt was made to conduct a postal questionnaire survey of young people who had recently finished their episodes of bail supervision and support. This strategy provided an extremely poor response rate. Of a total of twenty-three postal questionnaires only two completed questionnaires were returned. From this I deduced that another method was required for the questionnaire data collection exercise.

The subsequent method was to inform the project of the questionnaire data process. Management and staff at the project were informed of the details of the questionnaire, its purpose and the method of delivery. Senior management were requested to ask members of staff (BSO's) to distribute the questionnaires to young people nearing the end of their individual episodes of bail supervision and support and to ask the young people (on a voluntary basis) to complete the questionnaires. Staff at the project were reminded of the importance of this exercise on a number of occasions. Yet, as previously stated the response rate was poor.

Two scenarios can be credited for this poor response rate. First, that the young people who were asked to fill in the questionnaires refused to do-so although at no stage of the of the evaluation was I informed of this. Secondly, that staff at the project whose responsibility it was to request that forms were completed and returned to the evaluator failed to do so. A number of attempts during the latter stages of research to rectify this shortfall in completed responses, (both formal through senior

management, and informally, through repeated face-to-face requests to staff members), failed to amend the noticeable poor response rate. A more successful method would have been to have personally distributed the questionnaires to young people on bail support, which I was confident would have produced a far more favourable return rate which may have been representative. Yet, this method would have been too time consuming (thus restricting other methods of investigation) and may have restricted the numbers of young people on BSS that I could have personally contacted and distributed the questionnaires to.

The following table focuses upon the responses I received from the survey. The questionnaire asked young people on BSS to comment upon areas of the project activities, which looked at aspects of the project's delivery of risk related offending behaviour interventions. The questionnaire also asked the young people whether they believed they had found these useful in dealing with areas that might influence their behaviour.

The analysis of the questionnaires examines the focus areas of the programme input of BSOs dealing with for example, confidence, anger, education and family relationships. The following table categorises the specific areas of focus that BSOs dealing with young people on BSS are expected to at least address and make assessments upon those specific areas, which are believed to be associated variables of young people's offending behaviour. Included in the analysis of responses is the numbers of young people who answered positively (the *Yes* column); the percentage of the sample group who believed that these areas had been addressed (the *%* column); the numbers of young people who believed that these issues had not been addressed (the *No* column) and the corresponding percentage rates (the % column); there is also a 'No-response' column-numbers and percentages. The table demonstrates the numbers and percentage of young people who believed that the areas of focus were of use (*Useful-Yes*); and were of no use to them (*Useful-No*).

Table Ten

Young People's Views of Specific Areas of BSS Focus

FOCUS	Yes (n)	%	No (n)	%	Non Response (n & %)	Useful Yes (n)	%	Useful No (n)	%	Non Response (n & %)
Confidence	9	32	12	43	7 (25%)	3	11	9	32	16 (57%)
Anger	6	21	15	54	7 (25%)	3	11	6	21	19 (68%)
Leisure	15	54	6	21	7 (25%)	12	43	6	21	10 (36%)
Education	12	43	15	53	1 (4%)	6	21	9	32	13 (46%)
Employment	12	43	12	43	4 (14%)	15	54	0	/	23 (46%)
Decision making	18	64	3	11	7 (25%)	9	32	6	21	13 (46%)
Family	12	43	6	21	10 (36%)	12	43	3	11	13 (46%)
Friends	18	64	3	11	7 (25%)	12	43	6	21	10 (36%)
Crime	21	75	3	11	3 (11%)	18	42	3	11	7 (25%)
Offending Behaviour	24	88	1	4	3 (11%)	12	43	6	21	10 (36%)
Victims	15	54	9	32	4 (14%)	9	32	6	21	13 (46%)
Drugs	12	43	12	43	4 (14%)	9	32	6	21	13 (46%)
Accommodation	3	11	15	53	10 (36%)	6	21	9	32	13 (46%)

Analysis of the above data demonstrates the following areas of intervention on categories of risk with this sample group who completed questionnaires that:

- ***49%*** of the sample were of the opinion that *all* of the areas of behavioural, welfare and risk focus had been addressed by BSS
- ***31%*** of the sample were of the opinion that not *all* areas of behavioural, welfare and risk focus had been addressed by Bail Supervision Officers
- ***20%*** of the sample did not respond to *some* of the overall specified categories they were asked to respond to, for example, issues such as education,

accommodation and whether they believed that these had been addressed by the project.

Of the above aggregate percentiles the young people were asked to pass judgement upon whether or not they believed that once these areas had been addressed that the input of BSOs was of any use to the young people:

- *32%* believed that the addressed areas had been useful and made some form improvement to the young people's lifestyles
- *19%* believed that the addressed areas had been little or no use and had little impact upon their lifestyles
- *48%* did not respond in this section of the questionnaire and therefore can be viewed as having no opinion on the matter.

Again, I am not of the view that these data are an overall representation of the total population of those young people who had entered onto the BSS project during the period of the evaluation. Yet, I am confident that the data does provide evidence that from this limited sample of the population group, although the project may have believed that in the main it was dealing with some of the problematic issues of its target group related to their lifestyles many of this sample (remembering that these were the recipients of BSS) viewed the situation somewhat differently. There were a number of areas the project was not adequately dealing with in order to make positive actions to assist young people on bail support to desist from offending.

Approximately half of the sample group believed that all of the areas had at least been addressed (and as stakeholders of the intended aims and objectives of BSS these opinions are of significance). Only approximately a third of the sample believed that if areas of focus had been addressed that any positive outcomes came of it for those young people.

The time available to address and make substantial changes in a young person's lifestyle, personal circumstances and assessed risk associated patterns of offending behaviour is often limited on BSS (Thomas and Hucklesby, 2002:46). Over half of all BSS programmes run for less than four weeks (Nacro/BSPDU 2002). Therefore, the time available to make substantial changes to those identified areas of offending behaviour are limited for BSS (Thomas and Hucklesby, 2002).

Yet, it is also reported that that even within the limited time-scale of young people's involvement with this aspect of the youth justice system, BSS can initiate

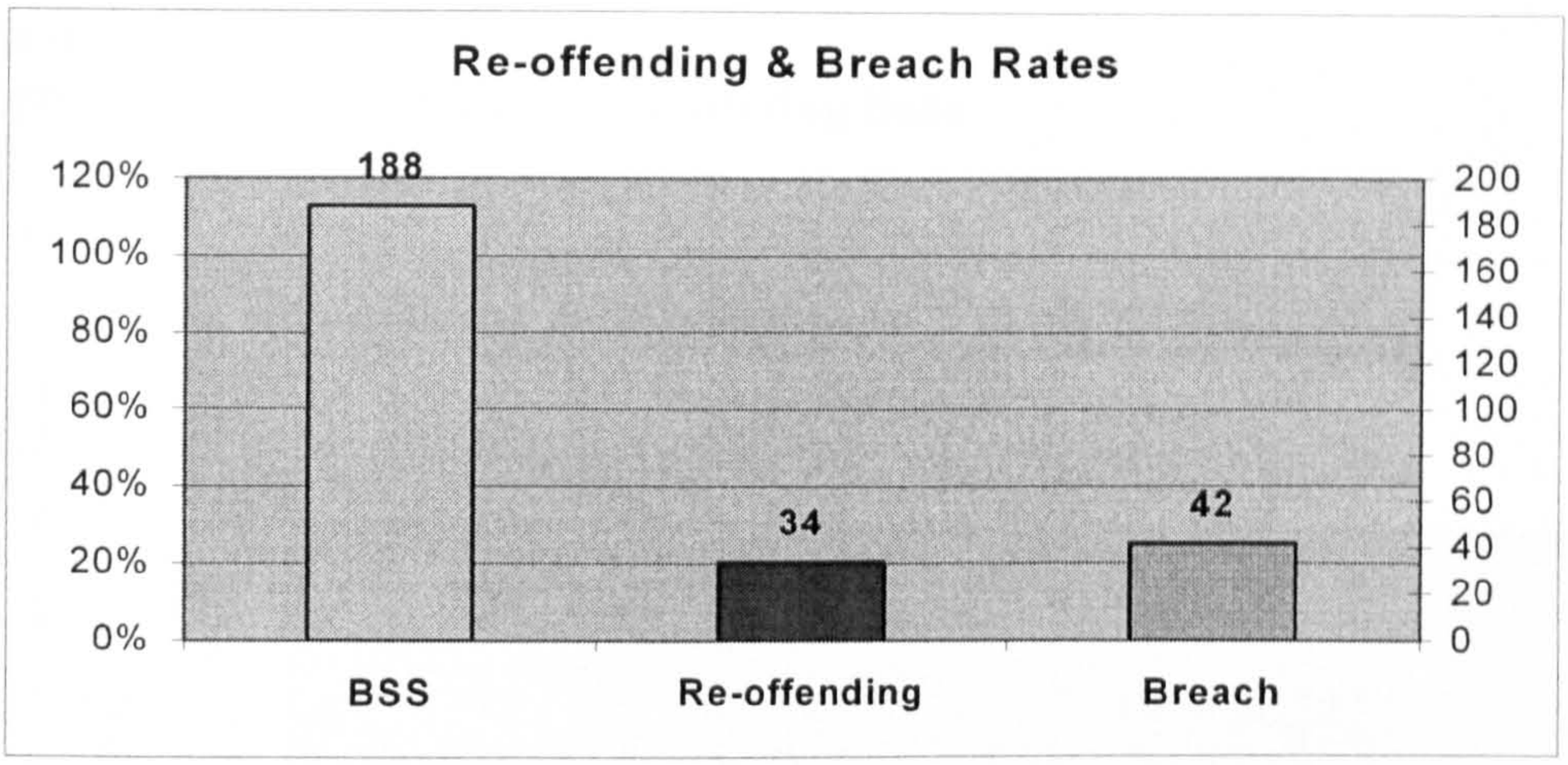
fundamental change for those young people it targets with its interventions (Nacro/BSPDU 2002). It has also been recognised that the abrupt withdrawal of those services and support mechanisms often results in previous patterns of risk and offending relating behaviour returning (ibid. Also see, Chapman and Hough, 1998). As Gregg's earlier statement referring to youth justice and its partnership approach to tackling offending behaviour and the 'pass the parcel' scenarios, the damage caused could often be severe. The aim should be to build upon the strengths of earlier interventions and continued strategies should be in place that will assist the young person in his or her long-term development (Chapman and Hough, 1998).

Completing Supervision & Support

The following table presents the findings of the successful (completion of individual periods of BSS) and unsuccessful (BSS terminated prior to completion) episodes of BSS from November 1999 until March 2002. Successful episodes of BSS were considered as those that ended without re-arrest or, termination of BSS due to reported breaches related to the young person adhering to his or her conditions of BSS. Therefore, *unsuccessful* episodes of BSS are those where young people were arrested for offences they were suspected of having committed while on BSS (re-offences) and/or *breaches* of that period of conditional bail that either the project, or the police, reported young people to the courts for breaching their conditional bail.

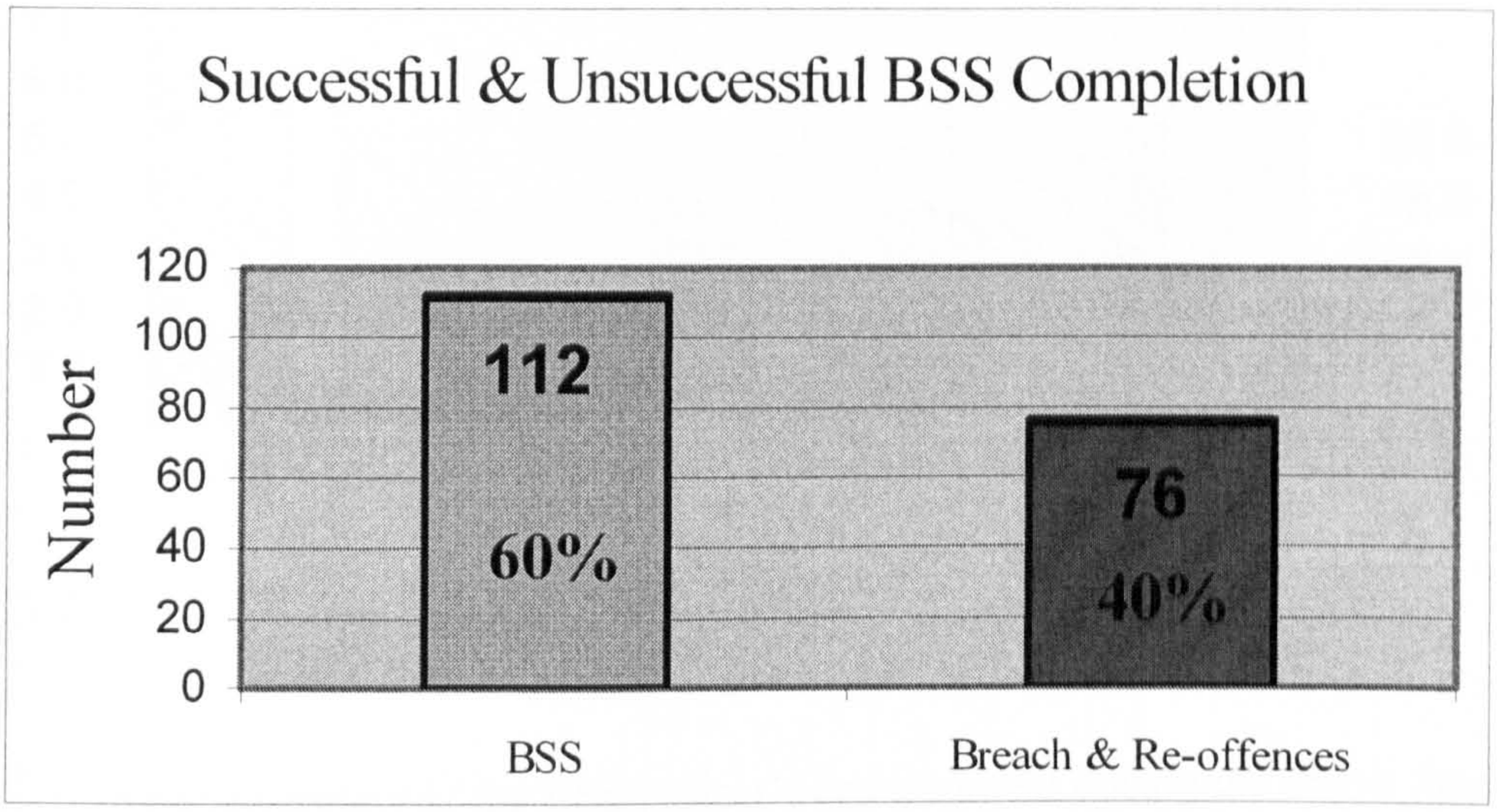
Chart Five

Re-Offending & Breach Rates on BSS Nov. 1999 – Jan. 2002



From November 1999 to January 2002, ***188*** young people came onto bail supervision and support in Sunderland. Of this total, ***34*** young people were re-arrested for suspected criminal offences while on BSS. A further ***42*** young people who were on BSS were reported for breaching their bail conditions. At first glance the figures do not present a too pessimistic overview of the success rate of the BSS project. As individual categories the BSS column by far outweighs the other two categories. However, if further analysis is applied to these outcomes a somewhat less optimistic picture can be viewed.

Chart Six
Aggregate BSS and Breach/Re-Offending Data

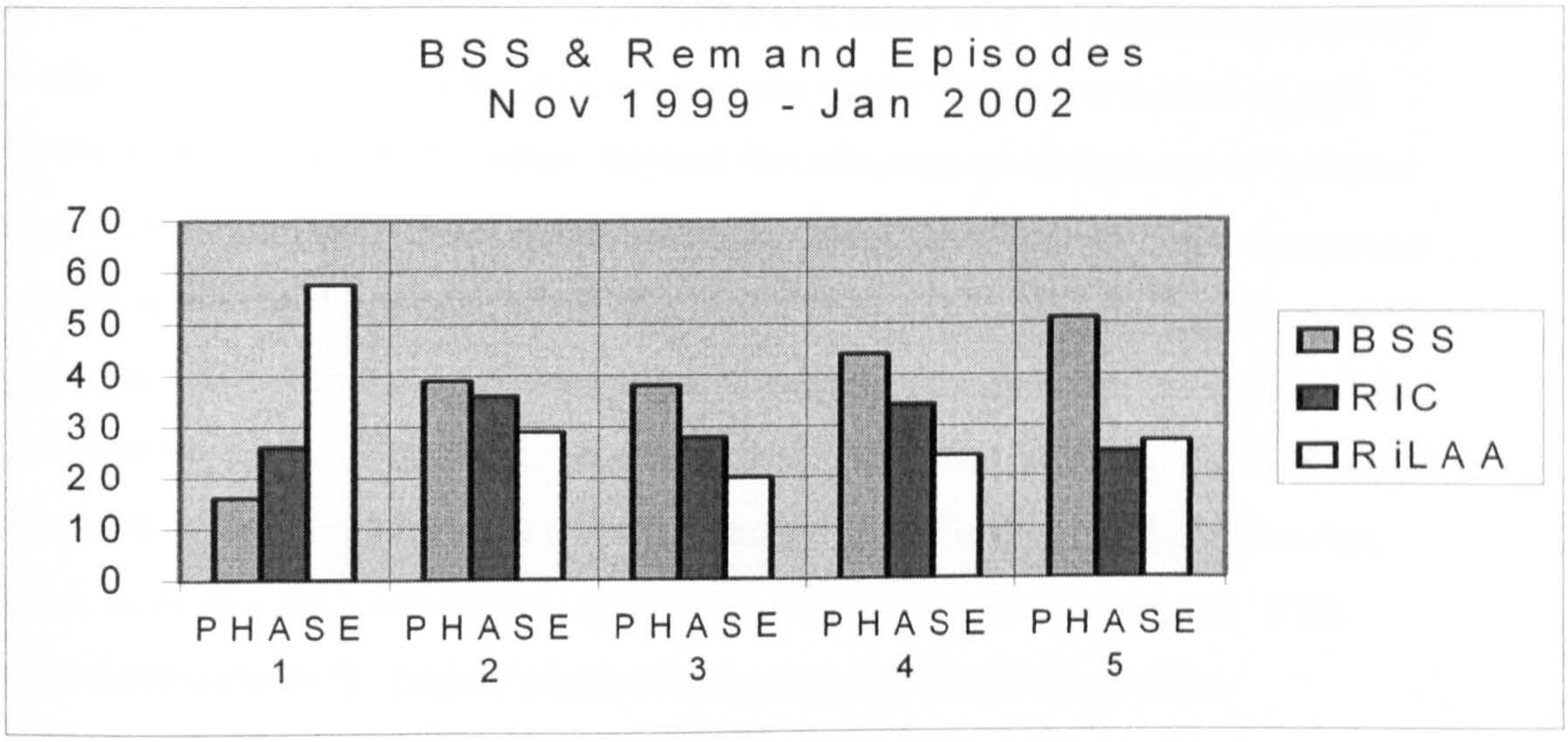


In the above table the 'unsuccessful' categories of re-offending and breaches have been aggregated and removed from the overall BSS sample (188 in total). This results in a BSS success rate of ***112*** young people getting through bail supervision and support without being re-arrested for new suspected offences or, breaching their conditions of bail. In total *77* young people were unsuccessful in completing their episodes of BSS.

A more detailed breakdown of the courts' decision making relating to BSS, as compared with Remands into Custody (RIC) and Remands into Local Authority Accommodation (RiLAA) during five phases of the evaluation starting in November 1999 and ending in January 2002, presents the following findings.

Chart Seven

Remand Management of Target Group



As an overview of the BSS project's development during the above time-scale a number of key, albeit somewhat summarised findings can be highlighted.

During *Phase One* of the evaluation it is evident that the magistrates were not viewing BSS as a viable youth justice alternative to both remands into custody and local authority accommodation. Indeed, the Phase One data demonstrate that BSS was a poor third place in these court remand decisions. The reasons for this have been discussed at length throughout this study. In summary, much of this can be located in the standing and credence of the project at this time with those involved with the youth justice dealing with bail supervision and support. During this phase of the evaluation remands into local authority accommodation were particularly high. A concise explanation as to why this occurred is difficult to elucidate. However, as Norm explained and perhaps added a worthwhile area of potential research.

More parents are just having enough of their kids offending behaviour with the police at the door and all the rest of the trouble it brings them and are just refusing to have their kids back home. Without a bail address bail support is a non-starter, so the magistrates' are pushed into a corner and have to resort to a remand in local authority. Not as a 'punishment', but just to get the kids somewhere to stay with a temporary legal guardian while the criminal justice systems proceeds in dealing with them.

(Norm: Interview, February 2000)

Worker's accounts can provide innate understandings of the complexities involved in delivering youth justice that highlights the difficulties involved in delivering interventions. The interconnections of a range of criminal justice agencies are often compromised by way of others that can render the potential aims of such interventions as impotent. However, beyond Norm's account of the issue of 'suitable bail addresses', the structural weaknesses within the system in its failure to have other available resources. For example, the absence of remand foster carers (see Chapter Six) clearly demonstrate that the system is often ill-equipped to deal with the many welfare associated requirements it often proclaims to offer. The local YOS and the BSS project did not record detailed information of these incidents at this stage of the evaluation. Indeed, as to why BSS was refused at courts' in the town was not recorded. This further demonstrates the project's lack of accountability at this stage of its development.

Phase Two: saw a far greater acceptance and use of BSS by courts in the town with a 41% rise in successful BSS applications to the courts. Remands into local authority accommodation were reduced by approximately 50% whereas remands into custody increased by 72%. It was clear from my observations, discussions and interviews with stakeholders to the BSS project, that a far greater emphasis was being placed on BSS by the local YOS and that the promotion of the project was being addressed. It was suggested that this occurred due to concerns from the local authority of the strain this was placing upon this limited resource. The magistrates increased the remand to custody sample by 72% on the previous phase of the evaluation. This may have occurred due to the concerns of the local authority on the strains being placed upon the limited placements available in local care homes and the magistrates' resorting to remands into custody to compensate this (also see Monaghan, 1999).

Phase Three: witnessed a reduction in both remands into custody and to local authority accommodation and a small decrease in the numbers accepted onto BSS. This offers a somewhat intriguing insight of the target group and stakeholders (particularly the courts) roles and input into the up-take of BSS. The Phase Three columns indicate that although remands into custody and local authority accommodation decreased during this period of time this does not suggest that BSS was 'rescuing' young people from those court based remand decisions. Indeed, during this period the acceptance of young people onto BSS also decreased slightly.

The obvious explanation for this is that less numbers of young people in the town were committing offences at this time, which could have resulted in a remand episode. Yvette, a Social Worker at the project also told me:

The police just aren't picking the kids up for breaches that, in other incidences might have, and often would, result in young people being remanded. Why? Because they [the police] *are short of police officers as they're all trying to catch up on their leave after the millennium New Year scare of riots and disaster because of the perceived computer crashes that never occurred.*

(Yvette: Fieldnotes, March 2000)

On more than one occasion there was a general understanding at the project that the scenario cited above may have been an underlying cause for the drop in remand decisions. The police were simply not producing the previous levels of youth justice 'fodder' at courts' in the town. It was also pointed out to me that a number of the more prolific of the town's young offenders had been sentenced to Detention and Training Orders (DTOs) during this interim period thus reducing an aspect of the remand to custody and local authority intake.

Phase Four: as the corresponding columns in the above table demonstrate all three variables increased during this period of time. Again, there were no clear indicators as to why this was occurring. Staff at the project offered some insight and opinion as to the fluctuations and as Geoff put it, "*How the fuck are you going to speculate or predict when the kids are going to commit crimes? How are you supposed to know or guess which ones* [criminal offences] *they'll get away with and which ones they'll get caught for. It's impossible to answer and impossible to predict*". Without the magistrates' input due to their overall reluctance to engage with the research a potential answer to this problem remained unsolved and requires studying.

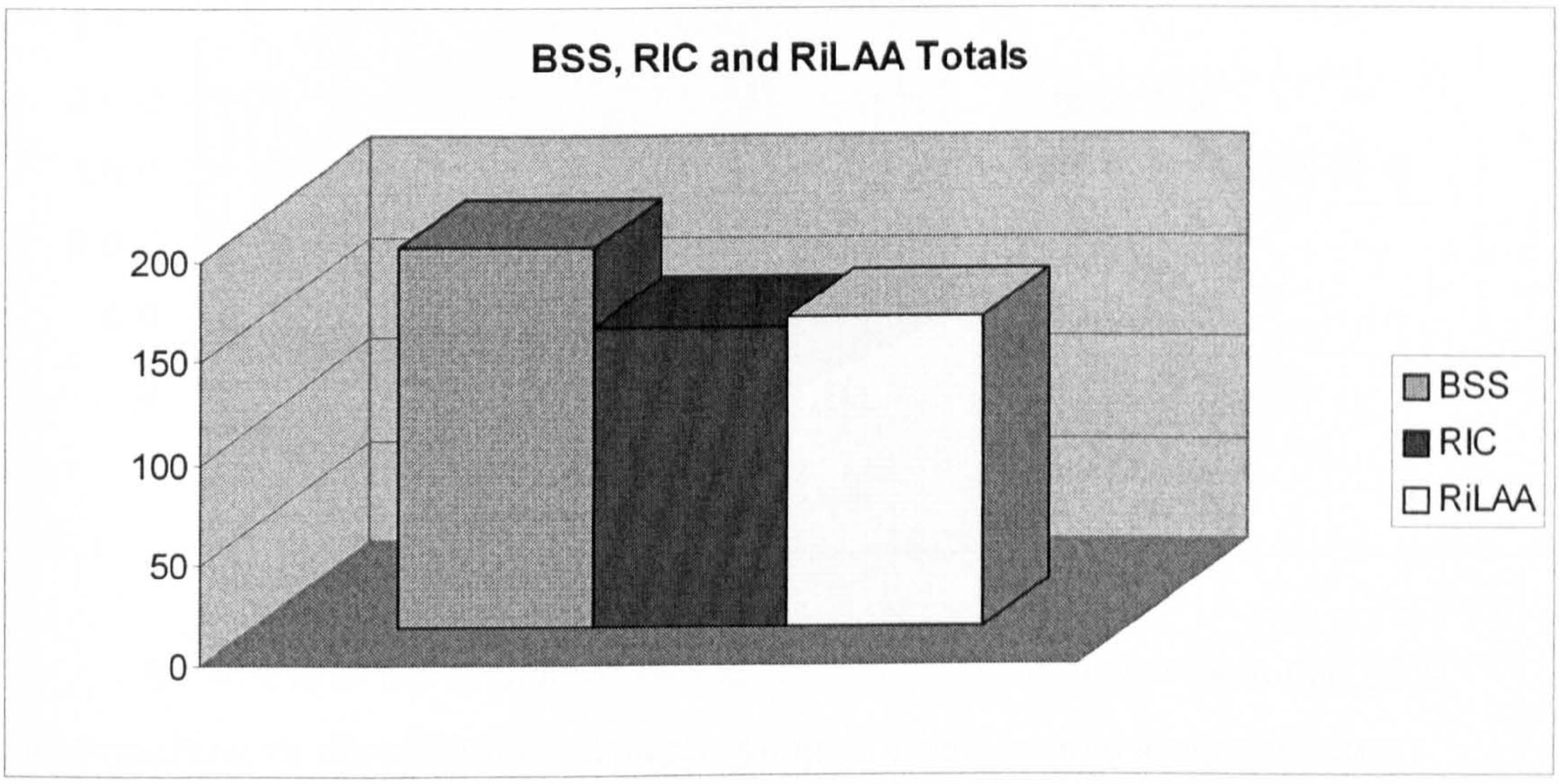
Phase Five: saw a far more holistic and strategic approach beginning to be established by the BSS project in its direction in tackling the remand crisis situation that had plagued the pursuit of its central aims and objectives. Much of this emerged from a far more integrated approach within the local YOS and the BSS project now beginning to establish itself in terms of its intended direction. BSS uptake by the courts' increased to its highest level throughout the period of the evaluation and this certainly had an impact upon the levels of remands into custody. However, remands into local authority accommodation also demonstrated a slight increase.

Furthermore, there were some concerns by some of the 'old guard' of the BSS that the BSS project was 'net-widening' its intended target group that BSS was now being offered to young people who it was believed were better suited to other less stringent bail conditions.

The following chart presents an overview of the BSS success 'hit rate' of its intended target group of young people at risk of being remanded into custody and/or local authority care.

Chart Eight

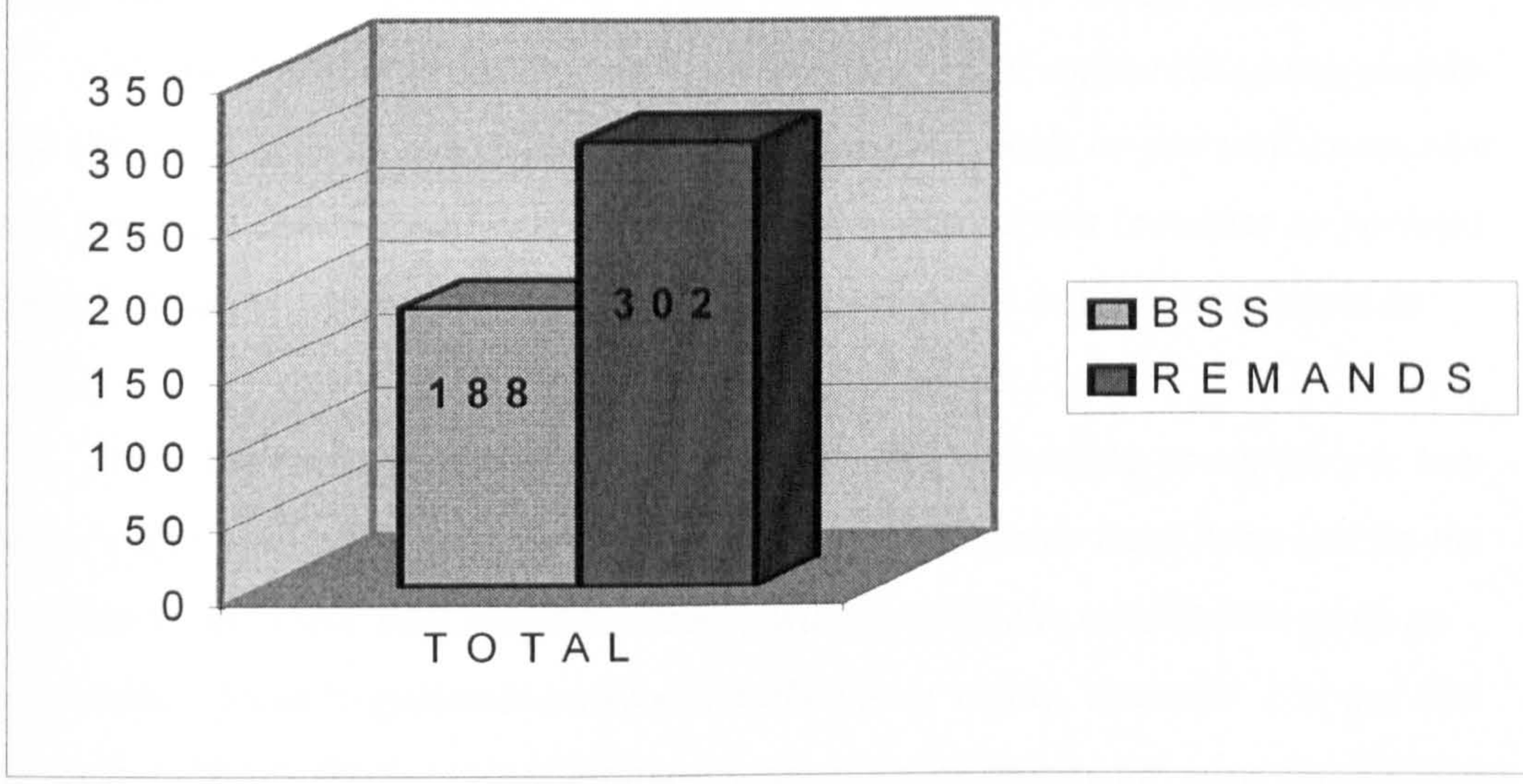
BSS Target Group and Remand Decision Outcomes



It is evident that BSS was used more by the courts than either of the separate alternatives of remands into custody and/or remands into local authority care. However, we should bear in mind that the BSS project's target group was for both remands into custody, and remands into local authority care. If this two targeted remand group's figures are aggregated a different picture emerges.

Chart Nine

Remand Totals Nov. 1999 – Jan. 2002



At the end of the evaluation period (March 2002), it was evident that BSS was not reaching its overall intended target group of young people at risk of being remanded. This does not imply that the project failed but that it perhaps could have done more to meet those aims.

The above chart perhaps presents the most pessimistic overview of the BSS project's attainment of its intended target group. During the evaluation 302 young people were either remanded into custody or to local authority accommodation. BSS was successful in targeting 188 young people were in danger of being remanded. Both the *BSS* and *Remand* columns in the above chart represent the project's overall target group. If both columns are aggregated as the selected target group for BSS the figure comes to 490 (100%) young people that bail supervision and support was intended for as its target group. This implies that the BSS project's 'hit' rate was 38% (188 of 490) of the total remand population of young offenders in Sunderland. This may have been due to the projects targeting of young offenders which the courts' in the area believed to be unsuitable for BSS.

As we have seen in this and earlier chapters it was not only the courts' that perceived BSS to be of limited use in addressing the immediate offending issues of some of the young offenders in the town. There is also evidence presented in this study to suggest that young people and project workers believed that for individuals or particular groupings of young offenders' the scope of BSS in attaining its intended aims and objectives were limited. At times the BSS project was well wide of the mark. However, the role of the courts' in the town in their continued and somewhat institutional culture in producing high remand rates should not be under-estimated. As has been continually referred to in this study these were 'tough' youth courts.

George: *I'm concerned that we're now offering bail support to young people who shouldn't even be considered for it. The danger is Rob, as you well know, that once you start offering bail support and say the young person breaches or perhaps commits a further offence while on BSS the options to the magistrates' begin to reduce.*

There is a real danger that the courts will start remanding young people into custody who really shouldn't be there because the BSS cards have been laid on the table too soon. Once bail support's been used where do the magistrates often go from there? Exactly, remands into local authority or worse, custody! I've got this gut feeling that in the pursuit of numbers and value for money for what the YJB have spent on this project that come what may we've got to appear to get the numbers up so that it doesn't look as if we're failing. Sod the potential consequences that we may be putting young people at risk of being remanded, who previously this wouldn't have applied to. This is my greatest concern.

(George: Interview, March 2002)

George may have had something in his insight of the net-widening approach within the new youth justice system (Cohen, 1985). With more category offender focused programmes coming into place employing a 'what works' ethos to reducing offending, the danger is that with a gamut of new 'interventions' someone, some groups and certain people are expected to placed upon them in order to fulfil he function of those programmes.

The YJB, under direction and funding from the Home Office, in channelling New Labour's emphasis upon more effective and managerial 'crime control', with this contemporary drive to expand the quantity and level of services/interventions within the system has adopted an expansion of the youth justice net reminiscent of

Cohen's (1985) thesis of the 'punitive city'. The emphasis locally and nationally to 'get the numbers in' and accelerate and expand (Gelsthorpe and Morris, 1999) the use of BSS to those who had previously remained as an inappropriate target group to apply such intensive methods of social control. As George's insight of the expanding of target groups suggests, once this aspect of social control intervention fails others, with far more intensive levels of surveillance await just around the youth justice corner.

The political rhetoric and policy counter-balancing of the 'punitiveness' (Bottoms, 1992; Newburn, 1997) approach (for example, there is *always* prison), towards an increased 'surveillance of welfare approach' (for example, we *now* have ISSP to add onto BSS rather than prison, although prison will *still* remain an option), creates a desensitised youth justice strategy in making the 'system appear less harsh, that people are encouraged to use it more often' (Cohen, 1985: 98). With the broadening of the level of surveillance strategy open to BSS by incorporating ISSP as a further intervention this extended the scope in its use. This may have had the advantage of broadening the scope of the BSS target group to those right at the heavy end of the youth justice scales, whilst also maintaining the potential to lower the constitution of its intended target group, to young people who would have previously been outside of its target boundary. In effect the 'net' practice becomes a youth justice 'trawling' expedition. The net's length is widened, made stronger, and the holes within it reduced in size therefore catching larger loads and a more varied mix (or perhaps 'species') of catches.

Norm added a further insight of the local YOS manipulation of YJB strategies to herald, 'spin' and 'spread' the success of its interventions to agencies within the youth justice system through somewhat dubious practices.

Did you know that ISSP is now being applied at court as a condition of bail? You did? Oh, right. But, not as a bail support package? Oh, you didn't know that? Well bail support can offer it, but what usually happens, because the magistrates aren't daft, they'll accept it at the first, or second pre-trial hearing as a bail support package and what is really happening is that ISSP comes into its own with bail support taking a very limited role.

The Youth Offending Service claims that this is one of the triumphs of bail supervision, you know, like trying to spread a success as far as they can possibly stretch it but, really it's ISSP on its own as a condition of conditional bail. So for the serious or the same old faces of young offenders up in front of the court, ISSP has

taken over and is claiming some successes. Bail Support is still being offered at court, but as a consequence of this, because the money's there and we're expected to deliver and be accountable, bail support is now being offered as a bail package to young people who a couple of years ago we wouldn't have touched with it.

The danger is that this strategy widens the net of those considered to be more risky young offenders. As you know, one of the consequences of breaching or re-offending on bail support is that it has a strong risk of increasing the chances of being remanded to custody or local authority accommodation. It's now getting people on it who wouldn't have come on to it and categorising them as more serious young offenders than used to be the case.

(Norm: Interview, February 2001)

The danger is that youth justice services such as BSS, in diverting young people away from custody, has also increased the potential for net-widening (Hucklesby, 2001). YOTs/YOS should be pro-active rather than reactive in preventing remands into custody, being held unnecessarily in police custody and imposition of the courts' restrictive conditions of bail (Nacro/BSPDU, 2001). The greatest danger the new youth justice system appears to be facing, as Geoff and Norm view the situation from their professional capacities, is the net-widening of targeted groups of young people who would have previously been dealt with in far less intrusive and potentially damaging ways.

> The provision of services to young people should be assessment led to ensure that they are not 'up-tariffed' so that interventions are appropriate and proportionate to the circumstances of the case and the young person's background and situation. Responses to young people should be proportionate.
>
> (Thomas and Hucklesby, 2002:7)

If this is to be the case and the pursuit of the 'new' youth justice system is to open up the net then far more young people will be targeted by increasingly restrictive procedures of the youth justice system.

Goldson and Jamieson's study of BSS projects in the North West of England maintain that BSS made 'a tangible impact on reducing the numbers of unconvicted and/or unsentenced juvenile remanded in prisons' (2002: 71). Likewise, the

Sunderland research found that for many young people the intervention, when suitably applied, had the potential in which to make positive inroads for young people and limiting the potential of remands. However, in many cases these positive results came from some of the 'less' persistent and lower grade offenders. Yet, despite those successes it is evident that many more and indeed a substantial amount of its clients were charged with a least one re-offence and/or breached their conditions of bail (for a detailed analysis see Hornsby, 2002). As has been discussed throughout this chapter, a range of inter-locking factors were accountable but by no means steadfast in attempting to explain the conflicts within the organisation. It is recognised that the development of BSS was by no means a trouble-free process of implementation. The organisation encountered increased and burdensome pressure placed upon those delivering and managing BSS, alongside a range of other associated and somewhat rapid policy developments within the system at that point in time (Goldson and Jamieson, 2002).

The provision of BSS, akin to most interventions within the youth justice system, involves a multi-disciplinary and multi-agency array of involvement (Ball, McCormac and Stone, 1995). Such situations create a labyrinthine of competing and contextual organisational disparities that reflect upon the success or otherwise of BSS in meeting its commendable aim.

Summary

The emphasis placed upon the practice of BSS clearly delivered a new range of protocols which firmly placed this intervention within the managerialism strategy (Newburn, 1998) of the 'new youth justice system' (Goldson, 2000). This fundamentally altered a range of frontline working procedures and practices within the system aimed at promoting and delivering 'evidenced based practice' (Holdaway *et al.* 2001). However, the difficulties encountered by frontline workers in delivering both the national and local aims of youth justice were compromised by a range of mis-aligned organisational protocols and the subsequent cleavages that have occurred have impeded the envisaged strategy that was intended to be delivered.

BSS encountered a significant range of both inter and infra agency conflicts which related to grounded organisational counter-cultures (Morgan, 1986) and workers experiences and realities relating to the routinization of practice (see Goldblatt and Lewis, 1999; Smith 2003). Such contradictory elements, to that

proposed by the Crime and Disorder Act 1998, have witnessed a range of contradictory practices within multifaceted organisational aims and the increasing emphasis upon multi-agency approaches (Crawford, 1999) in dealing with young offenders within a continually shifting contextual terrain.

In attempting to deliver BSS the shortcomings experienced within the project were located at both policy and practice levels. These weaknesses were situated within organizational resistance, poor levels of local youth justice management implementation of new practices, and a wide and often composite range of resistant perceptions and attitudes relating to the system of those involved in the frontline delivery of its intended outcomes. In the following and conclusive chapter, the delivery of BSS is discussed with a range of other connected findings that relate to the inherent tensions relating to the complex conditions found within the new youth justice system.

Chapter Eight

Overview and Conclusion

Course, I wouldn't want you to think that everybody born in trouble was born bad and they even had to get good or, stay bad. But some of them born on that side of that railroad track just never could find the time or, a good enough teacher to learn about being good.

(Lee Hazelwood '*Run Boy Run*', 1968)

Introduction

The study has researched a disparate range of distinct patterns of opinions and experiences from inside the machinery of the youth justice system. It has been discussed that, during these embryonic stages of the new youth justice delivery, the politicized rhetoric of youth offending (Goldson 1999a, 2000b; Pitts, 2001a) gathered momentum and was transferred to the practice of the previous Youth Justice Teams. This incurred a substantial amount of policy and practice realignments of locally based frontline management and practice of youth justice (Smith, 2003). An aim of the Crime and Disorder Act was to 'design out' (Pitts 2001a: 142), by way of an uniformed approach (Pratt, 1989) of delivery, many of the identified weaknesses within the previous system's approach in dealing with young offenders (Audit Commission, 1996, 1997).

The changes in practice procedures encountered a vast array of organisational complications, at both inter and infra organisational levels of delivering interventions such as BSS (see for example, Souhami, forthcoming). In conducting this research it became clear that the weaknesses that were highlighted within the previous system did not disappear and indeed, they may have also have been exacerbated. The project encountered a variety of problems relating to issues of disparate youth justice organisational cultures and ideologies that hampered the success of the project. Within this 'new terrain of youth justice management and delivery' (Smith, 2003: 89) the long-standing cultural hangovers inherent within the previous system, and the early experiences in delivering the new system, were laden with long-standing conflicts within not only, the multi-agency partnership approach, but also to that of other criminal justice organisations (for example the police and

courts), who often espoused competing objectives in how 'best' to deal with some of the more troublesome young offenders who came into the youth justice system. The remainder of this chapter provides a synthesis of the main findings described in this thesis, which are then connected to the wider implications of delivering youth justice within the contemporary milieu.

A Methodological and Theoretical Overview

The data obtained and analysed for this study came from examining key components of BSS delivery. This has seen the research sites and personnel range over and between a variety of inter-connected locations involved with remand decisions relating to young people. The structure of the thesis follows the narrative of young people's involvement at key stages of the youth justice system following their arrests. To date, academic debates relating to the delivery of this 'new youth justice' system (Goldson, 1999a, 2000a) have generally focused upon policy debates (Souhami, forthcoming). This 'administrative focus' (Morgan, 2000:71) has largely ignored how policy has been played out in practice, and has tended to neglect the issues of organisational conflict that are to be found within the system (see, Burnett and Appleton, 2004). What empirical research has that has been undertaken has tended to concentrate its gaze principally upon the implementation of the new measures (Holdaway et al 2001; Crawford and Newburn 2003; Burnett and Appleton 2004).

A central aim of this thesis has been to illuminate a range of inadequacies involved within the contemporary youth justice system, and in particular, of those associated with the youth justice intervention of bail supervision and support. An original aspect of this thesis is that it is critical of the approach of the system in dealing with young people at risk of facing the worst case scenarios within the remand management of young offenders. This critical analysis alone, I argue, provides a far more focused approach of perspectives from inside of the youth justice system, by way of a commitment to the 'first-hand experiences' (Atkinson *et al.*, 2001: 4) of those involved within it. Evaluations of the current youth justice system to date, have generally been concerned with the process of comparing the outcome effectiveness of youth justice programmes (Bottoms, 2000: 43) rather than

explaining, by way of observation, as to how the workers involved in the system view and do their work[51].

To date, studies of the new youth justice system have tended to remain steadfastly embedded within the 'customary technicist limitations' (Morgan, 2000: 62) of predominantly government funded criminological evaluations. They are, in fact, system's management evaluations that aim to make what's currently in place function more efficiently. Of course, such an approach, particularly with the current criminological enterprise (ibid: 69) of emphasis upon evaluations of youth justice interventions and providers, has a multitude of potential uses. They provide local and national crime reduction programme aims with data and related findings which can be used to refine and/or promote particular interventions. They are also of use to the government, so that it can obtain and deploy to its political advantage, in producing youth crime (often highly selective) interventions that have 'immediate results-a real quick impact' (Home Office, 1999a. Quoted in Morgan, 2000: 74).

Such emphasis within the current *Crime Reduction Programme* has been widely critiqued as lacking any theoretical substance (see, for example, Mair, 2000, Morgan, 2000). Yet, at the same time and despite the atheoretical context of such law and order programmes, it is of relative importance, as Morgan suggests that 'Independent evaluation will demonstrate whether or not the initiative works within the timescale of the project' (2000: 74). The relationship between the Home Office Crime Reduction Programme and criminological research has witnessed a prostitution of the criminological discipline (ibid: 76) to meet its political punter's desires and fetishes for 'quick fixes'. Yet, within the contemporary milieu this relationship between the state and criminological research has compromised a variety of recognised factors which are connected to youth offending behaviour (Smith, 2003; Morgan, 2000). The continued cycle of 'structural economic and political problems at the heart of social exclusion' (Pitts, 2001a: 9) has far deeper implications than the current managerialism agenda (Newburn, 1998) cares to or, has the scope to focus upon. This ultimately brings us no closer to better understandings of the causes of youth deviance and crime (ibid.) than to those who have undertaken such academic projects during previous eras.

However, the system of the management of young offenders is riddled with complexities (Holdaway, 1979: 3). Regarding my own managerialist state-sponsored

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[51] For an alternative assessment of examining the organisational and cultural conflicts embedded within the new youth justice system's managerialism approach see Souhami (forthcoming).

research I gave the client what he requested and took his money. Yet, at the same time, and unknown to the client, I also rummaged around and looked for a variety of other information. In applying this particular methodological approach the theory emerged as an 'ever-developing entity, not as a perfected product' (Glaser and Strauss, 1967: 32) from observations from within the system.

Main Findings

In examining BSS this thesis has aimed to disrobe much of the self-congratulatory hyperbole (Burnett and Appleton, 2004) of the system's performance and to raise key questions about the 'purpose and efficacy' (Smith, 2003: 71), of BSS as a youth justice intervention. As this thesis has argued, the youth justice system remains far from a culturally homogenous mechanism and is instead, conversely situated within a disjuncture amongst the policy rhetoric and actual experiences of delivering and receiving the system's intended aim. The aim of this thesis, by way of its critical analysis has been to 'problematize what has been taken for granted' (Smith, 2001:225) in the continued dislocation of social processes inherent within the youth justice system.

This thesis has observed the chronological processes that the young suspects' who came onto Bail Supervision and Support progressed through the system, by way of a number of inter-locking stages of youth justice protocols. In approaching the research in this manner the aim has been to attempt to replicate the first-hand experiences that were associated with a variety of youth justice platforms connecting to that intervention. As should be clear at this stage of the thesis a diverse range of participant's often uncomplimentary experiences have been addressed. This strategy has been adopted in order to provide understandings of weaknesses within the system, by way of specific and interrelated organisational and cultural differences, which at times rendered the success of BSS in achieving its aims somewhat impotent.

My own participation within the system, revealed a somewhat less than well oiled and maintained piece of social control machinery than YJB embellishment has had us believe (Burnett and Appleton, 2004). This is of course is not to suggest that positive results did not occur, there was a good deal of important and influential work undertaken at the local BSS scheme. Yet, as has also been discussed, at the earliest stages of implementation of the new system, the local scheme was ill-prepared and

poorly managed in order to carry out the 'micro-politics of social control' (Smith, 2003: 63) with a significant minority of Sunderland's youth offending population.

The local BSS project carried with it many of the previous organisational youth justice cultural idiosyncrasies that the Audit Commission (1996) had shed light upon, and that the Crime and Disorder Act 1998 had attempted to overhaul in improving the youth justice system. Within the internal politics and practice of BSS the project was inadequately staffed and woefully neglectful in its monitoring of data. As an intervention it was riddled with a range of conflicts and tensions that impacted upon its level and quality of delivery. As has also been argued, the connections to wider youth justice situations rendered the scope of work with young offenders as a challenging and an often-conflicting state of affairs. These conflicts occurred due to the nature of converging professional identities, disparate occupational cultures and organisational change in an attempt to utilise a multi-agency approach (also see Souhami, forthcoming).

Inter and infra-agency conflicts within the system witnessed a dissonance between policy and practice with a variety of organisational tensions between ideological standpoints within the youth justice system. The new youth justice system is, despite YJB and political claims to the contrary, a labyrinth of cultural disparities and inter-agency discord. Such tensions produce grounded ambiguities that restrict the success of welfare-orientated interventions such as BSS, with detrimental potential outcomes to its expected target group. .

Overview of the Discussion

Chapter One provided an overall context for this study. The aim is to provide 'empirical monographs' (Silverman, 1997: 239) of the back-stage processes that occur within the delivery of youth justice. As an ethnography of the contemporary youth justice system the research provides insights into the organisational culture, changing legislation, tensions, conflict, contradictions and the working practices in the delivery of an area of youth justice provision.

Chapter Two provided an overview of the methodologies that were utilised as social research strategies across and within a number of youth justice practice sites. The research initially began as a YJB/Nacro evaluation of BSS. However, as deeper insights into the back practices of youth justice began to develop I found myself to be equally, if not more so intrigued, by a number of areas associated with BSS. This, as I

have pointed out, was not a planned strategy, but gained from sitting in the BSS office listening to youth workers concerns about the new youth justice system. I also observed organisational weaknesses, and experienced the cultural disparity *between* and *within* youth justice agencies, and in particular noted the poor implementation of bail supervision and support. Inadequacies in staffing, in data collection protocols and monitoring were also apparent, as was a general sense of staff confusion and at times resistance to YJB and YOS progressive managerialism (Newburn, 1998, 2002) cultural frameworks. These observational and participatory insights shifted my focus away from a process of evaluation strategy (Patton, 1988) now firmly embedded youth justice managerialism (Muncie and Hughes, 2002a) that aims, in an often sterile manner, to reflect the way services such as BSS are organised and delivered (Smith, 2003).

This is not to discredit evaluation exercises *per se,* as they do often assist, despite the emphasis upon 'quick-fixes', in directing longer-term directives, making both systems and operatives accountable for their actions. However, throughout the evaluation/research experience it appeared that for the frontline workers the accountability of their actions became a somewhat simplistic 'hoop-jumping' exercise that they could have done without. As Jack, letting rip and voicing his ridicule on the issue of 'accountability' suggested.

We were never accountable. The only thing that really worried us was if someone [in the previous Youth Justice Service] *fucked up and made a wrong decision. Like getting one of the kids onto bail support who was later found drowned the River Wear in the car they'd stolen, when the police had been pushing for a remand into custody in the first place. See, and I've said this before to you, we're employed by the Social Services Department and you'll be hard pushed to find anyone really getting in the shit, like as you say 'being made accountable' because of the shoddy work they've done. Christ, I dare say it* [shoddy practice] *happens every day in this office'.*

(Jack, November 2000)

The cultural disparities within the implementation and organisation of the new system have been widely neglected. Worker's suspicions towards management encroachment upon their working practices during this period of youth justice transition to 'managerial diktat' (Smith, 1999: 163), incurred a grudging and

somewhat half-hearted acceptance of organisational overhauls and/or a resistance to the implementation of new systems of practice.

Chapter Three provided a discussion of bail as a socio-legal definition of young offender's entrance into the criminal justice system. In this chapter an analysis of bail law, policy and practice was provided in order to understand how bail supervision and support is intended to act as a welfare-orientated youth justice intervention. This chapter provided an understanding of what bail is, what constitutes a bail decision and the ways this crucial component of the criminal justice process can affect young offenders during the pre-trial stage, and later involvement within the system. I discussed entrance into the criminal justice system for young offenders, with particular emphasis upon decisions made at youth and magistrate's courts and at police stations.

This chapter has argued that the granting of bail is weighted against a number of conflicting agency responses. Despite the underpinning assumption of bail as a given right of suspected offenders (Hucklesby, 1997; Hucklesby and Marshall, 2000), this chapter provided a range of evidence that suggests that this right is weighted against other individual criminal justice organisations focus upon known suspects and targeted social groups (see, for example Holdaway, 1983; Reiner, 1992; Choongh, 1997). Yet, such methods of social control continue to be determined upon the most disadvantaged, less articulate and easily apprehended individuals. Following arrest this creates, particularly for the 'usual suspects' charged and refused police bail, a domino effect of youth justice remand decisions that compromise the legal right to bail without detention (Hucklesby, 1997, 2001).

The structural dependency of the police and CPS often influences courts' decision making processes (Sanders and Young, 2000), and has immediate detrimental affects upon young suspect's involvement with the mechanics of the system. As most workers within the welfare orientated wing of the youth justice system recognise, sending children to prison is a 'bad thing', it really should not occur, and other mechanisms should be in place and operational that limit the potential for such remand decisions to be imposed upon young suspects involved with the heavier end of youth justice protocols (see, Nacro, 2001c; Goldson, 2002).

Chapter Four continued the narrative approach concerning young offenders' experiences, via observations conducted at police stations following arrest. The analysis within this section is based upon fieldwork conducted as an Appropriate Adult at police stations. I offer an insight into police decision making processes regarding

who 'got out', and who 'stayed in' at police stations after charges to young suspects have been made by Custody Officers. This aspect of the study marks the entrance point for most of the sample of young suspects who were the target group for BSS.

From a theoretical perspective an examination of three models of the criminal justice system are reviewed and considered. These models of justice are compared alongside the empirical data drawn from my own experiences and observations as an Appropriate Adult. Sociological analysis of legal processes relating to police decision making has questioned how individual police officers reach decisions with suspected or alleged offenders (see for example, Banton, 1964; Skolnick, 1966; Wilson, 1968; Holdaway; 1979). Police officers, often viewing many of those young offenders as the 'dross' (Choogh, 1997), employ strategies to refuse the right to bail and thus potentially restrict future bail decisions made at pre-trial court hearings (Hayes, 1981; Hucklesby, 1997; Sanders and Young, 2000). The sociological emphasis upon police decision making should not be under-estimated, as this remains as a strategy which can, and often does, control access to a range of future criminal justice outcomes. The role of the Appropriate Adult, despite its accompanying welfare focus, is usually impotent in guaranteeing that bail decisions are objectively considered by the police who often use the codes of practice of PACE in their favour (Bottomley *et al,* 1991). At these stages the intervention of BSS comes into focus as a 'remand rescue package' intent upon restricting a range of negative outcomes that can occur to young suspects.

In *Chapter Five* I examined the policy and practice of BSS. This intervention is intended to target those young people perceived to be at risk of a custodial remand or, of being remanded into local authority accommodation. In following the narrative of youth justice protocols involved with the BSS intervention, I have discussed that preceding decisions made at police stations and then at courts will influence further procedural outcomes. BSS takes on a role of a youth justice 'last chance saloon' to rescue young people from the clutches of far more serious remand decisions. Within these inter-connecting and often conflictual organisational protocols, a routine of complex and inter-twining youth justice remand decisions and interventions are considered. The argument within this chapter focuses upon the organisational and ideological tensions inherent within youth justice partnerships. However, the internal disputes and conflicts that raged within the BSS project itself also accompanied a range of external incompatibilities (Liddle and Gelsthorpe, 1994; Crawford 1998). Therefore, the internal and external cultural conflicts had a major effect upon the

achievement of setting commonly defined goals, and the methods by which they could be attained. The tensions that existed not only internally within the project, but also externally with other key agencies restricted the potential for BBS successes. For example, the local youth courts' were an intrinsic aspect of this multi-agency approach, yet the approach was often grounded in an ideology that was incompatible with the welfare-orientated functions of BSS. Such organisational conflicts presented a disjointed, and at times paradoxical state of affairs. The organisational behaviours that were inherent between primary and secondary bail decision-makers, created conflicts and produced results that jeopardised the fulfilment of the BSS intervention.

Chapter Six examines the next case scenario, where BSS may be refused as an intervention and other remand outcomes are considered. Here, the focus is of other forms of accommodation for young suspects involved with the criminal justice system. In such cases a number of quite complex and often emotive factors are consistent in influencing the remand process. It is often the case that young offender's parents will refuse to allow their sons or daughters to live under the same roofs as them. In such scenarios these young people become 'emergency cases' within the system. Due to the decisions made by parents in such cases, these young people are left isolated as they do not have a suitable bail address and thus, BSS can not be applied as an intervention. In short, for BSS to be successfully applied as an intervention those who come onto it need a suitable bail address. When situations such as these occur, the options available to the courts, the project and the young people are reduced in scale and scope.

Often the case will be that the magistrates will view that a remand to local authority (un-secure) accommodation is not suitable for the young suspect. In such scenarios the options left available for the young person are further reduced. The issue of a lack of secure accommodation units and placements within youth justice is recognised as increasing the potential for young suspects to be remand to prisons (Bateman, 2004: 162). In Sunderland this was certainly the case. Take for example, John-Jon's case study, which clearly demonstrates the inequitable spread of resources within the system (Home Office, 1998; Bateman, 2004; Hagell, 2004). For John-Jon, the potential for other less severe and damaging remand scenarios to be applied as conditions of bail, quickly evaporated due to the lack of resources available within the system.

The failure of the local YOS to attract potential recruits for its 'remand foster care service', also clearly demonstrates society's negative view of such

troublesome young people, despite the recognised positive impacts that such welfare-orientated services have been shown to provide (Lipscombe, 2003). Despite the recruitment drive offering a handsome scale of pay, resources and training, no one in the North east region opted to help out these young offenders. This youth justice void creates an austere vacuum in which young people often, and by no fault of their own, encounter the most severe forms of remand decisions. This occurs due to the youth justice system's failure to provide appropriate levels of alternative forms of accommodation for some of society's most vulnerable young people. It also impacts upon the potential of interventions such as BSS to provide far more child-focused supplementary remand management interventions. In a number of instances young people were remanded into custody simply because their parents had had enough, and the courts decided that other forms of accommodation were not suitable or could not be secured. It is recognised by those working within the system that this aspect of youth justice delivery has been and continues to be one of the most grotesque examples of the state's mis-management of youth justice.

In *Chapter Seven* I analysed the aims and objectives of bail supervision and support. As the focal point of this study, BSS aims to offer alternative community based supervision and interventions. As the data presented and analysed within this section reveal, it was often the case that the courts in the district believed that other associated remand resources were more suitable for dealing with young suspects' on remand. However, such remand decisions are recognised as creating a range of dysfunctional and highly emotive episodes in the lives of young people (Goldson, 2002). Such decisions do little in rehabilitating the risks which brought the young people into the system in the first place (H.M. Inspectorate of Prisons, 1997; 2000). Remands into local authority care homes and worse, prison, outweighed the acceptance of BSS during the research period. Even when successful in 'winning-over' the courts and offering BSS as a resource of 'monitoring and scrutiny' (McLauglin, Muncie and Hughes 2001:317), it is seen that the project's aim to restrict the potential for further offending and breaches of bail conditions, was complex and often compromised by a range of factors that those delivering the intervention believed impeded the successful delivery of BSS.

The politics of youth justice during the 1980s and 1990s, fuelled by moral panics concerning the escalation in youth crime (see Newburn, 2002), focused upon the deviant youth of a perceived 'underclass' (Murray, 1990). Many, from this perceived 'sub-stratum', locally termed as 'charvas', were labelled as 'persistent

young offenders' (Hagell and Newburn, 1994), who continued to commit offences while they were on bail. The 1980s and 1990s became marked by policies that stigmatised a perceived deviant class in British society (Bagguley and Mann, 1992; Taylor, 1999; Young, 1999) and political rhetoric intent on 'out-toughing' other political voices and actions (Goldson, 1999, 2000; Pitts, 2000, 2001b). During these decades the adulteration of 'rights and responsibilities' to 'self responsibility and obligation' have been referred to as a 'symptomatic of reactionary thematization of late modernity' (Garland, 2001: 165). These reactionary processes created an era where 'politics and culture have become saturated with images of moral breakdown, incivility and the decline of the family' (Muncie and Hughes, 2002: 5). The young offender and his feckless parent became political ploys. Images relating to that deviant youth subculture undermining the social fabric, fitted the picture of social malaise in the UK during that period (Goldson, 1999a, 2000; Muncie, 1999b, 2000; Pitts, 2000). The functioning of the youth justice system also came into question.

Delivering Youth Justice

The changes implemented by the Crime and Disorder Act 1998 aiming to 'toughen up and tighten up' the technology of social control throughout the youth justice system were driven forward. The explicit political demand focused upon a new form of social control and governance that would herald the reinterpretation and reorganisation of youth justice (see Newburn, 1998; Pitts, 2000, 2001b; Muncie, 2000; Goldson, 2000c, Smith 2003). During this era of fundamental change within the delivery of youth justice policy and practice, bail supervision and support was implemented as a vanguard intervention in dealing with some of society's most prolific and troublesome young offenders.

With the implementation of the Crime and Disorder Act 1998 a pendulum swing occurred within youth justice towards a re-birth of 'punitive populism' (Bottoms, 1995; Newburn, 1997). This has been overseen by the gradual emergence of a 'corporatist' (Pratt, 1989; Smith, 2000) agenda concerned with 'efficient, effective (and cheap) forms of service delivery' (Smith, 2003: 36). The overriding agenda amongst all of these policy initiatives, following on from the scathing attacks upon the preceding system of youth justice delivery, as emphasised by the Audit Commission's *Misspent Youth* (1996) and the Crime and Disorder Act 1998, has been

to promote as a matter of priority (and come what may) the *appearance* of an effective system of social control (Pratt, 2000).

The Conflictual Processes of Delivering Bail Supervision and Support

The relationships between youth justice policy and its culturally ingrained formal and informal power relations within the system continue to impact upon the achievable welfare-orientated targets offered by this coordination of social control. At the frontline of the delivery of this particular youth justice intervention, it is clear that the tensions of political management and a range of conflictual agency orientated ideologies stalled and impeded the level of effective delivery of BSS. Meanwhile young people continued to be sent away and locked up. If this is the best that the state can offer in treating damaged children, this 'best' is simply not good enough. However, the local level of delivery of BSS is but a small cog in the larger scale of the whole mechanism of youth justice. On many occasions the intervention was rendered powerless by far greater structural weaknesses embedded within the system of youth justice. Bail Supervision and Support emerged as a 'tactical intervention' (Smith, 2003: 39) of youth justice during the 1990s and was targeted towards persistent young offenders, who continued to commit offences whilst being placed on bail for previous offending behaviour.

The aim of this intervention, during a period of rapid increases in the rates of custodial remands (Nacro 1996a; Home Office, 1997b; Monaghan, 2000), was intended to boost the confidence of magistrates in applying bail to young offenders who might otherwise have been facing remands into custody (Moore and Smith, 2001). In Sunderland, as with a number of other local youth justice organisations across England and Wales, bail support was delivered as a youth justice intervention which held young offenders viewed as 'children in need' (see, Children Act 1989, Part 111, and schedule 2, 7 (b)).

As this thesis has argued, BSS was one of many interconnected cogs within the machinery of the youth justice system. Each respective cog, at lesser or greater degrees of impact and severity, often impedes the function of others they are connected to. This systems failure occurred at the detriment of those young people that BSS was intent on rescuing. At key stages of this process of delivery, when one cog within the system failed to operate in a complementary and functionary fashion to another, the system *per se* could stall and at times would grind to a halt. In basic

terms, BSS did not operate in isolation in attempting to deliver an intervention, which at its essence, is a welfare-orientated youth justice strategy operating within a throng of distinct and often competing and contradictory youth justice agendas. The remand situation remains as one of 'persistent ambiguity' (Harris and Timms, 1993) in how the state deals with and what it can offer young offenders. The taut relationships that can and do occur within the multi-agency approaches (see Pearson *et. al*, 1992; Crawford, 1999) meant that the delivery of BSS was often dependant upon other interconnected aspects of the youth justice system which it ultimately had little authority over. Therefore, in attempting to achieve its aims and objectives BSS could often be isolated amongst a flow of competing youth justice organisations (for example the police, Crown Prosecution Service and youth courts).

It has been argued throughout this thesis, the cultural idiosyncrasy within BSS, in relation to that of the managerialist agenda promoted and sanctioned by the YJB, incurred a disparate counter culture of organisational working practices. The ethnographic observations and participation that underpinned the methodological approach to this research witnessed conflict within the social-relational dynamics and working realities in the delivery of BSS as a youth justice intervention. The relationships between youth justice workers, their managers, and the new youth justice system were grounded within work place realities, and often contrasting organisational cultural frameworks that exposed infra-agency conflict and resistance. Furthermore, the issue of significant numbers of young offenders not reaching the intended aims and objectives of BSS has demonstrated the range of complexities involved in delivering youth justice.

Within the delivery of BSS tension and conflict was evident. Worker's resistance to the changes initiated by the Crime and Disorder Act 1998 and implemented and monitored by the YJB during this period of increased managerialism (Newburn, 1998) was most apparent, and both inter and infra-agency reluctance and resistance to change had detrimental outcomes. Using the 'target group' attainment rate (see Chapter Seven) as a statistical data indication of the project's achievement in obtaining its target group, the failings of the project ultimately incurred quite severe remand decisions upon those young people it attempted to rescue.

Whilst this study has been concerned with explaining, by way of empirical data, how bail supervision and support operates as a strategic youth justice intervention, it has also revealed that within its broader scope, the mechanisms of youth justice are

impeded with deeply entrenched organisational and cultural inconsistencies. BSS remains as a significant welfare option within the contemporary youth justice system which has been criticised for its punitive (Bottoms, 1995; Newburn, 1998) and populist (Goldson and Peters, 2000; Pitts, 2001a) approaches in tackling youth crime and delivering justice. In aiming to rescue those young offenders in at the 'deep end' of the youth justice pool, BSS is a much-needed intervention which should offer magistrates with viable alternatives to that of remanding young people to institutions. I have argued that this was generally not the case in Sunderland. A number of explanations as to why this occurred have been offered.

However, I am also conscious that this study may raise more questions than it answers. Fundamental factors involved with youth justice, for example, magistrate's understandings of young offenders and the culture of the courts require far greater assessment, as do policing methods and the views of law enforcers. In essence are they with us or against us? How, if against us, does this impact on their methods of policing and of manipulating policy? The views of young offender's involvement within the new system, and in particular the social relations which brought them to it in the first place, have been widely neglected within the current climate of evaluation research, creating a void within our understandings of contemporary youth crime and the youth justice system. These and other connected areas of youth justice require far more substantive areas of study. Such research will perhaps broaden our knowledge regarding how to set about addressing the conflicts and contradictions that are embedded within this system of social control.

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Appendix A

A Dispossessed City: Chewing on the Gristle of a By-Gone Era

Introduction

In 1992 Sunderland was afforded the title of 'city'. As the largest urban conurbation between Leeds and Edinburgh with a population nearing 300,000, it was widely expected that in being made a city many of the post-industrial downturns experienced by the town could be improved. City status was expected to provide Sunderland with far greater appeal for inward investment, providing a way out of the disastrous social and economic consequences experienced in the town due to the decline and subsequent death of its former industrial base. This, as this section of the thesis will argue, has not been the case.

Social exclusion is deeply entrenched in Sunderland and the consequences of aspects from that exclusion will be discussed here. This section I believe is important as it sets the scene and describes much of the structural and contextual understanding of the place where the young offenders committed their crimes and experienced their social exclusion.

They were, in the vast majority of cases, young people who faced a range of issues that have been identified as social, political and economic factors widely acknowledged as contributory factors associated with the notion of social exclusion. They generally lived in the 'rougher' parts of town, they were without mainstream education in a town that possessed low basic indicators of average school achievement; poor health; high unemployment and a startling level of working aged people who were 'incapable' of work. It is a poor city and these were poor white young people. They fitted the bill ideally of many criminological and sociological studies that have focused upon poor working class young men as a culturally deviant social stratum (see, for example, Mayhew, 1983; Mays, 1954, 1972; Downes, 1966; Anderson, 1992; Willis, 1977; Corrigan, 1979; Bourgois, 1995; Wilson, 1996).

As a working class town which developed rapidly during the 18th and 19th Centuries the economic prosperity and development of the town were imbedded within the heavy industry of coal mining and the craft and of shipbuilding of the 18th and 19th centuries. These two main employment industries provided much of the economic and social context of the town for approximately three hundred years.

Shipbuilding: It's Just a Rumour That Was Spread Around Town

Sunderland has a long and proud tradition of being one of the most productive shipbuilding towns in the world during the industrial epoch. Alongside coal mining, shipbuilding remained a relatively constant mainstay within the town, over a three hundred year period. However, this is not to neglect that these industries were open to the effects of the market, and the subsequent fluctuations that occurred during this period of time of which "Shipbuilding was undoubtedly a precarious commercial venture" (Clarke, 1981: 85).

The height of Sunderland's economic role and as a prominent town of the industrial revolution occurred between the mid-1800s and early 1900s (Corfe, 1988). This period epitomised the town's heyday until the depression of 1907-08 brought to a close Sunderland's rapid growth (Dennis, 1970: 135-138). During the 1920s and 1930s the North-eastern region and subsequently the town had 'the reputation of a depressed, poor town-a northern relic of some old forgotten, far-off time' (ibid).

During the 1930s many of the town's slums were demolished and their inhabitants re-housed. During the mid-thirties 445 families were re-housed by the local authority. Previously they had occupied 881 rooms in the slums. In their new council houses they occupied 1,671 rooms (Dennis, 1970: 151). However, this did not mean that the dispossessed working class position had been dramatically improved. A study by the Sunderland Medical Officer of Health (MOH) undertaken in 1936, found that nearly one half (44 per cent) of the relocated families from the slum areas of the town derived all of their incomes from public sources i.e. Unemployment Insurance Board; Unemployment Assistance Board; Public Assistance Committee or, from a combination of welfare payments from all three agencies. A further 33 per cent derived part of their income from these agencies. In total 77 per cent of the sample population derived their incomes from welfare payments (Dennis, 1970: 153). As will be discussed at a later stage in this Appendix the town has continued to have a sizeable state welfare dependant population.

Because of its industrial background, Sunderland failed to shake off the consequences of its over-reliance upon its heavy industrial economic base within the post-industrial milieu. The town has, and continues to be, a dispossessed, marginalized, and socially excluded area. As Robson stated in 1969, within the context of the post-industrial milieu the town was struggling to adapt to the changes within the economic and political climates.

> Sunderland is a town which is living on the dwindling fat of its Victorian expansion. The legacy of the Industrial Revolution is apparent in its appearance, its industrial structure, its population growth and in a host of social and economic characteristics
>
> (1969: 75)

Bauman has suggested that the move from the society of producers which the town of Sunderland was built around and upon, to the dispossessed position the town now finds itself situated within, as the society of consumers have left the poor of this world without a 'useful function (1998). The culture that is still evident within the town is one of dispossessed 'traditional workers' (Weber, 1976). Work, for works sake and stripped of its previous meanings except as a means of survival has fundamentally altered to a far greater degree the levels of exclusion within this former working-class enclave. As Bourdieu (1990) has argued, consumption and the many levels in which it can be engaged with fulfil a social function in the legitimisation of social differences related to those consumer distinctions. In a number of ways the dispossessed of this city remain 'traditional consumers' and thus, 'flawed consumers' (Bauman, 1998). And of course, this factor assists in maintaining the deeply rooted and concentrated level of poverty in the town which impacts upon and maintains the consumer economy found within it.

> As contemporary capitalism goes, they are a lost-and-hopeless case. There is no point in appealing to their 'repressed desires' and trying to sow new ones. No wonder they are seen as a needless burden; the one service they could render is to quietly disappear, at least from view
>
> (Bauman, 2002, 96)

An attempt through private-public partnerships in which to improve the transport infra-structure inter and infra regionally has fell well short of the expectations of those partners. The introduction of the Metro rail service to the town has not delivered on its intended expectations. The introduction of the Metro was intended to improve the antiquated transport-infrastructure (and some of its satellite housing estates) and to develop travel to and from the town. This has shocked and disappointed the rail operator and, one would expect the local council of Sunderland. The numbers of people expected to use the transport system just didn't turn up[52]. As to why this has happened is largely due to the over estimation by the operators of this public transport system to its intended passenger target group.

In 2002-2003 it was estimated than within the city of Sunderland 10 million 'units'[53] a year would travel by Metro in the town. The figure for actual users fell well short of this expected total at 3.7 million passengers. This resulted in a 6.3 million short-fall which accounts for a quite spectacular over-estimation by the rail operator and local council.[54] The employment user profile of Metro passengers in the South Hylton district of the town during 2002-2003 were, 27% full time employees, 19% part-time employees and 1% self employed.[55] In total this amounted to 47 per cent of working passengers using this system, in the main, to travel to and from work which in hard data amounts to 1,739,000 (multiple) work rides over a one year period. I was informed by an official at this company that '*the town's level of social exclusion is of course is a major cause for this shortfall in passengers*'[56].

It's Shrinking In Size, But it's Not Healing

A sure sign of the growth or decline in an area's status is the movement of people into, and away, from that area. Sunderland is now a city from which people are turning away.

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[52] A quite ridiculous suggestion for this failure reported on the local TV news was that people from Sunderland wouldn't use the Metro and travel to Newcastle because of the longstanding, intense, and ingrained local rivalries that exist between the neighbouring football teams, Sunderland AFC and Newcastle United.

[53] A 'unit' represents a 'single' ride.

[54] This information was gleaned through personal correspondence with a senior Nexus/Metro official on Tuesday, 20 May 2003.

[55] ibid

Table Eleven

Sunderland Population Estimates and Projections 1961-2011

1961	1971	1981	1991	2001	2011
287,000	293,000	297,300	296,000	287,700	275,000
Year	1961-71	1971-81	1981-91	1991-01	2001-11
% Change	**+2.3**	**+1.3**	**-0.3**	**-2.9%**	**-4.2**

(Source: TWRI, 2000)

The post-industrial milieu has witnessed a continued flight of people from the town. During this decade (2001-2011) as is estimated by the above forecast, the population will continue to fall by approximately 4.2 per cent from the previous decade. It is fair to suggest that this movement of people away from and the lack of migration to the city is employment focused.

> The overall rate of employment growth in the North east since the war has been slower than the national average, fluctuating with national and regional conditions of prosperity and depression, and with an unemployment rate typically double that of the UK.
>
> (House, 1969: 58)

Attempts to diversify the industries within the town to take over the fading industries during the 60s, 70s and 80s have, in the main, failed to reinvigorate the overwhelming decline of the previous industries and the town's internal economy (Stone, Stevens and Morris, 1985: 116). The result of national and local policies has resulted in:

> The prospects for the local economy given the constitution if policies similar to those which have been in force for the last six years, is one of

---

[56] ibid

> continuing general decline, with a marked difference between the performance of the older industrial parts of the Borough-suffering increasing unemployment, high rates of out-migration and income deterioration
>
> (ibid: 118)

House describes the town as, 'self contained community life and a distinct community blend, with greater problems in general, through the degree of dependence on shipbuilding and the need to widen the range of industries' (1969:20). However, the region and the town itself have been here before and encountered a continual:

> ..slight net exodus of people which has characterised the North east ever since.. a net loss trickle of 19,000 in the 1800s became a net outflow of 33,000 in the decade before the First World War, rose to a great net ebb-tide of 141,000 in 1911-21, and culminated in a massive net out-migration of more than 190,00 between 1921 and 1931.
>
> (ibid: 45)

Manufacturing in the city employs a far higher proportion of the workforce than it does in comparison to the national picture having increased in Sunderland while decreasing nationally (City of Sunderland, 2000: 15). The service sector employs approximately around 67 per cent of the workforce, whereas nationally this figure has increased from 67 per cent to almost 76 per cent during the last decade (ibid.). This, if speculative economic forecasts and accounts are correct, may continue the trend of economic and unemployment hardships of this city. 'Analysis suggests that Sunderland could be vulnerable to a downturn in some high volume, lower skill manufacturing sectors, but has the potential to expand considerably both its higher skills niche manufacturing and its service sector' (ibid).

The town as with many other urban conurbations in the North east, has a history of dependence on externally owned manufacturing firms and has suffered from the short duration of their investment and propensity to shed jobs (Charles, 2001: 87). In order to compensate for lost manufacturing Sunderland, as with the North east in general, has had to compete with other less prosperous areas for inward private investment in which to attract the new service employers, mainly in the form of call

centres (Richardson and Belt, 2001). In 2002 call centres were the highest contributors to the net overall employment growth in the region (ibid.).

However, with a generally poorly skilled existing workforce and continued low levels of educational attainment evident in the town, a fundamental weakness exists in attracting firms to locate business in Sunderland. The land and labour may be cheap (although within a globalized context of a world economy both of these can and will be exploited elsewhere in developing nations) yet, without the skills the workforce remains uninviting within the current economic climate for potential inward investors. During the 1980s and early 1990s shipbuilding and coal-mining in Sunderland went the way of the 'lamplighters and knockers' up' (see Hobbs, 1995: 96). Manufacturing (food, chemicals, and textiles) also encountered losses (Stone, Stevens, and Morris, 1985: 49). However, these manufacturing losses were comparatively small sectors of the remaining overall employment in the area (ibid).

In the same study it was found that the role of local government was an intrinsic aspect of the local economy. In 1981 public sector employment in Sunderland stood at 42 per cent while the national average for this employment at the local level stood at 30 per cent (ibid: 115). The towns long-drawn dependence upon an industry subject to sharp fluctuations in business first recognised in 1908-1909 (Corfe, 1988) as recession through the decline of shipbuilding impacted upon a massive scale of job losses.

It was the fall of the remaining bastion of the masculine employment sector, engineering and its associated allied industries, which were the more significant at this time and these losses where almost twice the national rate (see, Stone, Stevens, and Morris, 1985: 52). This resulted in not only job losses and the effect this would have upon the town's economy, but, also in the masculine identities of those male workers and their male off-spring now dumped lock, stock and begrimed barrel within the post-industrial setting (Campbell, 1993; Winlow, 2002). Sunderland now stands as the embodiment of a 'clapped-out industrial dump' (Byrne, 2001:59) created by far too many aspects of the negative processes of de-industrialisation. The economic downturn encountered by the city during the protracted process of de-industrialisation of course makes headway into the social and the cultural aspects of the town's composition (Anderson, 2000).

The basic employment skills' levels of the city's population are low. For example, "42% of the population aged 16-60 have low or very low numeracy skills in Sunderland, compared to 33% in England as a whole" (Basic Skills Agency, 1998. Quoted in, City of Sunderland, 2000: 13). This may well be the continuation of a

cyclical cultural trend within the town in which the workforce skills (or lack of them) may well be a consequence of previous generations low educational attainment levels. "A socially telling statistic is the low proportion of Northern children staying on at school age beyond the age of 15, [North 36 per cent; UK 46 per cent]" (House, 1969:51).

GCSE results in the town have continued to remain well below the national average for higher grade passes. In 1997, 93.7% of Sunderland's pupils gained at least one A-G pass, compared with 94.0% nationally but only 35.2% gained five A-C grades compared with the national figure of 43.3% (OFSTED, 1998). Thirty years on and this highly important aspect of the town's long-term prospects continue to appear to be interconnected with a cultural misgiving relating to the education of the town's children.

Robson's (1969) urban geography thesis of Sunderland focused upon the human ecology of the town, its working class culture, and its associated attitudes to education in the area. Testing a hypothesis of the multivariate sub-areas of attitude to education and neighbourhood placement it was found that:

> The neighbourhood, or the immediate physical and social environment in which people live, is an important source of some of these common forces which influence the development of attitudes towards education.
>
> (Robson, 1969: 199)

The study did not rely solely upon 'neighbourhood' as the only variable worthy of consideration. Robson, employing the classic Chicagoan sociology of the early twentieth century also took into consideration the importance of the, "home, the workplace, the neighbourhood, the influence of relatives, and of other formative factors' (ibid) which contribute to 'moulding the attitudes that develop, will depend on the particular 'social world' of each individual' (ibid: 200). The findings presented from this research suggest that the development of attitudes towards education inhibited the development of favourable ways of thinking about education in certain areas while encouraging it in others (ibid: 215).

School performance, educational attainment and college/university aspirations have continually been found to be governed (to a very large degree) by social class (see

for example, Downes, 1966; Bourdieu, 1974; Hargreaves, 1967; and Corrigan, 1979). Bourdieu suggests,

> The same objective conditions as which determine parental attitudes and dominate the major choices in the school career of the child also govern the children's attitude to the same choices and, consequently, their whole attitude towards school.
>
> (1974: 74)

Social Exclusion

As has been suggested throughout this section, the town has been and remains predominantly working class. It has been argued throughout this chapter that for a significant section of this population the cyclical nature of poverty has impacted upon the town since its industrial development and this has continued until the present day.

The social, political and economic spheres at local and national level impact upon individuals and groups and their shared social dynamics. As Byrne states, "When we talk and write about 'social exclusion' we are taking about changes in the whole of society which have consequences for some of the people in that society" (1999:1). The consequences for 'some of those people' in the town have resulted in a continued cycle of 'deprivation', 'exclusion', 'poverty', 'dispossession' or, 'marginalisation' throughout their relationship with the town and its industrial and post-industrial legacy.

The formation of a 'lowly' class of people be they, 'the lumpen', 'the 'poor', 'the excluded', 'the surplus', 'the residuum', 'the underclass' or, as Geoff at the BSS Office would often remind me 'the scumlies', have long been the formation of, and also at the receiving end, of the consequences of the social, political and economic. Like Byrne, (ibid.) I also prefer Madanipour's definition of social exclusion:

> Social exclusion is defined as a multi-dimensional process, in which various forms of exclusion are combined: participation indecision-making and political processes, access to employment and material resources, and integration into common cultural processes. When combined, they create acute

> forms of exclusion that find a spatial manifestation in particular neighbourhoods.
>
> (1998: 22)

Most of the town's inhabitants are of course integrated within a common cultural process, are working and engaged with obtainable material resources. However, the clusters of entrenched poverty and wider social exclusion in the town raise issues relating to the cultural aspect of what some have considered as an 'underclass' of the population.

For Byrne (1999), social exclusion although manifesting in a localised context through the decline of manufacturing industries, the development of a fragmented service sector employment market and the subsequent structural unemployment this has resulted in a structural dynamic affair. For areas such as Sunderland, social exclusion becomes localised in its impact but is a global phenomenon in its causes. Byrne argues:

> The crucial element for any understanding of the nature and implication of social exclusion is a grasp of the significance of the real dynamics of social life under post-industrial capitalism. These dynamics are very different from those of Fordism. Indeed they are probably different from the dynamics of advanced capitalist societies between the 1860s and 1970s.
>
> (1999: 126)

Byrne's argument moves on and away from individualistic accounts of flawed people creating their own exclusion from social 'norms', to an account of those 'doing the excluding'. In short, the exclusion is done by some people onto other groups of people. In this context social exclusion derives from inequality (ibid: 137).

Murray's highly (politically) influential *Losing Ground* (1984) and its bastardized British sequel, *The Emerging British Underclass* (1990) essentially focused upon an individualistic account of an inadequately motivated underclass, creating their own self-exclusion and withdrawal from mainstream society, aided and abetted by the state and an over generous welfare system. His account relates to a state of

'dependency' in which, according to Murray, even when jobs are available the underclass will not take them.

This style of attack upon those 'social misfits' relates to the unintended consequences of poorly thought out social policies which have created the materialization of the compilation of individuals unwilling to work and accept personal responsibility thus creating a 'culture of welfare dependency' through the refusal of 'poor work' and 'shit jobs'. Lewis's (1966) reference to a 'culture of poverty' was subsequently picked up by the American New Right although as Byrne points out, "those who picked up the idea failed to pay any attention to the role that Lewis assigned to culture as a resource of the poor" (1999: 20). Dennis (1997) and Dennis and Erdos (1992) 'ethical socialist' stance provided a UK based view, mirroring in many aspects the New Right position, of absentee fathers and inadequate parenting skills of the new residuum as a crucial factor in creating a cyclical trend of dispossession and deviance.

For Wilson (1987, 1990), the problems for dispossessed social groups are located within the political and economic systems failure of the provision of work. The subsequent pockets of social isolation in which the notion of an absence of positive role models and the spatialized isolation of employment, are the central and most poignant factors relating to social exclusion. Wilson relates the dynamics of urban spatial change to the de-industrialised processes of political, economic, and social changes to the cultural impacts or, perhaps collision, upon particular social groupings within those isolated settings.

Rather than purporting an individualistic account Wilson (1987, 1996) and Wacquant and Wilson (1989), deal with a social collective aspect of social exclusion and in dealing with 'numbers' rather than 'individuals' shifts the analysis away from individual (flawed) status toward disposed collective social groupings. The 'hollowing out' (Lash and Urry, 1994) of state involvement and intervention at this stage of capitalist development and 'high modernity' (Giddens, 1991: 28) has created a 'risk society' (see, Beck, 1992) in which the spatial polarisation within the post-industrial milieu have shaped terrains in which:

> …today's underclass…inhabit a space characterized by a deficit of economic, social and cultural regulation. In such spaces older organized capitalist social-structures-industrial labour market, church and family networks, social welfare

> institutions, trade unions-have dissolved or at least moved out…unlike the spaces of the city centres and the suburbs they have not been replaced by the information and communicative structure.
>
> (Lash and Urry, 1994: 8)

The consequence of this has created a greater degree and concentration of urban spatial polarization (Byrne, 1999: 109). This is of course nothing new. The classical work of the Chicago School sociologists provided great detail of the urban ecology of the city and the symbolic interactionist studies of the urban area and the social groups that inhabited them. It was often the case that these types of studies found distinct and at times somewhat conflicting sub-cultural practices to those of the mainstream norms (see, Downes and Rock, 1989 and Massey and Denton, 1993). Engels (1969) provided insight of the distinct differences of the industrial working class and their spatial differences to that of the middle class sense and sensibilities during the mid-nineteenth century. Mayhew's (1983) chronicles of a 'London Underworld' and its 'rookeries' as separate and distinct sinks of iniquity provided intriguing accounts of the fractures in the socio-spatial structure of Victorian English society (also see, Chesney, 1970).

Anderson's (1998) *Streetwise*, clearly focuses on the largest problems of the Village-Northton community, poverty, drugs, lack of trust between blacks and whites, which is a problem of any large city in America. The working class of America is often banished to ghetto or low-income areas because the wealthy take their homes in the name of gentrification. Most of the people of the Village lack the street wisdom that is necessary to live in the city and especially in this specific area where contact with people of other races occurs daily. Fear and uncertainty are poorly hidden behind the faces of these residents who act out of this fear of blacks rather than attempt to learn the street wisdom that would enable them to live more comfortably in their community. By placing some of the blame on the de-industrialization of Eastern City and some of it on the federal government's economic plans, Anderson tries to explain why the rich are getting richer and the poor are getting poorer. The low skill, low education jobs have moved away from the city leaving unskilled and poorly educated workers without real job opportunities. They are forced to work at fast food restaurants and other low paying jobs that rarely pay enough to support themselves and their families. The US government's discontinuation of many welfare programs also contributes to the decline of the poor. They can no longer rely on supplemental

income from the government, which puts these people in desperate situations and they often turn to crime or they try to leave their neighbourhoods in search of better opportunities.

In the context of a British underclass much of this rings true (albeit removing the distinct racial element found in most of the US studies) with the 'new', lumpen, residuum, underclass, the excluded located within the inner-city sink estates or the dispossessed city edge satellite council estates (see Campbell, 1993; Byrne, 1999). Yet, as Young suggests, "there is no such precision here: the poor are not as firmly corralled as some might make out" (2002: 469). Citing Mooney and Danson's (1997) study of social exclusion in Glasgow, Young (ibid) argues that the concept of the 'dual city' (not in the issue of social divisions but,) in terms of distinct borders is misplaced as:

> …*within* peripheral estates there is a marked differentiation between the various component parts in terms of unemployment, poverty and deprivation. This is almost completely neglected in the dominant picture of these estates which has emerged in recent years which stereotypes the estates as homogenous enclaves of 'despair' or 'hopelessness'.
>
> (Mooney and Danson, 1997: 84-5)

Mooney and Danson present a strong case that dispels the notion that within these estates a homogenous static class structure exists. They found that variables within the class structure were present and visible and although social exclusion and poverty was rife attitudes to that poverty differed. In many ways the study reinforces the previous infra-class definitions that were constructed within definitions of the 'rough' and the 'respectable' working classes.

Young's (1999) *The Exclusive Society* traces the transformation of relative deprivation in late modernity and the likely impact of this on the quality and nature of crime. Relating the 'golden age' of the 1950s and 1960s to that of the period of 'high modernity' in which he claims contradictory elements within society have emerged from that 'golden age' of a social embeddedness, and a strong sense of personal and social narrative and attempts to assimilate the 'deviant', the immigrant and the 'stranger', to the generation during high modernity of, "both economic and ontological insecurity, a discontinuity of personal and social narrative, and an exclusive tendency towards the deviant" (Young, 2002: 465). However, Young's

analysis provides a somewhat wistful account of the social construction and labelling of the 'lowly' and deviant classes. This neglects the consideration that the 'rough' and 'respectable' may have always been amongst us and that the historical accounts of the 'deviant' class present evidence that the 'golden age' never quite existed in the romanticised image that is often conjured up in discussing accounts of the working class (see, for example Pearson, 1983).

Bauman's (1998) analysis of capitalist restructuring and the social positioning of the 'reserve army of labour' argues that the 'New Poor' are surplus requirements in both the production and consumption within the consumer society despite the underclass's similar aspirations relating to material wealth. For Bauman;

> The underclass offend all the cherished values of the majority while clinging to them and desiring the same joys of consumer life as other people boast to have *earned*. In other words, what Americans hold against the underclass in their midst is that its dreams and the model of life it desires are so uncannily similar to their own.
>
> (1998: 73)

Having discussed a number of theoretical perspectives of social exclusion it is to Sunderland that we now return to in order to. Here I assess a number of key areas relating to the town's economic and social position and these indicators of socio-spatial exclusion within the town. Housing statistics in the town are as follows:

Table Twelve

Housing Statistics: Number of Dwellings April 2000

Type	Number
Owner occupied	74, 122
Local authority	37, 869
Housing association	4, 695
Other public sector	80
Privately rented	4,684
Total	**121, 450**

(Source City of Sunderland, 2001)

Table Thirteen

Average House Prices November 2000

Housing Type	Sunderland	UK Average	Difference
Detached	£104,626	£162,589	**£57,963**
Semi-detached	£53,663	£92,260	**£38,597**
Terraced	£35,816	£80,014	**£44,198**

(Source: City of Sunderland, 2001)

Unemployment

In 2000, the unemployment rate of the city totalled approximately 7.5 per cent. These figures should be treated with caution as they are based on the official claimant count regarding the number of individuals claiming benefit and actively seeking employment. It should be recognised that the number of claimants underestimates the real number of people looking for work. In some instances in Sunderland there exist pockets where unemployment w as more realistically levelled at 40 to 50 per cent of the working population (City of Sunderland, 2000).

A survey conducted by the local authority found that in one ward of the city (Thornley Close) only 25 per cent of people were actually employed in paid employment (City of Sunderland, 2000:12). In 2001, 'the unemployment rate in the City is 5.9% compared with a national rate of 3.1 %. Whilst significantly higher than the national figure, the Sunderland figure also masks concentrations of deprivation and high unemployment in particular wards of the City, where the unemployment rate reaches 11%'(City of Sunderland, 2001:21).

An interesting dilemma occurs here as to the use of data within the same local authority. *The Economic and Development Strategy* (City of Sunderland, 2000) claims that in some wards clusters of unemployed people total between 40 to 50 per cent, yet one year later, the *City of Sunderland Partnership Community Strategy* (City of Sunderland, 2001) estimate the upper level total of unemployment within particular wards as 11 per cent. A 29 to 39 per cent reduction in one year appears too far-fetched to be achievable no matter what the economic strategy. Over-estimations, exaggerations, and miscalculations do of course occur, yet, it would be reasonable to

expect an economic and development strategy to get the sums right. No matter what the 'true' or 'realistic' picture of unemployment (in real terms) rates in the City of Sunderland, it is clear that the local authority and its partners have a difficult task at hand in dealing with a continual cycle of social exclusion in the town.

Jarvis and Jenkins (1997) analysis of 'low income dynamics' comprised of 5,500 British households. The research found that despite the large degree of low incomes within these households, a small and relatively consistent sub-sample remained persistently poor more strikingly was that there appeared to be a relatively large number of escapees and entrants into, and out of financial hardship from one year to the next. Of the sample, almost one-third had experienced levels of low income at least once during a four-year period (ibid: 136).

The group with low-income at all four stages of the research interview schedule mainly comprised of, single pensioners, and families with children headed by a couple or lone parent who were not in work. The definition of 'low income' in this study over its four year period examined income measure levels, net income and uses the same definition of the DSS as 'before housing costs'. The net income of participants was the same for all household members and 'hard cash' from all sources, minus direct taxes, income tax and National Insurance contributions. It was found that a widespread persistent poverty problem existed for these households with 9.8 per cent having had at least three low income spells; 17.9 per cent having had two; and 31.3 per cent having had one period of low income during the four year period.

This study found that from one year to the next, significant numbers of both low-level income escapees and entrants become trapped in a cyclical motion of poverty (ibid: 140). In time there is a significant 'churning over' of the low-level income population and of their 'poor work and social exclusion' (ibid).

Atkinson's (1999) study explored the contribution of modern economics in order to understand the relationship between the 'meaning' and causes of social exclusion. Atkinson argues in a similar vein to Jarvis and Jenkins (1997), that unemployment does cause social exclusion but that a job does not necessarily equate to social inclusion. Employment, it is argued, must be acceptably paid and hold out prospects for the future and in short, dead-end jobs are not the answer.

The local economy of Sunderland is of course considerably matched to that of the regional economy of the North east (although it is noted that differences within this economic barometer will exist). The economic long-term forecasting within Tyne & Wear demonstrates that the region, with Sunderland in particular, has a relatively weak

business link within the globalized economy. Tyne & Wear accounted for four per cent of all British participants on 'New Deal for Young People' and 3.3 per cent of the British total on 25+ 'New Deal' and the average earnings are significantly lower than the British average (Tyne & Wear Research and Information, 2000 :2). All of these economic implications will have severe negative implications upon specific sectors of the town's population.

And, On a Sick Note

Townsend, Phillimore and Beattie's (1986) study of early 1980s deprivation of the North-east region found that Sunderland possessed five of the regions twenty-five 'worst' deprived wards (1986: 89). Employing indicators of unemployment, car-ownership, home ownership and overcrowding (in homes) this study found deep-pockets of long-standing deprivation in a number of Sunderland's wards. The study also found that those on 'permanent sick' were relatively high. As the following table demonstrates, 'sickness' and 'incapacity' rates of the local population have remained at a higher than average level.

Table Fourteen

Permanent Sickness Figures 1986

England & Wales	N. Region	Sunderland
/	59, 493	**6, 497**
1.8%	**2.5%**	**2.9%**

(Source: ibid: 105)

The authors relate the levels of permanent sickness within the region (and the town) as a consequence of the industrial employment period relating to the levels of poor health in the town. They also make the connection that equates 'sickness' to economic deprivation as being closely associated.

The numbers of people in the town suffering from long-term illness or who are incapable of working throughout the North east region are substantial. Sunderland tops the league of numbers of people receiving (100%) incapacity benefit in Tyne and Wear with a staggering 22,094 (Tyne and Wear Research and Information, 2000:48). The salient rise in sickness/incapacity rates, 1986-2002, present a quite remarkable increase.

Table Fifteen

Increasing Incapacity Benefit Recipients (1986 & 2002)

Date	Total	% Increase
1986	6,497	/
2002	21,500	331%

(Source: Townsend, Phillimore and Beattie's, 1986; National Statistics, 2002)

It may expected that the levels of incapacity to be higher during the 1980s (the swan song of the town's industrial base), the heavy industrial work would have taken its toll upon many employees. The most recent figures (above) are impossible to analyse as to what ailments are the main incapacitations for this group from the town's population. This of course may be a legacy of the former heavy industries found on Wearside, for example, shipbuilding and coal mining.

Incapacity benefit claimants in the city are over represented in contrast to its population size. The following table highlights the scale of the incapacitated work aged population.

Table Sixteen [57]

Working Aged Incapacity in the City of Sunderland: Number of Incapacity Benefits Claimants, August 2002

Male[58]	Female[59]	Total
12,900	8,600	**21,500**

(Source: National Statistics, 2003)

If a comparative analysis of the working population to that of the incapacitated claimants is applied the following data are assembled.

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[57] The data for this chart was supplied as personal correspondence by a contact at the National Statistics Office, Newcastle upon Tyne in Jan. 2003. The figures are rounded to the nearest hundred and are based on a five per cent sample and are therefore subject to a degree of sampling variation. The original source for the data are 'Income Statistical Enquiry, Department of Work and Pensions (DWP) Information Centre. August 2002

[58] This figure includes 3,500 cases where the claimant receives National Insurance credits only. Working aged males in this instance are aged between 16 and 64 due to differences in retirement age.

[59] This figure includes 3,500 cases where the claimant receives National Insurance credits only. Females are aged 16-59.

Table Seventeen: Incapacity Rate

(A) All Employee Jobs	(B) Incapacitated	(C) Difference (A-B)	(D) Ratio (B to A)
104,300	21,500	107,500	4.85

This calculation presents quite an outstanding figure of the number of incapacitated working aged population in the city. The number claiming Incapacity Benefit (Column B) is divided into the numbers of all employee jobs (Column A), and presents a remarkable ratio of approximately one in five of the working aged population in Sunderland are long-term incapacitated. The corresponding table (below) presents data that demonstrate the deep-rooted levels of the 'incapable' work force within the town.

Table Eighteen

Working Aged Population, Employment (EA), Incapacity in Sunderland 1999-2000

Persons 16-59	**EA[60] Adults (working) 16-59**	**Incapacity (Benefit) 16-59**	**Ratio 16-59 (Incapable/Working)**
171,400	124,100 (72.4%)	22,094 (17.8%)	**1 in 5**

(Source: DETR and TWRI, 2000)

These figures demonstrate the sheer scale of incapacity (perhaps as a legacy of the final stages of the town's overly romanticised ('industrial white finger', 'gammy leg' and, '*a bad-back*' included) industrial heritage. It is also suggested that the adaptation to the post-industrial milieu of the town has, and I suggest this without wanting to spoil a 'good thing' for those beneficiaries, adapted and deviated to the available options opened and facilitated by the State. The above table goes some way

in providing a snap-shot of the sheer scale of exclusion within the town. It does not however, demonstrate the full picture of the 'employment deprived' population of Sunderland. The 1998-99 figures for unemployment claimant benefit in the town totalled 9,773 (DETR and TWRI, 2000). Coupled with the 22,094 incapacity benefit claimants (ibid) in the town at this time the total number of 'employment deprived' totalled 30,302 of the employment aged population in Sunderland (ibid).

Table Nineteen

Employment Deprived Population of Sunderland 1998-1999

(A) EA Adults 16-59	124,100	Employment Deprived	Employment Deprived Ratio and %
(B) Unemployment Benefit Claimants	9,773	9,773	Ratio **Approx 1 in 4** (A – B and C)
(C) Incapacity Benefit Claimants	22,094	22,094	**%** **17.80** (B and C into A)
Total	**155,967**	**31,867**	/

(Source: DETR and TWRI, 2000)

The national average of Incapacity Benefit (IB) claimants in the UK in 2001 stood at approximately 7 per cent. Regionally, this figure stood at 15 per cent. In Sunderland the corresponding figure in 2000 was approximately 18 per cent.

Table Twenty

National, Regional and Local IB Figures

National	Tyne & Wear	Sunderland
2,800,000	74,025	22,084
7%	**15%**	**18%**

(Source: Tyne & Wear Research and Information, 2001)

[60] 'EA', Employment Aged

Nationally, one in three people between 50 and State Pension Age, 2.8 million in total, do not work and the proportion of men in this age group not working has doubled since 1979 (Cabinet Office, 2000: Sect. 4). Only a minority of those affected are affluent people who freely chose to retire early and almost half rely on benefits for most of their income, most commonly Incapacity Benefit. There has been no surge in volunteering, learning or caring among this age group (ibid). The Government argue that this situation causes poverty, exclusion and disillusionment for individuals. However, it was also exclusion from the employment market that drove many of them to this in the first place for of these incapacity benefit claimants, the majority generally sought out employment during their initial periods of enforced redundancy (ibid).

This should be noted as a long-standing (and perhaps cyclical) trend within the town. The 1991 Census of Population recorded substantially more unemployment in the Tyne & Wear region than the official claimant count for most groups. For both men and women over the age of forty-five the Census recorded unemployment at about a third higher than the claimant count (TWRI, 2002:6). The 1991 census also recorded that in Tyne & Wear there were large numbers of the population who described themselves as unable to work due to long-term sickness or disability. 'In Tyne & Wear, in 1991, 25,000 men aged 45-64, one in five of men in this age group, described themselves in this way as 'permanently sick' (TWRI, 2002:7).

Yet, in 1986 a total of 6,497 individuals in Sunderland were claiming incapacity benefit. In 2002 this figure totalled 21,500 of an approximate available workforce of 114,000. This increase in employment incapacity represents a stinging 331 per cent increase over a sixteen-year time scale. .

It been acknowledged that, 'the population of Sunderland has significantly worse health problems than with national averages with great variations within the city itself' (City of Sunderland, 2001:31) it is also clear that the sheer size of the 'sick note' problem may go well beyond the frequency of industrial injuries incurred during the industrial era that the town was once a major player within. In January 2002, male unemployment benefit recipients in the town stood at 8.9 per cent while female unemployment totalled 2.5 per cent. This totalled an unemployment level of 6.1 per cent (Office for National Statistics, 2002).

It is worth considering that the extraordinary levels of long-term incapacity in the town are very much an ailment of the post-industrial period. These are survival strategies that many of the claimants in the city have adapted to. The level of Income

Support Benefit claimants in the city also confirms the extent of some aspects of social exclusion encountered by large numbers of the population in the city. In August 2002, the total number of Income Support benefit claimants totalled 27,355. The number of people of working age in the city who are without, or cannot work, as a crude calculation due to the data being representative of different years, albeit, with a margin of five years, is approximately 48,855.

Summary

The consequences of the town's reliance upon two major industrial employment resources and its failure to diversify to the needs of the global economy were throughout its industrial progress, and continue to be in its post-industrial arena, a negative aspect of its progression. It was a working class town and is a working class town. Poverty, dispossession, and social exclusion (whatever terminology is in sociological vogue at any given point) have, and continue to impact upon large number of the town's past and present populace. It was, and is dominated primarily by the rough and respectable working classes in all most every aspect of consideration a post-industrial working class conurbation.

The North east has the lowest level of household income in the UK and a greater dependence upon Social Security benefits and pensions than average UK households (Tyne and Wear Research and Information, 2000: 10). In January 1999, 28 per cent of all school children in the town were eligible for school meals. In 1998, 21 per cent of the population were under the age of 16 and 20 per cent were aged 60 or over. Sunderland is ranked 15th highest deprived area by the Indices of Population 2003 (www.neighbourhood.statistics.gov.uk).

Sunderland has the unfortunate distinction of possessing nine of the most deprived 10 per cent of wards in England (Income Deprivation in Tyne and Wear, 2001:29). The town has twenty-five wards in total and nine of these are within the 10 per-cent of the most deprived in England. It is therefore fair to argue that approximately one third (36 per cent) of the population of the city reside in some of the most deprived and socially excluded neighbourhoods in England. Four of the wards (Southwick, South Hylton, Grindon, and Thorney Close) have child poverty scores of over 65 per cent (TWRI, 2001:29) and the majority of wards in Sunderland have child poverty scores ranging between 35 per cent and 55 per cent (ibid). Sunderland is a dispossessed City with large numbers of socially excluded individuals and groups

within its population. It is hardly surprising that due to the well established inter-connection between poverty and deviant behaviour that the town also has its fair share of young offenders. Pockets of deep unemployment have continued to exist. In many of those deep pockets of unemployment House referred to in 1969 a number of issues relating to the population's social exclusion remain unresolved.

Those areas remain poor dispossessed and 'rough' neighbourhoods. Within them are located a number of young offenders who are now discussed. Much of the analyses of the underclass is utilised as a generic term for young, unemployed people who commit crimes. Crime and deviance are often presented as the principle activities of the underclass (Murray. 1990). However, the range of criminal possibilities open to these socially excluded youths is limited. Yet, in many ways the crimes they commit are directly linked to their exclusion and the urban hazards they encounter in this town which relate to issues such as education, housing and health.