

The Self-Policing Society

Charles Leadbeater

DEMOS

Open access. Some rights reserved.

As the publisher of this work, Demos has an open access policy which enables anyone to access our content electronically without charge.

We want to encourage the circulation of our work as widely as possible without affecting the ownership of the copyright, which remains with the copyright holder.

Users are welcome to download, save, perform or distribute this work electronically or in any other format, including in foreign language translation without written permission subject to the conditions set out in the Demos open access licence which you can read [here](#).

Please read and consider the full licence. The following are some of the conditions imposed by the licence:

- Demos and the author(s) are credited;
- The Demos website address (www.demos.co.uk) is published together with a copy of this policy statement in a prominent position;
- The text is not altered and is used in full (the use of extracts under existing fair usage rights is not affected by this condition);
- The work is not resold;
- A copy of the work or link to its use online is sent to the address below for our archive.

By downloading publications, you are confirming that you have read and accepted the terms of the Demos open access licence.

Copyright Department
Demos
Elizabeth House
39 York Road
London SE1 7NQ
United Kingdom

copyright@demos.co.uk

You are welcome to ask for permission to use this work for purposes other than those covered by the Demos open access licence.



Demos gratefully acknowledges the work of Lawrence Lessig and Creative Commons which inspired our approach to copyright. The Demos circulation licence is adapted from the 'attribution/no derivatives/non-commercial' version of the Creative Commons licence.

To find out more about Creative Commons licences go to www.creativecommons.org

Contents

Acknowledgements	vi
Summary	1
Introduction	2
The punitive state	7
Explaining our fatalism	9
Justifying punishment	13
A public health approach to crime	17
The self-policing society	19
Punishment in the community	25
Alternatives to the prison	29
Conclusions	33
Notes	34

Acknowledgements

Thanks are due to Rachel McGough and Sarah Gregory for their assistance in researching this subject.

Summary

Fear of crime is endemic. We want criminals to be caught and punished. We are not convinced that simply using more police and building more prisons is the answer. But there seems to be no alternative.

As a society we employ an outsourcing approach to crime: we expect specialist institutions – the police and the prison service – to solve most of our problems for us. When they fail we are not sure what to do. We want criminals to be punished yet we know prison is an expensive way of delivering punishment, that all too often leads to re-offending. We are trapped with a punishment deficit: the supply of effective punishment cannot match our demand for it.

We need a new approach to both policing and punishment. The aim of policing policy should be to create a society better able to police itself through community self-help. I recommend a range of policies including creating a managed market in policing, the introduction of a modernised version of the simple, ubiquitous police box, the development of street watch schemes and neighbourhood constables.

We also need a new approach to punishment, which is cost effective, tough, safe and promotes rehabilitation. We need to shift away from prison towards punishment in the community with an innovative range of intermediate sanctions. These would be focused around local prisons and home detention. This punishment in the community programme could be delivered largely by a volunteer, community probation service, modelled on the highly successful system in Japan.

Introduction

We live in a culture of perpetual nervousness. And there is nothing that makes us more nervous than crime. Our daily lives are measured out by the steps we take to protect ourselves. Double lock the door; check the alarm is on; don't forget to remove the stereo from the car; alarm the car; don't walk down that dark alley; don't go out alone at night. All this helps us to feel safer. It imposes a semblance of order upon fears, which are fed so generously by the media. And we excite our own sense of insecurity with the stories we tell one another of burglaries foiled and suffered, of local muggings and murders. Crime has become central to the story we tell ourselves about the way society's moral fabric is fraying, falling to bits even, eaten away by the disappearance of civic spirit.

According to a MORI poll in 1995 about 85 per cent of people believe the likelihood of becoming a victim of crime has risen over the past ten years. This fear of crime affects women and old people disproportionately. More than 60 per cent of women and almost 30 per cent of men over the age of 60 feel unsafe walking alone at night. Among women aged 18 – 34 about 58 per cent felt unsafe walking around at night, compared with about 11 per cent of men in the same age group. Almost 40 per cent of women in this age group said worries about crime affected how they conducted their everyday life, compared with just over 20 per cent of men.

The pervasiveness of our fears about crime is partly evidence that we are not entirely sure what it is we fear. Which of us could say for

sure whether the risk of being murdered has gone up or down in recent years? How does our burglary rate compare with five years ago? The truth is that 'crime' has become a metaphor for the state of society. We express an inchoate worry that our civic principles are collapsing, by talking about our fear of crime.

Crime and how it should be punished is the most actively debated subject in Britain, not just in parliament and on television but across dinner tables and in bars. Hardly a day goes by without Michael Howard or Jack Straw launching a crime busting initiative – zero-tolerance policing, mandatory sentencing, three-strikes-and-you're out sentencing, teenage curfews, latter day chain gangs, short sharp shocks, new prisons, more police officers, a crackdown on squeegee gangs, a victim-led approach to justice. These proposals come at us in great waves, each designed to swamp the other.

Yet for all this activity the crime debate is also one of the most sterile. Like so much political debate it is confrontational without being creative. That is not to say the nature of the debate hasn't developed, it has. We have left behind the old argument between liberal reformers and conservative traditionalists. Liberals, mainly on the left, believed crime was a symptom of an unequal society, that criminals needed to be understood before they were judged, that the police should be distrusted and defendants' rights needed protection. Conservatives believed in the deterrent powers of prison and punishment, that individuals should take responsibility for their criminal actions, justice should serve victims and the police would tackle crime if only the whinging liberal establishment gave them the financial and legal resources to do so.

That tired old ideological conflict has been replaced by a new common sense which combines elements of liberalism and authoritarianism, most ably captured by Tony Blair's slogan: 'Tough on crime, tough on the causes of crime.' This offers to deal with crime aggressively and assertively. Old liberal qualms about the effectiveness of the police and prisons have been put to one side. 'Tough' sets the tenor of the policy; tough sentencing, tough policing, tough prison regimes. The social roots of crime have not been forgotten of course; it's just that they will take much longer to tackle.

The problem with this new tough-consensus is that it is almost as sterile and unimaginative as the clash of entrenched positions it has replaced. The remedies it offers – more people in prison, serving longer sentences – are no more credible than anything we got in the past. We are losing faith in traditional explanations for crime: it's clearly not simply a product of either social inequalities, poverty, or culture. At the same time we are also losing faith in traditional justifications for punishment: that it will deter criminals and if that doesn't succeed at least it might reform and rehabilitate them. We have severe doubts about whether putting more people in prison for longer will do much good. America imprisons seven times more people as a proportion of the population than European countries and yet it suffers a much higher crime rate. And yet we can see no alternative; imprisonment, seems to be the only option open to a society which is at the end of its tether.

It is as if we are struck on a ratchet. Michael Howard may offer slightly harsher policies than Jack Straw; Labour may put slightly more weight on the rights of the defendant than the Tories. But in essence these are different versions of the same sort of approach: it is an approach which will not work. It will not significantly reduce the crime rate and will not make us feel any safer or more secure about our society's ability to police itself.

We cannot go back, but we find it desperately difficult to move forward. Although the political debate over crime is intense, neither Labour nor the Conservatives are able to meet public fears with policies which are realistic, effective and reassuring. As a society we have dug ourselves into a hole. The widespread public fear of crime is matched by equally widely felt fatalism that little can be done to reduce the crime rate. We constantly tell ourselves that crime is an overwhelming problem, which requires tough remedies and harsher punishment. Yet few of us really believe that putting more people in prison for longer will make a permanent dent in the crime rate.

So we are left with a punishment deficit, created by a mismatch between supply and demand. The demand for punishment is rising, an appetite not created, but nevertheless whipped up by politicians and the press. Yet the supply of effective punishment – forms of punishment

which will make society safer – cannot keep pace. Instead what we are offered is more policing and punishment of the kind that we know will not provide the solution.

What we need is a new approach. Not just new devices and wheezes, schemes and programmes. We need to change the nature of punishment and the relationships it embodies: between the punished and those administering the punishment, between the criminal and the law abiding. Such an approach should have two guiding principles.

Policing: society must learn how to police itself more effectively rather than rely on the overstretched, inflexible and cumbersome power of the official police to do the entire job. Policing will only be effective if it is carried out throughout society, not just by a professional police force in high-speed cars. As things stand we delegate – dump might be a better word – virtually all responsibility for policing onto the police.

Punishment: we need to develop new forms of punishment in the community rather than in prison. At the moment we delegate – again dump would be a better word – most responsibility for punishment onto the prison system, in the knowledge that the value of the remedies it offers are limited. We need to develop new forms of punishment, based on sanctions that can be imposed within the community rather than in prison. We need a system of punishment which is more flexible, cheaper and yet more effective. Punishment in the community is not a soft option. The central principle of this form of punishment is that it should make transparent what is going on: who is being punished, how, for what misdemeanour, by whom. If society wants to punish criminals more it needs to take on that responsibility more directly, rather than relying on the prison system to do the entire job.

The public wants more effective protection from crime, at lower cost and with schemes that make re-offending less likely. The answer must be to innovate by creating a new range of more cost effective, intermediate sanctions, in the form of non-custodial sentences that can be applied in the community. These new forms of punishment must command public support. They must be seen to be tough, less costly than prison and most importantly safe. This is where progressive

politicians should be opening up a new crime and punishment agenda that responds to public fears but in innovative ways.

Before developing that new agenda we need to understand why our faith in traditional forms of punishment and policing have declined so far. We have dug ourselves into a hole we are not sure how to get out of. We want a free, diverse, open society but we also want a society that is ordered by older, more traditional virtues of civility, politeness and responsibility. In an increasingly individualised and atomised society those institutions of civil society, which once helped to police it, such as churches, schools, youth clubs and voluntary organisations, have declined. As a result when order is imposed and punishment delivered it comes in increasingly heavy handed forms, from either the market or the state. As a result Western societies have both become more free and more punitive, more diverse and yet more heavy handed.

The punitive state

It is familiar to argue that the Conservatives have set out to create a free society by using the tools of a strong state. Modern Conservatives are meant to be instinctively distrustful of the state's ability to sort out any problem, except when it comes to crime, where the recuperative powers of the state are huge. The government is pursuing a clear and coherent strategy, much of it borrowed from the US, to reform the police, the prison service and the way we punish criminals. It has these three main ingredients:

First, it is centralising, whether that is expanding ministerial influence over sentencing policy, setting police priorities, reforming police organisation (the creation of a possible British FBI has been mooted) or the ambition to create a British Alcatraz prison to hold high risk prisoners.

Second, the government is attempting to introduce more commercial methods of management through privatisation in the prisons, turning the Prison Service into an autonomous agency and the reforms to police pay and conditions which, in diluted form, followed from the Sheehy report.

Third, the reforms are changing the political governance of the police and the prisons. In the case of the police, traditional local authority accountability has been usurped by a combination of tighter central control from Westminster and from local governing bodies which draw heavily upon business and centrally endorsed appointees.

This reformist agenda for the 1990s is not just a response to the perceived failures of the liberal values of the 1960s. It responds to the failure of Tory strategy in the 1980s which gave the police substantially more resources to tackle crime, but got disappointingly little in return. Michael Howard is encouraging the country to feel it is both morally right and pragmatically sensible to become more punitive. Howard, largely unchallenged on many of the underlying assumptions of his policies by Labour, wants the police to have more power to 'catch criminals'; more offences to be dealt with by the courts; judges to impose tougher sentences; prisoners to serve more of the sentences they are given, in tougher prison conditions.

Yet all this activism has not made us markedly more optimistic about cutting crime. That is because we are less confident than we used to be that we can explain crime in ways that helps us to frame effective forms of punishment. As a result we cling onto traditional justifications for punishment – that it will promote rehabilitation, that it will deter potential criminals – even as we know we have little faith in them.

Explaining our fatalism

The sense of fatalism, that crime is an inescapable feature of modern society, is a reflection of our loss of faith in the larger, grander explanations for why societies succumb to crime.

The capitalist cure for crime is the affluence that comes from a combination of market economics and the laws of private property. The best way to make society less prone to crime is to make it richer. Yet crime has risen since the 1950s despite growing affluence, although socialists would argue this is due to growing inequality in the last two decades. Many of the forms of crime that most worry us – violence against women – are not directly economically or financially motivated at all.

Socialists argue we should look for a different incentive for crime: inequality. Mass unemployment has encouraged many young, unskilled men, to believe that a life of low-level crime in the cash-in-hand economy offers better returns than dead-end blue-collar jobs. These men do not simply have a material incentive to commit crimes, they also have a symbolic reason: they are effectively excluded from society by their perpetual unemployment so why should they respect its rules and laws? This explanation for crime certainly has purchase. But it has one gaping hole – one of culture and values. Past periods of mass unemployment, for instance in the 1930s, did not produce a similar moral panic about crime. The fact that crime rates can differ markedly in two periods of widespread unemployment and economic

dislocation suggests much of the explanation of crime is cultural rather than economic. It is as much to do with respect for authority as with income inequalities.

The limits of these largely economic accounts for crime create the opening for explanations which centre on culture and values. The two most persuasive have come from feminists and cultural conservatives. The feminist case is that much of crime represents a crisis of male culture: men have lost mastery of their world, both economically and culturally. Their response has been all too predictably violent and criminal. Thus the roots of crime are deep in the family division of labour, male role models, the education system, and the way that global competition has shifted the demand for labour towards women and higher skills and away from blue collar male jobs. These trends are not intractable in the long-run, but they are difficult to attack in the short run. Indeed many analysts argue that crime fluctuates with demography: the more young men there are in the population the more crime one can expect.

The claim that the roots of crime are in our culture is taken up on the Right by the cultural conservatives. They argue that crime is a personal responsibility, but that people increasingly lack the moral fibre to behave in a law abiding way. That is because of the collapse in our morality generating institutions – particularly the family and the church. We must restore respect for these traditional institutions, which set society's moral environment, before we can hope to create a more law abiding, civil society. While the notion of a return to a moral golden age may be psychically appealing to many, it's not practicable. Society is too atomised, too anonymous, too diverse and fast moving to succumb to such all-embracing, simplified notions of morality and community as *the* family and *the* religion.

Perhaps the most interesting development in this field of cultural explanations for crime is a developing communitarian-progressive synthesis. This new approach recognises the power of both cultural and economic explanations for crime. But it diagnoses and responds to them in different ways by attempting to rebuild a layer of intermediate institutions, which stand between the individual and the state, which

are capable of commanding authority and dispensing punishment. Society will only become more ordered if we create common, collective institutions capable of providing that order. To expect such order to spontaneously emerge from freely co-operating individuals is naive. To hope that the cumbersome, heavy hand of the state might deliver such order is far fetched.

Intermediate social institutions play a vital role in combating crime in Japan, one of the safest societies on earth. More harmonious, tightly-knit, deferential societies have many more sources of authority threaded through them: the family, religion, the company, the community. All these play a role in constraining behaviour without involving the police or the state. One reason why Britain had lower crime rates in the 1950s was that it was a more harmonious and deferential society in which people saw it as their duty to report crime, support the police and help keep order. Many Asian societies such as Japan owe their low crime rate as much to their encouragement of deference to authority as their economic success. The skill of the Japanese police has little to do with it; the presence of police boxes on many street corners probably much more.

This is undoubtedly an attractive prospect. Japan is efficient in part because it is safe and ordered. Tokyo is safe in part because beneath the obvious social and physical infrastructure the city is more like a network of small, highly-regulated villages. People generally shop locally, eat locally, drink locally and so help one another as well. Clear up rates in Japan are impressive. In 1987 for instance more than 70 per cent of crimes were cleared up, including 98 per cent of reported homicides, 78 per cent of robberies and 87 per cent of rapes.

But as with Japan's economic success there is a danger of romanticising its achievements. The Japanese crime and punishment miracle comes with costs: a far more intrusive community which enforces conformity as a price for security. It is a far more authoritarian society than ours: conformity to the wishes of parents, teachers, and senior executives is expected. It is a society which runs on humiliation – especially of those who do not fit in, those who fall short of its standards or those who rebel. It's safe but at times harsh; ordered but monotonous.

It is inclusive, because the threat of exclusion is too powerful and complete. While we may admire Japan, it is hard to learn lessons from it that could have a direct bearing on the way we organise ourselves. Hard but not impossible.

Not impossible because it is this intermediate, community based, approach to crime and punishment which offers the best long-term solutions. We need institutions which can command respect and authority without bearing the heavy hand of the state or the moral traditionalism of the church. To understand how this approach might shape how we police society and punish crime, we first need to understand how justifications for punishment have changed.

Justifying punishment

Although we are more attracted to tougher punishment we have become less sure of its effectiveness. Justifications for punishment are both utilitarian (punishment serves some useful purpose like deterrence or rehabilitation) and symbolic (punishment upholds values we cherish.) At the very least punishment can be a message from the law abiding to themselves that they are attempting to uphold the values of a civil society and embed its norms. The symbolic value of punishment is hugely important and is reflected in the debates which rage over the appropriateness of different lengths of sentence for different crimes. These sentences are almost like messages we put on a notice board for ourselves to measure our judgements about the seriousness of crime.

Yet punishment cannot retain a symbolic value regardless of whether it is effective in deterring crime. And it is here that we doubt the value of prison. There seems little hope that tough sentences will restore belief in the laws of theft, for example, when burglary and petty theft is so rife. Such sentences seem a hollow restatement of society's values when they are flouted so easily and repeatedly. The symbolic value of punishment rests upon its effectiveness: we punish criminals because it helps combat crime. Yet the utilitarian case for traditional forms of punishment – mainly prison terms – is far less persuasive than it might once have been. Take the main justifications in turn:

– Deterrence

Tough sentences and tough regimes are meant to deter people from committing crimes. There is some evidence that longer prison terms lead to lower rates of reoffending. But the overall evidence from the UK and the US where prison populations have grown enormously without any dramatic drop in crime rates, suggests this argument is far from convincing.

– Rehabilitation

Prison is meant to allow criminals time to reflect, repent and change their ways. But often prisons simply turn out more hardened criminals. There is little evidence that tough prison regimes lead to rehabilitation. Those elements of prison life that might – education programmes – are being cut back to fund the expansion in the prison population. About 51 per cent of prisoners discharged from custody in 1992 were reconvicted after two years, rising to 72 per cent for young males.

– Control

Collapsing faith in prison's ability to deliver either deterrence or rehabilitation leaves control as perhaps the most persuasive reason for locking someone up. Put simply we turn to prisons because we do not have another, more effective way to control a criminal and particularly violent part of the population. Prison is still the best means we have to remove from society someone who might be a violent threat to public safety. Yet large numbers of people are in prison serving time for petty, non-violent offences. Only 19 per cent of the people sentenced to prison in 1992 were convicted of serious offences involving violence, sex or robbery, according to Home Office statistics. That means a large majority is in prison for relatively minor offences, many of them fine defaults. Is prison – a relatively expensive system of punishment of questionable effectiveness – really the best way to deal with these crimes?

– Revenge

As faith in the utilitarian and symbolic value of punishment is declining so a different motive is emerging: punishment as revenge and retribution; punishment as a victim's right rather than society's way of responding to crime.

We are still a long way off an entirely victim-led, consumerised system of criminal justice which services the demands of consumers seeking justice. But both in the US and in the UK, a victim's rights and expectations will play a larger role in deciding how crime should be dealt with. Michael Howard recently announced plans for an updated Victims' Charter which would give victims more say in how their cases were dealt with.

The idea of justice as revenge or retribution is not at all new. It is a return to a pre-modern sense of justice. In other countries a more personalised, victim-based system of justice is well established. In Africa, for instance, reparation is traditionally a much more widely accepted form of punishment and acknowledgement of guilt than imprisonment, which was a creation of imperialism and modernisation. Even now in many African states a large number of cases do not reach the courts because they are dealt with through reparations. In Islamic law the concept of Diyya governs reparations paid by offenders to their victims to compensate them for crimes.

The emergence of this victim-led approach to justice in the West is double edged. The justice system, like any public service, needs to have the confidence of the people who rely upon it. In a society which is increasingly doubtful of its moral fibre victims need to be able to speak out and fight back. Yet there are dangers in going too far. With revenge as its aim, criminal justice does not become a mechanism to maintain social order but a machinery victims use to get their own back. The appetite for punishment as revenge is potentially huge. It does not have to meet any utilitarian measures of effectiveness; it works if it makes victims of crime feel better. It doesn't have to carry any symbolic weight; the aim of revenge is to satisfy the vengeful not to uphold any wider principles. Punishment as revenge tailors the criminal justice

system more to individual desires rather than social goals. It is emotive but not necessarily effective.

We need a new approach to punishment. People are rightly concerned that crime should be punished. Yet they have little confidence that prison is the solution they are looking for. Prison is expensive and often doesn't seem to do much good unless very long sentences are imposed. Yet despite this declining faith in the power of prison, alternatives to it are often dismissed as too liberal and too lenient. What we need are new intermediate punishments, many of them dispensed within the community, which are tough but effective and efficient.

The starting point is to develop a different explanation of crime which will lead to new proposals for how society should be policed. Then I will go on to describe a range of new forms of punishment, which could be alternatives to prison.

A public health approach to crime

Perhaps the most promising explanation for waves of crime is one borrowed from public health and hygiene. It offers an explanation for rises and falls in crime, which is not purely economic nor so long-term that it does not address our immediate concerns. The public health case is that crime is literally like an epidemic, it thrives on poor public hygiene.

The main evidence for this epidemic theory comes from New York, where the fall in crime has been impressive by any standards. It has become a Holy Grail for British politicians seeking policies to cut crime. New York now has a city-wide violent crime rate that ranks it at 136 among major American cities, on a par with that crime capital Boise, Idaho. Car thefts have fallen to 71,000 down from 150,000 six years ago. Burglaries are down from more than 200,000 a year in the 1980s to less than 175,000. Homicides are at the level of the early 1970s, nearly half what they were in 1990. Every area of the city has recorded sharp falls in violent crime, even the poorest areas. Crime has not fallen simply by shifting it from more affluent areas back into the unpoliced ghettos.

The epidemic theory, which helps to explain the drop in crime in New York, is that crime spreads rather like disease, in a non-linear way. A flu virus can suddenly become an epidemic when it goes over a threshold, after which it spreads much more quickly than would have been predicted. The Centre for Disease Control in Atlanta, now has

a team of more than 100 with a budget of \$22m examining epidemiological explanations for crime waves.

What makes New York's experience seem hopeful is that it appears to have been achieved mainly by more effective policing. This isn't the only factor. A decline in the number of young men has helped, as has the growing organisation of the drugs trade, thereby eliminating the need for more violent confrontations between drugs gangs setting up in business. Yet it also seems that the police's new assertiveness has played an important role. The New York Police Department argues crime is down because the police force is better coordinated; it uses more sophisticated computer analysis of crime patterns and deploys more aggressive crime prevention policies, including 'street cleaning' patrols to disperse gangs of young men.

The policing point is that relatively small, incremental improvements to policing – making neighbourhoods safer for people to walk in at night, cracking down on street crime, even graffiti – can make it easier for law abiding people to reclaim their civic spaces. Once that happens, when civic principles start to reassert themselves, crime starts to fall quite fast. An attack on low level crime on the New York city subway – cracking down on fare dodgers – for instance paved the way for a fall in more serious violent crimes.

The attraction of this public health approach to explaining crime is that it offers some useful new ideas for how we should organise the police force and punishment to make them more effective.

The self-policing society

A public health approach to crime means that public policy can no longer be confined to reforming 'the police'. The aim must be to make society better able to police itself. The organisation and role of 'the police' is at the core of that but it is only one component.

Take health policy as an analogy to guide this approach to self-policing. The health of the nation depends upon a wide variety of factors. At the grass roots it depends upon what people eat, drink, smoke and what sort of care they take of themselves. So it should be in policing: a great deal of the policing of society must be done by its citizens themselves. To put it crudely, the more public spaces are populated by law abiding people and civic values the less prone they will be to crime. One of the police's most effective roles would be to help the public repopulate these spaces.

At the intermediate level of the health service, general practitioners and health specialists can dispense expertise but it is costly and cannot work miracles. In the same way the police can help to clear up some crimes but there are limits to what they can do and the public should be aware of them.

At the high end of medicine, science has made great progress in developing technologies which treat diseases that were in the past untreatable. The scope for scientific progress in policing is more limited but we now have well equipped police attempting to deal with

the most sophisticated forms of organised crime, particularly drugs and organised crime.

Just as health policy needs to create an alliance between self-help and professionalism so does policing. The more society can look after its needs on both counts, without requiring professional help, the better. That would create more room for professional police resources to be targeted where they are most needed – at the lowest level of crime prevention in supporting the public and at the highest end in dealing with the most troubling violent crimes.

The police can only be effectively reformed if that is part of a much wider reform of the way that society polices itself. The idea that ‘the police’ can be the answer to all our safety and security needs is outdated. Society is increasingly policed in different ways by different organisations which are responding with different skills and resources to different needs.

Several policies might play a role in a strategy to promote a ‘self-policing’ society:

– Public spaces need to be repopulated

This should underpin the design of public spaces to make them more accessible and open, for instance through pedestrianisation and the encouragement of small businesses which operate in public spaces – cafes, restaurants and shops. This requires the proper mixture of deregulation to allow more businesses to open up in public spaces but also imaginative planning of public transport policy to encourage pedestrianisation.

– Police boxes

One of the great assets of Japanese policing is its network of simple police boxes. Any major street corner has a police box. They are used by all Tokyoites not primarily to report crimes but to seek other forms of help – directions, local information, even to borrow money. Such a network of police boxes, not necessarily staffed by police, but perhaps by para-police or even local volunteers would provide

a local resource and the first point of contact for people concerned about street crime.

In Japan these police boxes are the focus of community policing rather than the far distant police station. The old fashioned police box conforms to all the requirements of effective policing in a post-modern society: it's local, flexible, accessible and immediate.

– Informal policing

The police should develop more imaginative ways to combat crime, which draw in the community and parents. For instance the Hampshire police force is piloting a scheme in which police officers video record young people committing crimes, such as trespass and vandalism. Rather than take official action the officers then play the recording to the young people with their parents present. The principle of the scheme is to use the police's resources to support and develop other 'informal' sources of authority in society, rather than supplanting them.

– Problem solving policing

More sophisticated mechanisms to check on policing priorities should be developed. Systems of public consultation are woefully inadequate and bureaucratised. The police often respond to political priorities (because that determines their funding) rather than the priorities of their consumers – the public. One reason for that is that the police lack effective and regular mechanisms to elicit public opinions about policing targets. Forces should move towards more problem centred policing, targeting specific problems which the public want tackled. More targeted policing strategies can only flow from a better understanding of local needs.

– The market for policing

The police force is just one player in the security market. The market for security is supplied by the publicly funded police but also by a

range of private sector providers of security services, alarms and other systems. This market is segmented according to the spending power of different groups of consumers and the skills and organisation of the suppliers of policing services. The development of this market cannot and should not be resisted. The police have neither the range of skills nor the resources to respond to all the policing needs of a more fluid, diverse society in which consumers have grown used to being more demanding about the quality of the service they receive. The police cannot meet all our policing needs any more than all our educational needs can be met by schools or our health needs by hospitals.

The real point of public policy is not to resist the growth of this market for policing but to manage and shape it. For it is only through enlarging the scope for different forms of policing, alongside the traditional forces, that society will find the range of mechanisms through which it can learn to police itself rather than relying on the police to do everything. There is a case for public authorities to stop being providers of policing services and instead to become purchasers. They could then purchase security services from a wide range of franchises offering differing services tailored to differing needs. While there would still have to be a large publicly funded, accountable and controlled police force, this would create room for third sector alternatives to private security guards, for instance, community self-help groups and other crime prevention initiatives which might focus on young people and car crime.

– Street Watches

This is a development from the Neighbourhood Watch scheme. Neighbourhood Watches are fairly passive organisations, largely in middle class areas, which organise local residents to watch out for one another's property and well being. The Street Watch scheme goes a step beyond that. It organises groups of residents into small teams to patrol streets at times when crimes might be committed. Their role is not to confront criminals directly but to help inform the police about patterns of crime. However most importantly, they can reassert

a community's determination to police itself and deter crime. It provides the community with a formally acknowledged way to organise itself to combat crime.

The scheme, was widely derided when launched. It still has critics, from the police who retain some scepticism about its effectiveness and civil liberties groups, worried that it is formalising a vigilante culture.

Yet the results of Street Watch schemes can be impressive. Take Balsall Heath in Birmingham as an example.¹

By the early 1980s prostitution and drugs had become so prevalent in Balsall Heath, that the police had almost written it off. They made occasional forays into the area to contain the more than 450 prostitutes who worked there. But they admitted there was no prospect of ridding the area of prostitution. The police said their task was to concentrate on major crimes, rather than lots of minor crimes, which are precisely the ones that often most frustrate people.

About a year ago a Street Watch scheme was organised in the area, through a local residents' association, chaired by a trade union activist. Six strong teams of local people now regularly patrol the streets. When the situation looks potentially dangerous two teams go on patrol. They log information that might be useful to the police. Their presence can deter criminals. Their mobile telephone calls can lead to police action. The residents act as the eyes and the ears of the police, but in this case they are visible to their neighbours and the criminals. According to Dick Atkinson, a local community worker: 'Many residents have been surprised to discover that they can make a difference. They have found that there is safety and strength in numbers and collective action. They have not only reappraised their own contribution, but have found that they can work with police and city officials, about whom, previously, they had held deep suspicions.'

Partly as a result of the scheme, the number of prostitutes has been reduced from 450 to about two. Burglaries are down by 25 per cent and violent crimes by 22 per cent.

The scheme has been handled carefully to build an alliance with the police and council officials, whilst weeding out potential vigilantes.

The scheme may now be extended in two interesting and useful ways:

- (i) The creation of street stewards, who would liaise with people in particular streets over crime issues but also more generally, for instance organising help for local old people.
- (ii) The creation of neighbourhood constables. These would be special constables, with all their powers of special constables to back-up the police, but dedicated to a particular area.

The principles that lie behind this self-policing approach are simple. Society needs to change its relationship with the police. Rather than relying on the police to solve our crime problems society must take more responsibility itself. But that means creating effective intermediate institutions within civil society as well as links with the police which would allow more effective self-policing. One of the police's main roles should be to strengthen sources of authority within society, to strengthen society's ability to police itself. This is not a charter for 'have-a-go-heroes'. It does not mean we can do without a professional, publicly funded police force. But it does mean we need a different approach to how society polices itself. We have to develop more effective, non-statist, collective institutions which help us police our own communities, without having to rely on the police to do the entire job.

Just as we need more effective, community self-help as the basis for a self-policing society, we need to develop more effective, community based, methods of delivering punishment.

Punishment in the community

We need to start innovating with new forms of punishment and new ways to deliver traditional forms of punishment. A major theme of a new punishment policy should echo the moves the government has already made in the field of mental health: a shift towards properly regulated punishment in the community rather than in the Victorian prisons that we mainly rely upon. We should explore a variety of punishments delivered more locally, employing a more graduated but equally painful withdrawal of rights. We should develop an innovative range of non-custodial punishments: intermediate sanctions.

Intermediate sanctions are not new. Indeed we have a history of innovation in alternatives to prison: England and Wales were the first countries to introduce community service as a form of punishment. In England and Wales we employ one of the widest ranges of non-custodial sanctions in the world – fines, suspended sentences, licences, compensation payments and the like. This is a tradition we should build upon.

The main arguments for punishment in the community are: it's cheaper than prison, more effective in reintegrating the offender into the community and ultimately more successful because it can help to lower the crime rate permanently. The main arguments against are: community punishments are not tough enough, they will not make the public feel safe and will not deter criminals. This impression persists although a range of surveys from Norway, Denmark and Holland have

found that reoffending rates are no higher and often lower amongst offenders who serve their sentences on community service programmes.

Nevertheless these doubts about non-custodial sentences need to be taken seriously. But they should not be a reason for rejecting intermediate sanctions. Rather they mean we need to make sure that punishment in the community is tough and properly administered to make people feel safe.

All this will only be possible if we rethink the philosophy which underlies our approach to punishment. The way society punishes criminals needs to become more transparent. To use the analogy of public health: we would not dream of treating every illness through a stay in hospital. Many people recognise that hospitals are relatively unhealthy places a lot of the time. We should take the same approach to punishment, using prison for a selected category of punishment – for violent, sexual and repeated serious crimes – but developing other more localised and flexible forms of punishment for other crimes. The health service deploys a range of methods of treatment: hospitals, outpatients clinics, long-term residential care, visits by general practitioners. A public health approach to punishment suggests we should develop a similar range of ways to deal with criminals.

The heart of our system of punishment is the prison. That must be the starting point for any reform. The institution the prison most resembles is the large Victorian lunatic asylum: a mill-like building designed for the control of a mass of people held in cramped conditions. Just as the lunatic asylums have been superseded by other forms of care, we need to rethink the role of the prison.

There are two main problems with our traditional prison system, one economic, the other philosophical. Take each in turn.

The economic case against prisons seems open and shut. Prisons are by far the most expensive way of delivering punishment. The annual cost of keeping a person in a category C medium security prison is £17,000, compared with £1,260 for probation orders and £1,410 for supervision orders. The average cost of an attendance centre order was about £190, according to figures from Nacro, the

National Association for the Care and Resettlement of Offenders. Yet despite its relative cost disadvantage the prison population is growing. From a low of 40,606 in December 1992 the prison population rose to more than 55,000 in the Summer of 1996. With Michael Howard's tougher sentencing proposals yet to come, the population will rise yet further. At current rates it could be well over 60,000 by the turn of the century. That would require a large scale prison building programme. Even with that prisons will become more cramped, more difficult to manage and less able to provide educational and rehabilitation services. On top of that many of the improvements recommended in the Learmont report on prison security, which are thought to cost about £2bn, are yet to be made.

The cost case for alternatives to prison seems incontrovertible. Yet it is not quite so simple. To really cut the cost of prison-based punishment, whole prisons or at least wings would have to be closed. That is the only way to make substantial savings on capital and labour costs. A very large share of the prison population would have to be transferred, over time, to community based punishments – at least 10 per cent, preferably more. But if the probation service had to cope with such a large expansion in the numbers of prisoners serving their sentences in the community and still make sure the public felt safe there would have to be a large and costly expansion in the probation service. In addition there is the unresolved question of where the offenders would be housed. Many would need to go to resettlement centres or sheltered housing. Creating these centres would impose a capital cost.

The way to meet these objections is to devise cost effective ways of delivering punishment in the community. One possibility is to learn a specific lesson from Japan, which uses non-custodial punishments whenever possible. Its reliance on non-custodial forms of punishment is possible because it has a large volunteer probation service.

Therein lies the key to how we should rethink our distanced, wilfully ignorant relationship with prisons. We delegate to prison the task of punishing criminals. It is not something we wish to have anything to do with. It is as if by whisking criminals away to prisons they will be miraculously transformed by some magic which works behind those

walls. It's as if we can excise the problem of crime from society by confining it to prison. But crime is a problem in society and ultimately it needs to be dealt with in society rather than in prison. Just as society needs to develop institutions which will allow it to take more direct responsibility for how it polices itself, so it also needs to take more direct responsibility for administering punishment.

Alternatives to the prison

There is clearly a role for large, high security prisons to house violent, serious and repeat offenders. But different sorts of institutions should be developed to deal with more minor offences like television license non-payment or council tax non-payment. This is where we should experiment with small-scale local prisons.

The government has responded to criticism of the care-in-the-community policy for treating the mentally-ill by announcing plans to create local asylums: safe houses capable of caring intensively for 20 adults. This appears to offer a way of combining security with treatment in the community. We have local hospitals, libraries, and even asylums why shouldn't we have a system of local prisons?

The answer is obvious. Local residents would be alarmed; house prices might fall. Large prisons offer substantial economies of scale. Nimbyism should not be dismissed out of hand. But the answer should be to experiment with local prisons to find out if they are a more cost effective way of dealing with offenders. People will complain: 'We don't want to have criminals around the corner from us.' The answer to that is: 'You probably already do.'

The local centres of punishment could provide the fulcrum for a punishment-in-the community policy. Their main role would be to deal with non-violent criminals. The local prison would house inmates who would go out and do community service, wearing distinctive uniforms perhaps. It would make punishment more transparent, more

open and so force society to take more responsibility for it rather than delegating all that to a large, distant institution.

The local prison could also be the organising point for a wider range of forms of punishment in the community. These intermediate sanctions could include:

– Novel forms of community service and punishment

Punishment needs to fit the criminal as well as the crime. We need to devise forms of punishment which deny to those punished a status they cherish. So for instance persistent joy riders and car thieves might be forced to act as lollypop men and women. Burglars might be forced to act as charity collectors in town centres. A radical and to some disquieting suggestion would be to return to a latter-day form of stocks for burglars. The shame it would generate would make it a powerful form of punishment, although it would also generate huge resentment and possibly foster even more violence. The point of such policies would be twofold: to publicly deny to the convicted a sense of status that they cherish and to make criminals do something to help repair the social fabric.

– Home detention

Trials with electronic tagging have been disappointing. But the principle is attractive: people should be punished within the community, using forms of restraint on their movement, for instance through house arrest, curfews or even more physical forms of restraint such as handcuffing children who offend to their parents. We need to explore ways of delivering punishment in the community, to make it more cost effective as well as more transparent. The principle behind all these forms of punishment should be to force the criminal to atone to the community which has suffered the crime but also to force the community to take some more direct responsibility for seeing and delivering the punishment itself.

There have been several experiments with Home Detention in the US and Australia, where the most ambitious scheme has been

introduced in the Northern Territory. In Queensland and South Australia home detention has been introduced as a back-end measure to reduce prison overcrowding by allowing some prisoners to serve the last four months of their sentence at home. In the Northern Territory, Home Detention is a sentence that can be imposed by court, mainly for alcohol and driving offences. Home detainees have to comply with strict conditions which severely restrict their movement and whom they can see during their detention. They are also subject to spot-checks by probation officials.

The difficulty of making such spot-checks in dangerous, inner city areas in the US has encouraged officials there to examine the use of electronic tagging as an alternative. Experiments with electronic tagging here have not been a success. But the principle – that we should be able to use the technology of the information age rather than the Victorian age – to help us combat crime is surely worth pursuing.

– A Community Probation Service

One of the main drawbacks with using more punishment in the community is its potential cost. For punishment in the community to cover a significant share of the prison population – 10 – 20 per cent at least – would require a large expansion in the probation service workforce. Japan's probation service offers one approach that could be cost effective.

In the late 1980s the prison system in Japan was accommodating 59,000 inmates a year at an annual cost of 137bn yen, while the non-custodial system was dealing with 83,000 offenders a day at a cost of 12bn yen.

The most striking feature of the Japanese system is the extent of community involvement. It all started in 1889 when a discharged prisoner, rejected by his family and shunned by his community, committed suicide. A philanthropist, moved by the story, set up a fund to pioneer a private after care hostel. Others followed in his wake. After the Second World War this philanthropic system provided the basis for the community-based probation. In 1989 there were 900 probation

officers in Japan, dealing with those 83,000 offenders. However most of the face-to-face contact was handled by 48,547 volunteers. It is the job of these volunteers -some of whose expenses are reimbursed – to keep track of probationers and in the official language that disguises as much as it reveals: ‘eliminate crime promoting conditions, with the help of community organisations.’

The occupational background of these volunteers is varied but 72 per cent are more than 50 years old, 25 per cent are unemployed and 12 per cent are from religious groups. This volunteer force of probation officers is backed up by 100 charitable halfway houses and the 180,000 strong Woman’s Association of Rehabilitation Aid, a body representing mothers and housewives worried about crime and delinquency.

Punishment-in-the-community raises some troubling moral questions. How far do we wish to deploy displays of public humiliation and shame to punish criminals? Sparingly, probably, but to rule it out would be pre-emptive. Would more local forms of punishment prove punitive enough and cost effective? A few mistakes and misjudgements, the escape of an apparently docile prisoner who turns out to be dangerous for instance, and the credibility of the system could be undermined. Can we create the kind of intermediate institutions – police boxes, volunteer probation officers, local prisons – which could deliver effective forms of community punishment? Undoubtedly, but it would not be easy.

We need to face up to our ambivalent attitudes towards punishment. We want to cut crime, to make society safer and to do that we believe criminals have to be punished. Yet we would much prefer that punishment to take place in an entirely separate, parallel universe in prison. Crime is a problem within society, it needs to be dealt with in society. That is why society must take more direct responsibility for administering and witnessing punishment.

Conclusions

The anonymity of modern urban society is one of the main factors undermining traditional approaches to policing and punishment. This anonymity makes it more difficult to catch criminals who can disappear more easily. But in addition people are less prepared to take responsibility for maintaining the fabric of law and order. They rely on wealth, power and impersonal agencies to deliver security. We should be aiming to create a more civic society, better able to police itself. Anonymity means we have less purchase upon the actions of others. Society faces a punishment deficit because its fragmentation has left it with so few sanctions short of prison to punish people. In societies where the social fabric is strong and there are more sources of authority within society, punishment can take many forms. The prerequisite for more effective forms of punishment and policing is to strengthen the intermediate institutions which lie between the state and the individual which will allow society to police itself and deliver punishment in the community.

That should be the foundation for a new approach to both policing and punishment. We need policing and punishment to be more effective and cost less. We do not need yet more police and yet more prisons. We need to innovate.

Note

1. Atkinson, R., Forthcoming, *Reclaiming the streets: building a sustainable community*, The Phoenix Centre, Birmingham.