

## **Crime and the Criminal Justice System: Towards a Rational Policy for Wales**

### **Introduction to a series of Ideas Wales Policy Discussion Papers on Crime and the Criminal Justice System**

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It is notoriously difficult to discuss the subject of crime without eliciting strong and sometimes visceral reactions from people. It is also one of those policy areas in which the willing suspension of rationality by a politician can win her or him the very loudest applause at a public meeting or in front of a studio audience. When Prime Minister John Major said that we must “*condemn a little more and understand a little less*” he probably reflected the stunned public mood accurately following the shocking death of James Bulger. However, a rational criminal justice policy cannot be built on intellectually and ethically ill-judged soundbites.

Tony Blair’s response that we should be “*tough on crime, tough on the causes of crime*” made more sense and certainly resonated with the electorate. It is widely recognised that most crime is related in some way to inequality and social and environmental factors. At the same time, of course, there is recognition that individuals must also take some measure of responsibility for their own behaviour. In 1997, therefore, there was some hope that New Labour would strike the right balance and make good its avowed commitment to evidence-based policy; thus facilitating the conditions within which a more rational debate about crime and punishment could take place. Some would suggest that Labour subsequently surrendered its rationality in terms of its public pronouncements on, and responses to, crime: preferring to be loudly aggressive about criminals and quieter on the causes of crime. This is not entirely fair. Nevertheless, although Labour in government has been committed to tackling child poverty, investing in public services and supporting the vulnerable, the prison population has risen to dangerously high and record levels during a period when the overall trend in recorded crime rates has generally been downwards.

Privately, politicians generally express thoughtful and nuanced opinions about crime and the criminal justice system. They also report, though, that the nature of much media coverage of crime makes it difficult to hold a carefully considered public conversation on the subject. This is not to suggest that crime is one huge tabloid-driven moral panic and ordinary people are imagining a problem that doesn’t actually exist. The problem is, rather, that the terms of debate have been set in such a way as to make it difficult to discuss complex social phenomena in a scientifically informed, honest and carefully considered manner. Too often the currency of this debate is debased by simplistic soundbites and crude gesture politics; presumably in the hope that tabloid headline writers and populist opinion will be appeased. It is our view that people are ultimately ill-served by such failures to engage with ‘inconvenient’ criminological evidence.

It is perfectly understandable that people should wish to punish offenders, help victims and protect the innocent. As criminologists we understand and share such sentiments. We also understand that initial human reactions to crime tend to be emotional. On mature reflection, though, most people understand that it is better to tackle the root causes of crime to prevent it happening in the first place rather than simply building more prisons to accommodate an ever increasing custodial population. The UK frequently tops the league table as the country that imprisons proportionately more of its people than any other western European country.

On a rational level people realise it makes sense to tackle the social conditions likely to predispose a person to commit offences. There is also recognition that once an offender has been punished for a crime efforts should be made to rehabilitate the individual and reintegrate her or him back into the community. To remove someone from mainstream society by way of a custodial sentence may make sense in cases where a serious crime has been committed; but to socially exclude that same individual upon release is generally recognised as being counter-productive and even potentially dangerous. Public attitudes towards crime are, therefore, far more thoughtful than is sometimes assumed (Hough & Roberts, 1999; Roberts & Hough, 2005; and Haines & Case, 2007).

In these papers it is our modest aim to discuss the problem of crime in an informed, honest and rational manner, whilst at the same time recognising the emotional impact of victimisation and the corrosive effects of fear of crime, disorder and insecurity on the well-being of communities. Taking crime seriously does not necessarily mean responding to every offence and act of anti-social behaviour punitively. As social scientists we are committed to 'understanding a little more and condemning a little less'. As Labour-supporting democratic socialists, moreover, we are not only committed to a criminal justice system that treats individuals fairly, but also to a fairer and more socially just society. Ultimately, the concepts of criminal justice and social justice are indivisible.

The position we take appears to be consistent with the general philosophical orientation of Welsh Labour and the present Welsh Assembly Government. According to Drakeford (forthcoming), policy-making by government in Wales is guided by five principles. First, government – as opposed to the market – is the most effective means of resolving collective problems. Second, universal services are preferred to those rationed by means-testing. Third, the relationship between the individual and the state should be characterised by citizenship rather than consumerism. Fourth, the ultimate aim of public policy should be equality of outcome, not merely equality of opportunity. Finally, given the social, political and cultural diversity that exists within Wales, the politics of pluralism and participation should be celebrated. Whether every policy decision made by the Welsh Assembly Government can be said to reflect all of these five principles is a moot point. Nevertheless, in a political age often characterised as post-ideological, it is reassuring to note that clearly identified principles can still play a crucial role in policy formation.

The papers in this series do not attempt to delineate the contours of a perfect criminal justice system within a Welsh Utopia. Rather, they attempt to identify the principles upon which good policy and practice should be based and recommend specific policies that should be considered by a Welsh Labour government. The papers cover four substantive areas: social and criminal justice; child offenders and the youth justice system; substance misuse; and community safety.

Given the wide parameters of the subject and the level of policy detail contained in each of the papers, it is perhaps important at this point to identify the salient themes that emerge from the four papers. Firstly, there is the broad theme of social justice. If all citizens - including children and young people - have access to their social entitlements, then the risk of them entering the criminal justice system in the first place is likely to be significantly reduced. As a result, the communities in which people live are likely to be safer and happier places. For those citizens who do break the law, their eventual rehabilitation and reintegration can only be achieved through re-accessing those social rights. To that end proactive efforts must be made to re-connect ex-offenders with mainstream universal services. The alternative, allowing them to drift towards the neglected margins of our society, can obviously only have deleterious consequences for communities as well as the individuals concerned.

Secondly, care must be taken to avoid the unnecessary and inappropriate criminalisation of some offenders, especially those who might be considered vulnerable. In some cases this means recognising that the criminal justice system is not the most appropriate or effective place to deal with them: for example this might be the case for particularly immature young people, children in public care, substance misusers and those with learning disabilities or mental health problems. Such cases may sometimes be better dealt with via interventions delivered by agencies in the domains of Social Services, Education and Health. It should be borne in mind that the criminalisation of developmental, educational, social and health problems can exacerbate vulnerable individuals' personal difficulties and simply accelerate their passage into social exclusion.

Thirdly, community safety can be improved by effective professional leadership, clearly identified roles for agency and community partners, and improved democratic participation and accountability at local level. Ultimately, individuals should feel empowered to improve the quality of life in their own neighbourhoods.

In conclusion we would wish to express the hope that these papers on crime will help to stimulate an honest, rational and evidence-based debate on the subject. It is our hope that we in Wales can promote a progressive criminal justice system befitting of a tolerant and socially just 21<sup>st</sup> century society.

## **References**

Drakeford, M (forthcoming) 'Devolution and Youth Justice in Wales',  
*Criminology and Criminal Justice*, 10:2, 2010

Haines, K & Case, S (2007) 'Individual Differences in Public Opinion about Youth Crime and Justice in Swansea', *Howard Journal*, 46: 4, 338-355

Hough, M & Roberts, J (1999) 'Sentencing Trends in Britain: Public knowledge and public opinion', *Punishment and Society*, 1:1, 11-26

Roberts, J & Hough, M (2005) *Understanding Public Attitudes to Criminal Justice*, Maidenhead: Open University Press

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