

QUAKERS IN CRIMINAL JUSTICE

EDITORIAL - CARMEL SCHMID

I am gladdened by the submissions “Two Ex-Prisoners Write”, it is the stuff that not only affirms what we in QICJ do but that provides testimony to our faith. Both articles have inspired me: - the ‘Leopard Spots’ challenges me to change my own human frailties and the ‘Day Ahead’ inspires me to seize the joy in every day, to notice the miracle in the quotidian, in the small things that I so usually take for granted.

I have often thought that the arts are the forerunner for change; Mike Nellis has submitted a joint review of both Camus’s ‘Outsider’ and Douade’s ‘The Mercault



Investigation’ that humanises the characters using undertones of restorative justice. Who knows, such creative pieces may well herald the change so sought after by those who work with the criminal justice system. A total review of the system is called for by Will McMahon in Justice Matters and Martin Wright echoes the call for a Royal Commission on the penal system.

I would like to dispel the myth that I alone am the editor of this newsletter as it is reproduced electronically by Jonathan Lamb and Alan Russell has been carrying out eloquent emendations for some time now, so ‘the editor’ is in fact a team.

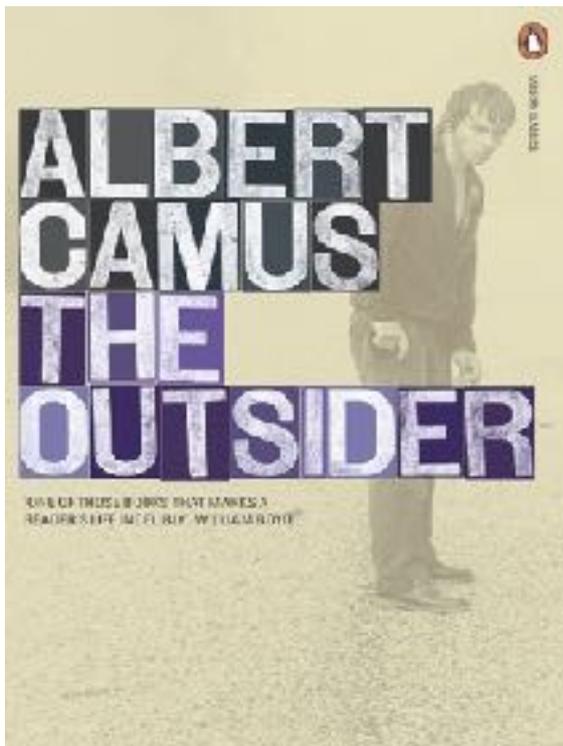


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THE OUTSIDER, THE MEURSAULT INVESTIGATION AND THE QUEST FOR DETACHMENT

A joint review of two classic novels revealing the quest for detachment through literary genius and uncovering the rudimentary elements of restorative justice.

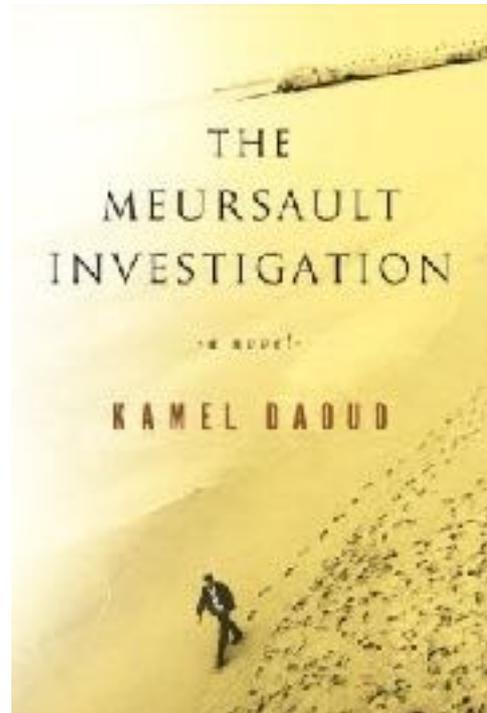


While it would be misleading to consider Albert Camus' (1946) classic novel *The Outsider* a crime story pure and simple, its compact pages are deeply focused on events leading to a murder, a trial, a reflective man in a prison cell, an anticipated execution and the sense which can be made, or not, of the "process of justice". As such, it warrants criminology's attention, no less than that of the literary and cultural critics, philosophers, historians and biographers who have dominated critiques of it to date. Its first person narrator, the quiet, hedonistic young office worker Meursault, begins by recalling the circumstances in which he shot and killed, more or less in cold blood, an "Arab" in the baking heat of a summer afternoon on a beach in Oran, Algeria, in 1942. The Arab had an ostensibly legitimate grievance against a friend of Meursault's - a pimp who had abused his sister - and the best that might be said of Meursault's action, somewhere between premeditated and impulsive, is that he wished to pre-empt harm to his sleazy friend.

Meursault then recounts his trial, the judgement and the passing of a death sentence, despite his lawyer's inept surmise that he would only get a few years' imprisonment. What seemingly condemned Meursault in the eyes of the prosecutor and jury, was that, in the days preceding the murder, he had not been seen to cry at his elderly mother's funeral; that he had paid for her to be cared for in a home rather than looking after her himself; and the fact that he visited the cinema with his girlfriend and slept with her afterwards. In 1955, two years before his novels and essays won him the Nobel Prize for Literature, Camus actually summed up the novel as one in which a sensual, secular and likeable young man is condemned to death by absurd, life-denying institutions for failing to feel appropriately, or to live in a socially approved way. While remorse for the Arab's death is nonetheless among the emotions that Meursault fails to feel, Camus overlooks this and openly invites resentment of the absurdity of his character's judicial fate. In mid-century Europe and for several decades afterward, Meursault (and Camus too) came to epitomise the existential anti-hero, authentically human in his pleasure-seeking and radically modern for refusing to find ready-made meaning in the stultifying precepts of Christianity, as represented by a Catholic prison chaplain who implores him to call on God's mercy before he is executed.

In the very first English edition of *The Outsider*, Cyril Connolly (1946) had regretted Camus' aloof depiction of the murdered Arab and his abused sister, considering them unfortunate oversights in an otherwise commendable book. Edward Said's (1993) later attack on Camus' "incapacitated colonial sensibility" - his cultural, if not political, alignment with Algeria's French rulers - had far more impact, finally denting Camus' standing as a heroic rebel. Not naming the Arab characters in *The Outsider*, Said felt, constituted moral as well as literary failure, even if, as Connolly claimed, it was western bourgeois notions of justice that had been in Camus' sights. Since Said's critique, revisionist tutoring has pressed contemporary readers to concede *The Outsider's* colonial moorings. In the plot summaries on its covers, even Penguin (publisher of its several English translations), have re-designated the pivotal event, calling it Meursault's "personal tragedy" in 1969, but a "random act of violence" in post-2000 editions. Is any further corrective necessary, or possible, to safeguard *The Outsider's* reputation?

Algerian journalist Kamel Daoud has evidently thought so. His narrator in *The Meursault Investigation* is Harun, the fully imagined younger brother of the murdered Arab, now named as Musa, and equipped with a backstory that ensures his loss is more properly felt. Harun had been six at the time of his big brother's death. The abused woman whose honour Musa seemed bent on avenging in *The Outsider* was a "sister" with whom Musa simply felt ethnic solidarity, not a relative. Now an embittered, self-educated old bar-fly in modern Algeria, Harun recounts the traumatic, life-shaping impact that Musa's murder had had on him and his grieving mother, and his coming of age during the Algerian War of Independence. Only in the nineteen-sixties, courtesy of a brief affair with an educated young Algerian woman (who spurs him to learn French and read books) did he discover the much-lauded French "prison memoir" by the man who, years before, had killed Musa, but left him nameless on the page. We learn en passant that Meursault had not been executed (possibly acquitted, or merely reprieved, on appeal,) and went on to become a major French-Algerian writer, fictionally indistinguishable in outlook and renown from Camus himself, enabling Daoud to fuse both his targets into a single offstage, story-haunting presence.



There are several forms of "investigation" in the account Harun gives his mother's forlorn quest for the identity of her son's killer (and for meaning in the face of his absurd death): a literature student's thesis-driven search for Musa's surviving relatives; a police officer's listless enquiry into the literally "untimely" death of a French colonial man at Harun's hands (had it happened during rather than just after the war it would not have warranted official attention). But more than all this, Daoud's novel itself is an investigation, and ultimately a commanding affirmation, of what still matters about Albert Camus's sensibility as a writer, and *The Outsider* in particular. *The Meursault Investigation* is far from being a simple subaltern subversion of a western colonial classic and Daoud eloquently wrests it back from postcolonial critics who would, if they could, reduce it to that. As Algeria slides towards religious fundamentalism, the ageing Harun becomes a secular, sensual outsider like Meursault, defiantly yearning for the same psychic detachment from state and religious authority that, for Camus, had been the universal hallmarks of sanity and freedom. Daoud undoubtedly redeems the flaw in *The Outsider* but without denuding it of literary or political significance: likely as not these two fine novels will henceforth be read in tandem, neither complete without the other.

Mike Nellis

TWO EX-PRISONERS WRITE

THE DAY AHEAD

By an ex-prisoner

Less than twelve months have passed since my release from prison after more than twenty years of institutional life and here I am, the tenant of a small property, experiencing life in the world of the twenty-first century, a very different world from the one I knew all those years ago. I am alone for the first time in years (that's an experience in itself) and I wake up each morning excited at the prospect of the day ahead, a day in which the responsibility for what happens rests with me.

By and large my transition from prison to community life has been an uneventful, but nonetheless exhilarating, experience. It hasn't been entirely free of stresses and strains, nor has it been without moments when self-confidence deserted me. It was sometimes difficult to take action, to decide what to do when faced with an unfamiliar range of options. There were times when I felt vulnerable, confused, overwhelmed by my unfamiliarity with how things work in today's world but, thanks to the commitment of people around me, such moments have been few and far between. My transition still has some way to go before I can feel fully free of the restraints of imprisonment; there are still things to be learned, skills to sharpen, but I'm settling, gradually.

In many ways my age and experience helped me to adjust relatively easily to life in the big wide world. That said, it soon became obvious that some skills I took for granted had been dulled by prison life. Spatial awareness is a good example of this as the pace and variety of life outside is so very different. Sometimes I had difficulty processing information. Occasionally I would fail to notice things happening around me. I'd get lost from time to time failing to take notice of street signs when crossing busy roads. Then there's the art of conversation. Much as I try not to, I still hesitate before asking questions of people. After years of living in a community where intimate questions were not asked, I still find it difficult to bring myself to ask people about themselves. Similarly, I still hesitate to use the telephone, feeling I am intruding. There's still something of a sense that relationships are unequal.

I found the months spent in a probation hostel after release helpful. Living there provided a sort of cocoon, shielding me from having to do everything for myself but at the same time giving me freedom to assume personal responsibility and make choices. Those months gave me the time and space I needed to adapt to a different way of life at my own pace; they provided time for a kind of osmosis to take place in which all manner of new experiences could be absorbed and stored for future reference. The adventure of walking in streets full of people; the pleasure of conversation with strangers; the enjoyment of sitting in a cafe soaking up the atmosphere around me; these feelings are difficult to capture in words. The delight of rummaging in a junk shop finding things that reminded me of happier times; the excitement of searching for and buying new clothes; the self-consciousness of using a debit card for the first time to make a purchase; these are some of the many experiences that were part of that osmosis.





When the time came for me to leave the hostel and take on the tenancy of a small property I felt a mixture of excitement and apprehension. I thought about the time ahead and understood how living in the hostel had shielded me from many of the issues of self-management. I'd taken a lot on board in the last months but now it was time to step off the ferry that had transported me to this stage in my journey; now it was time to paddle my own canoe.

That was a sobering realisation. For the first time in many years I was going to be living alone, taking full responsibility for my life. But, of course, I'm not alone. I have the support of friends, people I've known for a long time. Importantly, they are people who know my background and from whom I hold no secrets. I owe all of them a great deal because without their support this transition would have been a very different experience. The professionals involved in my transition, hostel and probation staff, have been supportive too, though their involvement in my personal life is, of course, proscribed.

It is worth noting that in the weeks before I started my ROTLs (Release on Temporary Licence i.e. "Home leaves") we discussed the question of support following release. With the consent of those involved, I was able to present my manager with a list of names and addresses. Routine police checks were carried out, everyone was accepted and my "support network" was formalised. Their presence became an accepted part of ROTL itinerary - a rota was prepared which ensured that I was almost always able to see one of these friends when I was at the hostel. The coordinator of the support group was allowed to speak at the parole hearing which recommended my release and members maintain contact with me, albeit now in a more informal way.

Other men who have made the transition have been less fortunate, particularly those without either family or friends. I know many of them personally but am discouraged from maintaining contact. Having lost touch, with no way of knowing how they are faring, I can only wish them well. Thinking of them prompts me to hope that the Ministry of Justice will look hard at the schism existing between their rhetoric and the practice of rehabilitation as experienced by many ex-prisoners. I know others continue to do so.

WILL A LEOPARD CHANGE ITS SPOTS?

By an ex-prisoner

These words came from a Police Inspector: he was the investigating officer dealing with my case. At the time, I challenged his words, saying, "I'll show you I can change."

Because of my prolific and serious offending record and after many years of the justice system giving me chance after chance to abide by society's laws, I was eventually given a life sentence with a tariff of six years. By the time of my release I had served eighteen years.

So can a person change his or her behavioural traits? Can they turn their lives around and become law-abiding members of our society? I firmly believe it is possible. Why do I say this? It is because I am one of those who has changed my behavioural traits.

For me to really change I needed to put several components into place which had to be used in conjunction with each other. These included (1) a full and frank admission of my guilt (2) an acceptance that I and I alone was fully to blame for my crimes (3) throw away all the justifications used to allow myself to offend (4) that I make a full commitment from within myself that I needed to and wanted to change.

From the start of my sentence I started to put things in place that could be of benefit to help my progress for change. I applied for permission to write to a befriending organisation called New Bridge. Permission was initially refused but unlike in the past if I was told (NO!) I would have kicked off, but I wanted to change, and so for the next six months I kept applying until one day, permission was granted; I never was told why initially permission was denied.

Then I applied to be transferred to a therapeutic prison known as Grendon to enable me to look at my offending behaviour. I was accepted by Grendon, I arrived in 1998 and spent eight years in therapy. Those eight years were the hardest years of my sentence, yet I enjoyed all of it. I learnt how to take responsibility for my own actions, I learnt how to respond instead of reacting in situations, I learnt how to deal with my emotions appropriately. Throughout my time at Grendon I

could see that I was beginning to change. Don't get me wrong: I never changed overnight, the change was a very slow transition, sometimes it was one step forward and two steps back. During my time in Grendon I was introduced to Quakers through another inmate. I felt that Quaker friends could be a form of support for me, so I sought permission from the prison Quaker minister at the time to see if I might have a Quaker penfriend.



This was a person prepared to write to me and that person has been my rock since 2000 throughout my sentence and he is now my mentor as I re-adjust to life on the outside.

Another reason that I know I've changed is due to the behaviour offending courses I've undertaken. There are two ways a person can approach courses in prison: do them just to get a tick in the box and hope it gets you parole, or do the course because you want to benefit from it and have the knowledge that if in the future you apply what you have learnt it will be another tool to help you change. I chose to go on every course offered with an open mind and because I wanted to.

My life has changed, my thinking is different, I'm in control of my emotions. I have a circle of genuine friends who have seen me change over the years whilst they visited me throughout my sentence. All of them are Quakers. I have been a free man back in society now for eight months; some of you might say that's not very long, but when I have people who knew me prior to my sentence saying to me that I have changed from how they remembered me, I can use that as a measuring stick and that will be another tool I can use to ensure I keep on changing for the better.

So back to the heading, can leopards change their spots? Well, in response to the comment the Police Inspector made all those years ago: yes, a person can change, if they desire to do so.

CITY SNAPSHOTS

Busker's raw talent
overshadowed by her plight
draws no attention

Hollow subway sounds
syncopating guitar chords
that plead a vain cause.

Coins silent in hand
no sound betrays lying lips
apologising

Footsore daylight miles
endless streets melancholic
preludes to cold nights

Cold-deadened doorway
sleeping ears oblivious
city starlings sing

Measured footsteps pause
Silence shattered by a glance
Time to move along

Shop window displays
command more attention than
a tramp's doorway death

Beneath an archway
shadows round a brazier fire
while away long hours

Cardboard box repaired
he solemnly declared it
now a fixed abode

Nightly cardboard wrapped
newly soup-full sleepers know
morning hunger hovers

A POEM BY

MIKE WATERS



A BRIEF HISTORY OF THE CROWN PROSECUTION SERVICE

The CPS became operational on April Fools' Day 1986 in some areas, and by October of that year was fully operational throughout England and Wales. The service is a statutory body created by the Prosecution of Offences Act 1985. The head of the service is the Director of Public Prosecutions (a civil servant), who works under the superintendence of, and is appointed by, the Attorney General (a politician).

The purpose of the Act of 1985 was to make the CPS the principal prosecuting authority for England and Wales and to prosecute those cases investigated by the police. Although the CPS works closely with the police, it is theoretically independent of them. Each geographical area of the CPS is headed by a Chief Crown Prosecutor, and the area of the CPS generally corresponds to the area of the local constabulary.

Prior to 1986 the arrangements for prosecuting police cases varied widely. The Director prosecuted very few cases and many local forces used their own prosecuting sergeants or inspectors, who would both present guilty pleas and conduct trials in the Magistrates' Court. In other areas the individual officer in the case was expected to attend every court hearing and be ready to prosecute his case on the basis of a guilty plea. Other police areas had their own prosecuting solicitor's department who were employed by either the police or the local authority. Other forces used local firms of solicitors to conduct cases on their behalf. However, cases that ended up in the Crown Court were always given to solicitor or counsel to conduct.

One problem before the advent of the CPS was that solicitors conducting police cases had to treat the police as their client, and had to conform to the instructions given to them. Another problem was that although many prosecuting officers were men of common sense and integrity, it was a frequent criticism that the police did not really know the difference between prosecuting and persecuting.

The new service set out to remedy those last two problems by being independent of the police. To begin with, as a show of independence, those existing prosecuting solicitors housed in police stations were rushed into new premises to distance themselves from the police. Thirty years later, the service is thinking about putting prosecutors back into police stations for a different reason. Just how independent the service is, has never been resolved even after three decades.

One of the two important features of the new service was that it was given the power to discontinue proceedings where it was not right to carry on with them. This power can be exercised despite the wishes of the police to continue with such a prosecution. Thirty years on, the use or non-use of this power is still the subject of debate within the legal profession.

The other really significant change in the new service was that cases brought to Court were to be reviewed and presented by legally qualified solicitors or barristers. This new idea was received enthusiastically within the legal profession and, at the time, looked set to be the outstanding contribution of the new service. However, very shortly after it started the CPS reneged on this commitment and decided to get unqualified personnel to carry out such tasks. If my memory is correct, that decision was challenged in court and found to be



**Prosecution of Offences
Act 1985**

CHAPTER 23

ARRANGEMENT OF SECTIONS

PART I

THE CROWN PROSECUTION SERVICE

Constitution and functions of Service

Service

1. The Crown Prosecution Service.
2. The Director of Public Prosecutions.
3. Functions of the Director.
4. Crown Prosecutors.
5. Conduct of prosecutions on behalf of the Service.
6. Prosecutors instructed and conducted otherwise than by the Service.
7. Delivery of recognizances etc. to Director.

Reports

8. Reports to Director by chief officers of police.
9. Reports by Director to Attorney General.

Guidelines

10. Guidelines for Crown Prosecutors.

Transfer of staff, etc.

11. Transfer of staff.
12. Staff commission.
13. Premises formerly used in connection with Director's new functions.

Miscellaneous

14. Charges of remain fees and expenses etc. paid by the Service.
15. Interpretation of Part I.

A

unlawful. So, to circumvent the ruling, they simply got Parliament to change the law to allow designated unqualified persons to carry out the work of qualified solicitors or counsel. It has to be said that many of such designated persons are very good at their jobs, and can be better in court than some of their qualified colleagues. However, the breach of promise still rankles with both the legal profession and the public.

The service did not get off to a good start in 1986. I vividly recall going to Court on countless occasions without files or proper instructions. Magistrates were unimpressed by our service, and still are today. Thirty years later hardly a month goes by without a magistrate or judge writing to the Times complaining about the inadequacy of the service. Judges (all ex-barristers then) disliked the fact that the service deprived young barristers of experience in prosecuting on behalf of the police. The police themselves were totally unimpressed and it soon became called the Criminals Protection Service. That view still applies today.

One of my greatest fears soon took a stranglehold on the service. It became very quickly a mammoth government bureaucracy and has grown bigger over the years. Innumerable departments and senior posts were created to streamline the service: then for the same reason they were abolished and

replaced by something else. The service specialises in so-called initiatives and reorganisation, which is so typical of all government departments. Like the police or the NHS, it churns out codes, policies, manuals of guidance, charging standards, propaganda and leaflets, and is now turning to self-congratulatory press releases about successful case results. Not that long after its creation, a new CPS Inspectorate added a further layer of bureaucracy at tax-payers' expense.

Prior to 1986, Chief Prosecuting Solicitors were nationally known figures feared, admired and respected for their forensic ability and effortless superiority. Their modern counterpart, the Chief Crown Prosecutors, are anonymous administrative officials simply obeying national policy from headquarters, all of which ignores the expectations of the local people and the police. For example, the attitude to vice and pornography will be vastly different in many parts of England and Wales to that of an inner London borough. Yet one size fits all.

Has it all been worthwhile? After thirty years my answer is that apart from the massive salaries paid to its staff, the CPS does not provide the standard of public service offered before 1986. The trouble is now that too few people in the legal system can remember what it was like before 1986, and too many have grown up accepting mediocrity as the norm. That being the case, reform, though necessary, is wholly unlikely. It has grown too big to fail.

Chris Hart

The author is a solicitor-advocate who prosecutes and defends alternately

JUSTICE MATTERS

An article submitted by the Centre for Crime and Justice Studies seeking support from Quakers

We find ourselves in an imprisoning society. Over the last generation we have locked up more and more people: it is estimated we will reach 100,000 incarcerated in the United Kingdom by 2021. I suggest that a large detention service is indicative of a failure to prevent and properly manage the social harms resulting from law-breaking.

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Academics and social policy experts have written at length attempting to explain the slow but inexorable rise in the numbers locked up since the early 1990s. In the main, this burgeoning of punishment was the result of policy choices made rather than a mass outbreak of bad behaviour among the population. Policy makers decided to punish more people and use harsher punishments.

If it is possible to design policies to make the prison population grow then it is also possible to design policies to make it shrink by tackling the supply of people entering the system and by thinking of better prevention of, and solutions to, the wide variety of law-breaking in our society.

This is important because criminal justice neither prevents nor resolves some of the most serious and heinous harms that people experience. For example, child abuse and rape have conviction rates of less than two percent. The prosecution rate for burglary is at best around ten per cent. Other types of social policy intervention are 'evidenced based' and the question could be asked: why pursue an intervention with only a two percent success rate?

The question merits an examination of the prison population. Currently, ninety percent of inmates have a mental health problem and over two thirds have a dual diagnosis. Over twenty per cent are estimated to have learning disabilities or difficulties. Thirty percent have suffered childhood abuse, fifty percent come from homes where they experienced violence, fifteen percent were homeless and ten percent of the prison population were sleeping rough immediately prior to conviction; sixty percent have drug problems. This is indeed a very particular group of people displaying a unique concentration of poverty and trauma.

Might it be that these particular law-breakers are the most vulnerable to capture, while those less marginalised seem to evade the system almost entirely?

The Centre for Crime and Justice Studies has launched Justice Matters, with the aim of encouraging public discussion about alternatives to criminal justice, and not simply improvements in the way it works. The initiative is about rethinking the entire configuration of policy and practice so that many current criminal justice responses are not required at all.

We aim to create a wide coalition of individuals and partners, a Justice Matters alliance, to advocate a radical downsizing of criminal justice. This would be achieved by building more effective harm-prevention approaches through transformed policy and practice. This is an ambitious strategy that will not be achieved overnight, over one parliament, or indeed over one decade, but is nonetheless imperative.

Justice Matters proposes to be more radical than the quotidian response of ‘expand community sentences’. As Helen Mills has recently pointed out, community sentences as a punishment “are not an effective framework for reducing high prison numbers” (1)

Another response is an appeal for restorative justice. This is an approach overwhelmingly reparative rather than preventative. Furthermore, restorative justice is on track to be absorbed into the mainstream criminal justice approach. It will not be long before a justice minister is happy to provide direction for restorative justice to be incorporated within the current criminal justice mix and the current system will survive untainted.

The Centre has launched a workshop with a toolkit to help those who are interested in the initiative to think creatively about alternatives. The toolkit asks participants to challenge their own criminal justice reflex and to try and create effective preventative, ameliorative and reparative approaches to law breaking that in no way replicate or mimic the methods, structures or attitudes of the current system.

Our experience of delivering the workshop is that it is a real challenge to present ways of thinking but that it is beginning to help develop alternatives to punishment and incarceration that should be the goal of a society with social justice at its heart.

Details of the toolkit can be found at the Centre’s website on the Justice Matters page or by searching using the term ‘toolkit’.



(1) ‘Community sentences won’t solve Europe’s prison problem’. Helen Mills, Centre for Crime and Justice Studies, 29 June, 2016. educational bursaries for women with incarceration experience and their children, and peer health mentoring for women as they transition out of custody.

Will McMahon,
deputy Director,
Centre for Crime and
Justice Studies

REALISING RESTORATIVE JUSTICE – HUMAN RIGHTS AND PERSONAL REALITIES

9th International Conference of the European Forum for Restorative Justice

This conference takes place every two years and is a wonderful chance to meet all sorts of people involved in restorative justice across Europe. There were even one or two people from Canada and Australia who felt it worth their while to travel the distance to meet European colleagues.



The conference was organised around six main themes:

Human rights and restorative justice

Dignity and equality – RJ and vulnerable groups

Liberty and access to justice – RJ and detention

Freedom of movement and protection from persecution – RJ and the refugees

Security, justice and prohibition of discrimination – RJ and radicalisation

Education, the arts and cultural life – RJ and creativity

The conference was held in the beautiful old city of Leiden in the Netherlands, with canals and old buildings all around. I was lucky enough to be able to stay with Servas hosts (Servas is a peace and friendship organisation providing hospitality for travellers) who lent me a bike to cycle to and from the university (the oldest in the Netherlands) where the conference was held.

I gave a presentation of how to build a restorative city (something we are trying to do in Bristol) and met people doing similar things in Netherlands, Sardinia and Canada. There were plenary sessions on penal aspects, human rights and personal realities. The highlight was a talk by a young black man whose family had emigrated from Curacao (still a Dutch colony) to the Netherlands and had joined gangs and become involved in serious crime. He received a long prison sentence but turned a corner after meeting two of his victims. He now mentors young people involved in or on the edges of crime.

I attended workshops on RJ and domestic violence in Europe, on sociotherapy in Rwandan prisons, trauma-informed RJ in a South African prison, RJ in prison settings in the Netherlands and Serbia, RJ and mentally disordered offenders. There were six sets of six parallel workshops, so there was also plenty I was unable to attend. And now I need to send various documents to the many people I met!

The Referendum on leave/ remain in the EU took place during the conference. All the British delegates had voted by post and (as one might imagine) voted to remain. So it was a sad day for the whole conference the next morning. The chief executive of the European Forum organised us into a circle in the lecture theatre to show solidarity with their British colleagues.

Marian Liebmann

NEWS FROM THE QPSW CRIME, COMMUNITY AND JUSTICE SUB-COMMITTEE

New work

We are beginning a new piece of work to research into and inform Friends about inequalities of treatment of BAME offenders within the criminal justice system and are therefore looking with particular interest at the “review of BAME representation in the criminal justice system” that David Cameron asked David Lammy MP to lead. [BAME: Black, Asian and minority ethnic.]

The Queen’s Speech in May 2016 included the much-publicised ‘prisons bill’ - actually called the Prison and Courts Reform Bill: “My Government will legislate to reform prisons and courts to give individuals a second chance. Prison Governors will be given unprecedented freedom and they will be able to ensure prisoners receive better education. Old and inefficient prisons will be closed and new institutions built where prisoners can be put more effectively to work. Action will also be taken to ensure better mental health provision for individuals in the criminal justice system.”

In the hope that despite the changes currently underway in the government’s leadership this will still go ahead, we have already begun to formulate our response to the Bill ready for when (if!) it is published.

Meanwhile, as part of its proposed prison reform programme, the Government had indicated that it would accept the recommendations of Sally Coates' new Review of Education in Prison. Published on 18 May 2016, 'Unlocking potential: a review of education in prison' promises to 'put education at the heart' of the prison regime. The full document is eighty pages long. It can be read on line and/or downloaded from:

www.gov.uk/government/publications/unlocking-potential-a-review-of-education-in-prison

Why Prison?

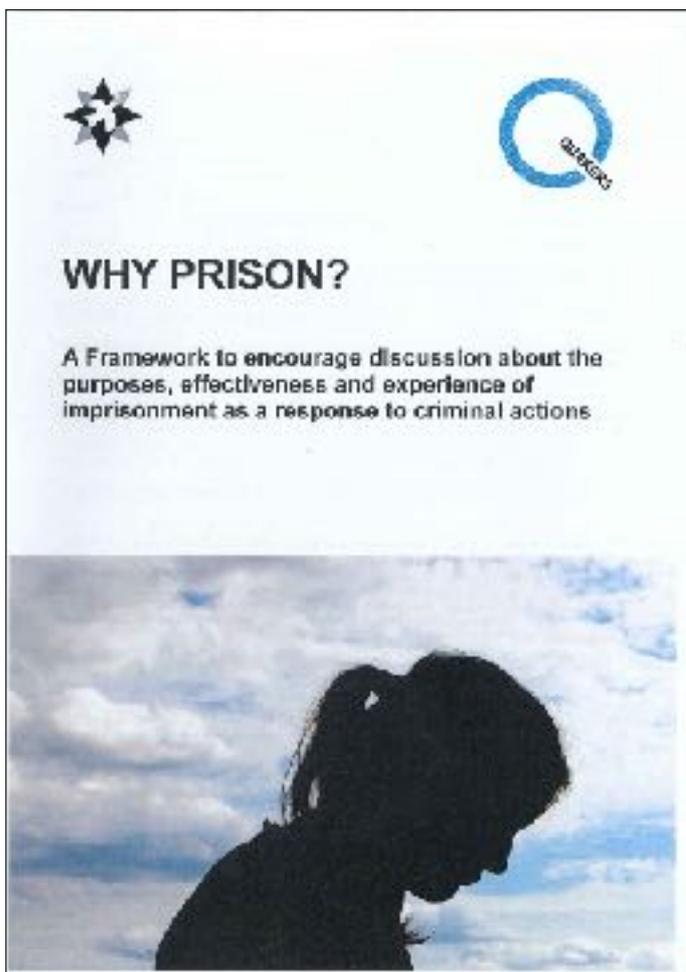
In that context, Friends might like to look at 'Why Prison?', our framework for discussion to explore the purposes, effectiveness and experience of imprisonment as a response to criminal actions. CCJS members are happy to come and facilitate a 'Why Prison?' workshop tailored for your Quaker meeting or any event organised by your meeting – just let Paula Harvey know (see contact details below).

Vision for a criminal justice system: a view from QPSW CCJS

Many Quaker meetings are now looking at our 'vision statement' in response to the request from Meeting for Sufferings that Area Meetings consider it.

Engaging with your local policing bodies

Police and Crime Commissioners in England & Wales, and the Scottish Police Authority (SPA), are responsible for setting policing policy, practice and budgets in our communities. This includes the provision of mediation services, restorative justice and victim support. Following the election of PCCs in May and a review of the SPA published in March this year, QPSW Crime, Community and Justice Sub-Committee has produced a briefing for Friends wanting to engage with these public servants.



Paula Harvey

All three of the CCJS documents can be downloaded from the Quakers in Britain website www.quaker.org.uk [Our Work/Social Justice/Crime, community and justice], and printed copies are available free on request from Paula Harvey at ccj@quaker.org.uk or at 020 7663 1036.

QICJ WORKSHOP AT YEARLY MEETING

Our QICJ workshop ran alongside many other vital events, so it was a great statement of friends' interest and commitment that twenty-three people came to participate in a discussion at Yearly Meeting Gathering.

Half of those present were not QICJ members, and members were delighted to engage in discussion with them. We shared a description of QICJ as a network of support for members, a newsletter and an annual Conference. In 2017 the Conference will be at Woodbrooke, the last weekend in February, on the theme of 'New ways of Doing Justice'.

Adrian opened the meeting and quoted the words from Stainer's Crucifixion: "Is it nothing to you, all ye that pass by?" He offered vivid examples of membership benefit, such as once, on hearing of a former pupil sent to prison: his phone call to the prison chaplain meant that the young man was visited the next day. Adrian was especially glad to talk with Niro Njunga, who is Quaker Chaplain at the Scrubs.

All Quaker Meetings (both Area and Local Meetings) are eligible to join QICJ, so that members can share in the role of promoting dialogue about criminal justice matters. Many meetings have joined QICJ not because they are directly concerned with some individual's circumstances, but because they are troubled by the state of criminal justice in Britain today. The workshop hoped to encourage membership as well as provide an awareness of current thinking.

It was also intended to give a sense of the 2016 Conference, held in Leeds. The title was 'Power and Poverty, where does our responsibility lie?' The conference was inspiring in the way it invited us to look, at a deeper level, at the underlying causes of injustice in our society. These causes affect not just the criminal justice system but economic and political life more broadly, and we simmered down the conference to focus on two equations:

POWER – INTEGRITY = POVERTY + INEQUALITY
POWER + INTEGRITY = EQUALITY + COMMUNITY

The first equation represented the first part of the conference which looked at The Crimes of the Powerful. A short sketch (involving bowler hats) illustrated the close involvement of business with public sector and how difficult it is to achieve independent thinking, for example in relation to the financial benefits and social ills of the arms industry.

The other inspiring part of the conference on the Sunday morning was a recount by two black community workers, Lutel James and Claude Hendrick, and Senior Police Officer, Melanie Jones

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who gave a first-hand account of how, despite increasingly terrifying developments, they were able to stave off a riot in Chapeltown, Leeds, maintain their integrity and the value of the years of work that had been put into building good police/community relationships. It was a wonderful illustration of POWER + INTEGRITY = EQUALITY + COMMUNITY.

Sue shared how she found our equations a good way of looking at many national and local issues, inviting exploration in greater depth, particularly of the role of integrity and the consequences of its absence. It felt important to share this reflection with other Friends and discuss with them the relationships between justice and crime. The Committee intend that the 2017 QICJ Conference will continue these themes.

Adrian Smith, Sue Barrance and Deborah Mitchell

A RETHINK OF THE POINT OF CUSTODY

Sentencing is the key to unlocking the prison crisis

“THE overwhelming number of people in custody are people who have either had mental-health problems, or been brought up in families that required the support of the State.”

Recent statements from the Justice Secretary, Michael Gove, show an encouraging change in tone from previous hard-line rhetoric. The Queen’s Speech last month made welcome promises, although most of them contained hidden “buts”.

Prison governors will be given greater autonomy, but swingeing staff cuts since 2010 drastically limit what they can do, unless the prison population is cut significantly. The scandalous lack of “purposeful activity” can only aggravate the growing use of “legal highs”, violence, and even radicalisation.

A few old prisons will be upgraded, and some certainly need it; a prisoner in the relatively modern Coldingley reports that there are 12 lavatories and eight showers for 90 inmates, and only 15 minutes from unlocking to the time they have to be at work. When locked up, they have to ring the bell if they need the lavatory, and can have to wait five hours through the night for a response — or use the window.

Better mental-health provision is promised in the criminal-justice system, which is also welcome; but for many, the NHS would be more appropriate.

The Government will “continue to work to bring communities together and strengthen society”, and the little-known National Citizen Service will provide adventure, skills, and social action for teenagers in school holidays; initiatives of this kind, rather than penal institutions, offer the best hope of promoting acceptable behaviour.

CREDIT is due for asking Dame Sally Coates to review prison education. She rightly says that a prison-wide vision of education should be at the heart of the system, engaging all staff, especially for the many prisoners with learning difficulties and disabilities.

Smarter use of communications technology makes sense; but because of acute staff shortages, the temptation must be resisted to use this as a short cut to replace the personal contact that we all need, and prisoners more than most. Already, supervision in the community is being relegated to electronic tags. There is even talk of requiring

offenders on probation or parole to check in by impersonal automatons similar to supermarket checkouts.

Education, training, and therapy are more difficult and costly to provide in prisons than in the community; sessions are constantly cancelled for lack of staff to escort prisoners to them. It is widely accepted that short prison sentences do more harm than good, and aggravate the deprivation that Mr Gove has recognised.

The way forward would not be part-time prisons, as has been suggested, but to revive an idea from the 1970s and '80s: day centres for people on probation or parole. The idea was taken up in the United States and Canada; they called them day reporting centres, which sounds tougher.



They can provide a base for education and training, combined with support when needed, but without the damaging side effects of prison. They could also be local centres, organising restorative justice. Safeguards would be needed to avoid “widening the net” of criminal justice by using them when less restrictive measures would be sufficient.

WE NEED a fundamental rethink of what sentencing is for. Mr Gove says that he does not want to change the sentencing regime “in an artificial way”; politicians claim to leave sentencing to judges, but judges follow the laws made by politicians and their rhetoric.

The basis should be to repay no one evil for evil, but to overcome evil with good (Romans 12.7, 21); to say not “You have broken the law, so we will punish you,” but “You have caused harm; so you should (as far as possible) put it right.”

The first response, then, would be to make reparation (including restorative justice where appropriate). The second would seek to reduce reoffending, and, better still, to reduce first-time entry into the system, for which day centres would have a central part to play.

Third, custody would be used only for the most serious offences, and to enforce community measures when necessary.

Last, there is a purpose that tends to trump the others: to symbolise the seriousness of the offence. At present, this is commonly expressed as a number of months or years in prison, bearing no relation to the time required to achieve the other aims.

This purpose could be achieved by requiring a person to attend a day centre for as long as necessary for treatment or training, but then to report regularly for a period proportionate to

the offence. For those who insist on punishment, this restriction of liberty would constantly show the public and the offender how serious the offence was, but without prison's destructive side effects on the offender (and the family, if any).

A coherent policy begins with social justice. Offenders should make reparation and be enabled, normally in the community, not to offend again. Only then can prisons work effectively with the most serious offenders.

Details obviously need to be worked out, and objections met; as Sir Louis Blom-Cooper QC and the criminologist Professor Seán McConville have proposed, it is time for a new Royal Commission on the penal system to re-examine the fundamental principles.

Martin Wright

SIDEWAYS THOUGHTS

I came to this year's conference to support friends who were organising it. Criminal Justice is not my speciality; I am a physicist, more interested in natural laws than the laws of human nature. However, I was surprised and stimulated particularly by David Whyte and John Battle which echoed underlying suspicions and concerns about the nature of our world and our society.

David Whyte in his speech on the 'Crimes of the powerful' laid bare the origins of the separation of corporate ownership and responsibility during the nineteenth century. This was brought about by the Limited Liability Act of 1855, which introduced the Joint Stock Company. Thereafter, decisions in board rooms could affect whole continents of people and environments thousands of miles away, without any awareness or concern of the impact on society or on the environment.

This struck a very strong chord in me and echoed my concerns about the theory of physics and other sciences where there is a separation between theory and the senses, the lived effects of the machines and mechanisms created. In its most extreme, this separation enables scientists to invent and develop weapons of mass destruction, nuclear weapons, drones, trident with the capacity to destroy the planet without batting an eye, or without any concern of the consequences.

Our industrial society ("capitalism") has developed in two stages, where the nature of work shifted from predominantly physical labour based on the senses to intellectual labour or knowledge based work. Subsequently, managerialism and technology together imposed a sense of control that measures and defines all output from



**Hugh
Hubbard**

human production. There is a blurring of reality and fantasy, and with it a sense of Orwellian surveillance intruding on every aspect of life.

John Battle's talk at the QICJ conference on 'the injustice of poverty' emphasized that modern suffering has now shifted from deprivation to the social anxiety of poverty. This has led to alienation and illnesses of the mind, addictions, mental illness – the hidden illness which leads to physical dis-ease.

The crimes of the powerful are not just confined to their actions: they extend to the values and ethos they exude with self-justifying excuses of elitism, exclusion, prejudice and greed which filter down and corrupt the integrity of society. The lack of trust thus permeates every sector of society: education, health, media, law, the churches – none are clean. The crimes of the powerful are now much more pervasive and insidious than those entrenched in the underworld.

As the artist David Hockney has pointed out, the main ability of the visual artist is not to draw but to be able to look and to see.

Perhaps in such confusing times as we now face, Quakers need to return to the mantra "Don't just do something – sit there" but also to be mindful of the role of art in uncovering truth.

With private financing and sponsorship governing our universities, no one with intellectual authority can be trusted to speak objectively. Our Universities have become the new intellectual mills churning out bunnits rather than cotton bobbins: standardized packaged graduates, business clones and scientific papers in accordance with corporates who fund them. There is an ethos: that as there is no 'absolute truth', one can be as dishonest as one can get away with. Those who do not fall into line, fall to the axe. The abolition of tenure and the constant demand for funding means that no academic, no professor can be trusted to speak the truth. Academia is thus being corrupted.

Thatcherism gave rise to the rule of lawyers and managerialism and with it a narrow "evidence-based" approach to teaching, care and to science that excludes individual experience, inhibits creativity and is used as a mechanism of social control. There are echoes here of the fall of Eastern Bloc socialism.

As the artist David Hockney has pointed out, the main ability of the visual artist is not to draw but to be able to look and to see. Perhaps in such confusing times as we now face, Quakers need to return to the mantra "Don't just do something – sit there" but also to be mindful of the role of art in uncovering truth.

Hugh Hubbard

THE BILL MCWILLIAMS LECTURE

Penal reform and probation in Europe

On 20th June, I attended the 19th Bill McWilliams Lecture, delivered by Vivian Geiran, director of the Ireland Probation Service ('An tSeirbhis Phromhaidh' – I know no Gaelic.) He also serves on the Penological Council of Europe, which meets quarterly and has produced useful guidance for prison and probation practice, and urges less use of imprisonment on member states.



The tone of the lecture was optimistic. Vivian maintained that there is a paradigm shift, a quiet movement towards penal reform, amounting at present to no more than a nudge to existing practice. However, good intentions can be undermined by a crisis such as a current feud in Dublin where two rival gangs has so far led to seven deaths. Imprisoning people is bound to be popular when others feel vulnerable or anxious for revenge. Probation never carries as high a profile as prison. In Ireland, the ideals on which probation was based have not become discredited as they have in the UK.

Since 2000, the prison population in Western Europe has fallen by twenty percent and by fifty percent for women. Likewise, in the USA, the prison population is declining, and now amounts to only 2.2 million. ('Only' refers one percent of the whole US population behind bars). Even in the UK, the prison population seems to have stabilised as the concept of 'mass incarceration' gives way to 'mass supervision' and 'mass surveillance'. This has extended to include some people who are not accused of any offence but are thought to represent a threat to society. In Ireland, imprisonment is gradually giving way to fines. (Does the money go to the victim? Personally, I am in favour of a more compensation-orientated system). 'Probation is more

acceptable that the term ‘community punishment’ and there is increasing openness to statistics and analysis.

The Penological Council of Europe defines probation very broadly – it is not primarily punitive, but aims to benefit the ex-offender as well as contribute to safety. He notes that in Ireland, the young men on community service describe what they do as work and this helps to restore self respect. European rules give special consideration to electronic monitoring, which is widely used as an adjunct to probation.

Voices previously ignored are now being heard: at a recent conference in the Netherlands, two ex-prisoners addressed the gathering. Social media is changing the scene and carries benefits as well as disadvantages in that people can be targeted and subject to cyber-abuse.

Such profit mongering detracts from probation’s concern to giving people a second chance as opposed to trying to trip them up in the drive for profits.

Technical advances such as hard-line policing or more secure prisons do not address the problems of disenfranchisement and social injustice. Managerialism is no substitute for leadership and the strength of probation is emphasis on engaging with individuals in relationship-based work. Probation officers must carry a strong conviction that what they are doing is right and worthwhile.

From the floor, Robert Canton paid tribute to the lecturer’s lucidity on ‘Penal Reform and Probation in Europe’ which we heard just three days before the ill fated referendum. He referred to the ‘Obama effect’ brought about by a man with values in high office. What would be the ‘Borris effect’ or perish the thought ‘Trump effect’? Politics is a characteristic of the criminal justice system both in the UK and in the USA. Canton referred to the ‘auction of cruelty’ preceding the 1997 general election, in which the contesting parties in Britain tried to outbid each other in hard-line proposals for tackling crime. ‘Rehabilitation’ is not a commodity but an expression of the community’s

responsibility for victims as well as offenders. The political perspective is also important as a large number of people in European prisons are non-nationals.

Comments from the floor drew attention to the corruption within the privatisation of probation by way of fraudulent claims of breach of probation orders. Such profit mongering detracts from probation’s concern to giving people a second chance as opposed to trying to trip them up in the drive for profits.

Prisons are overburdened as a result of social care system for the mentally ill that are inadequate. An example being the case of Christopher Edwards, a disturbed young man who was killed by a cellmate on his first night in gaol.

There are examples of hope within criminal justice in Europe. In Rumania, the successful introduction of pre-sentence reports has left the probation service overwhelmed. In the Czech, the probation service is actually named ‘Mediation and Probation Service’. In the Netherlands where education, housing is better than in the UK, the prison population is falling. Post-imprisonment supervision works well in Ireland: I was glad to hear this, remembering my own discharge from prison, when I appealed to a probation officer to intercede on my behalf with the tax authorities and met with a blank refusal. Maybe times really are changing now.

Adrian Smith

MEMBERSHIP UPDATE

Firstly it is a pleasure to welcome three new members since my last update in March - William Finley, Marghuerita (Rita) Remi-Judah and Mike Waters. Their names and contact details will be in the updated Membership List, which I hope will be accompanying this Newsletter.

Sadly I have to report two deaths - Sue Bowers (who with her husband John were long-time members, but resigned due to age and infirmity not long before her death) and Norman Richardson, husband of Julia Richardson, they both also having been members for many years. Our condolences and thoughts go to Sue's family and to Julia.

Now the vexed question of membership numbers. Allowing for resignations, deaths and the deletion of 12 names from the list for failing to respond to the last two consecutive annual reminders and thus must be presumed to be no longer interested, our numbers now stand at only 127, the lowest it has ever been. Of these would the 28 members who have not yet paid their subscription for the current year please do so as soon as possible, or let me know if they no longer wish to belong. If you are not sure if you are one of them, please contact me to find out. The committee are looking at ways of increasing our membership, and also at moving to Standing Orders as the normal method of payment, in order to try and prevent the 'slippage' of members who forget about their subscriptions.

In terms of the committee, some of you will be aware that Janet Lynch has had to stand down as our Treasurer for health reasons, and David Hoare has offered to take on this role and is in process of being co-opted onto the Committee.

It was good to see so many of you at our very stimulating Conference in February, and the committee are now busy planning the next one.

Ann Jacob

IMPORTANT NOTICE

I have been acting as Membership Secretary for a very long time now, and am beginning to feel that it is time I handed it over to someone else. It is not an overly arduous role, though is busy at certain times of year. It is however an important role on the committee and one I have found to be very enjoyable. Please would you consider if this is a service you could offer, and contact me if so, for fuller information and description of the job. In anticipation,

Ann Jacob

CORRIGENDUM ON 'REFLECTIONS OF QICJ CONFERENCE 2016'

In the course of editing the above article some sense was lost by omitting the second part of Martin Wright's definition of crime. The full definition offered should have stated:

'A crime is committed when one person (or group) takes something from another, or imposes their will on another, without their consent, in such a way that the state is called upon to intervene because the law has defined the act as criminal.'

In the next sentence Martin stressed that the last bit is important as the powerful have the means to determine whether something is criminal whereas the poor do not.

Carmel Schmid (Editor)

Your Committee Members for 2016 are: Nick George; Simon Ewart; Ann Jacob (Clerk and Membership Sec.); Andrew Lane; Marian Liebmann; Deborah Mitchell; Carmel Schmid (Newsletter Editor) and Paula Harvey (CCJS - co-opted member). David Hoare (Co-opted Treasurer); Jo Rado

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