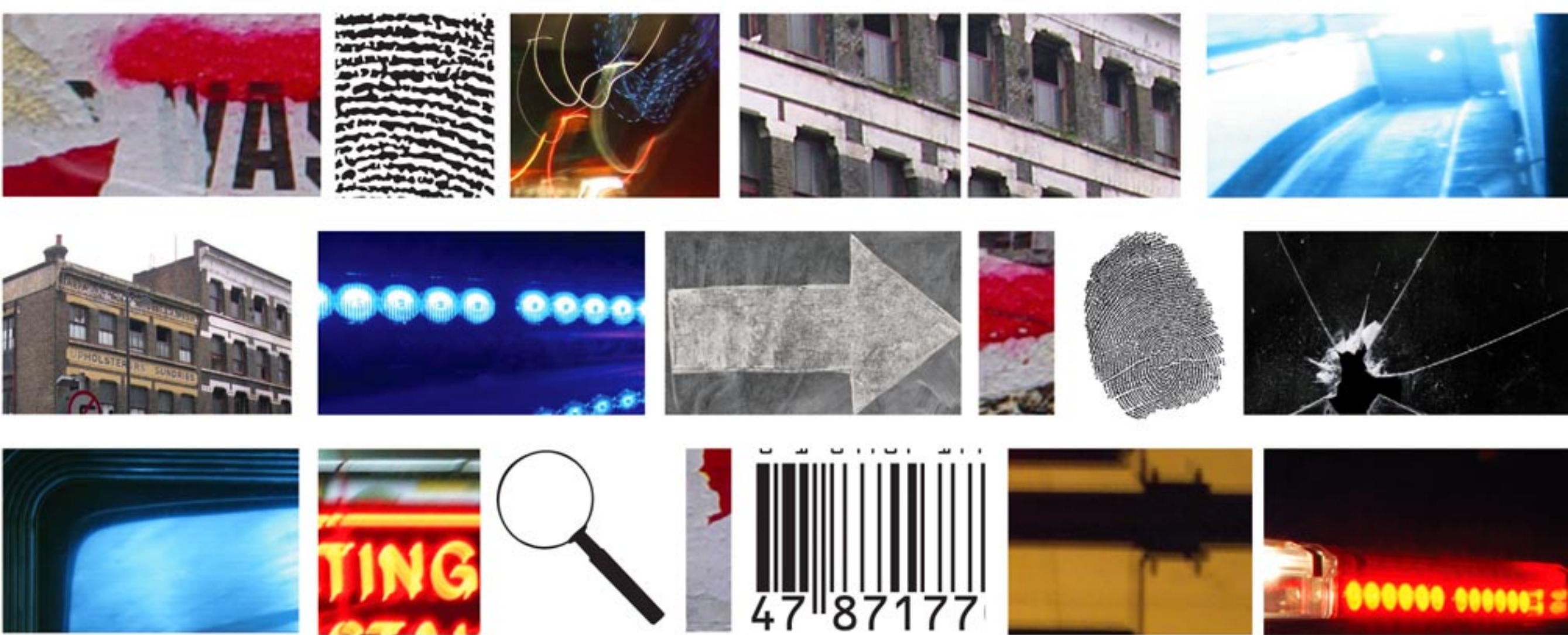# APPLIED CRIMINOLOGY

EDITED BY   BRIAN STOUT   JOE YATES   BRIAN WILLIAMS

Applied Criminology

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Brian Stout, Joe Yates and Brian Williams

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IN MEMORY OF PROFESSOR BRIAN WILLIAMS
1953—2007

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LIST OF ABBREVIATIONS

AYJ	Association for Youth Justice
BME	Black and minority ethnic
CJA	Criminal Justice Act
CJCS	Criminal Justice and Court Services
DoH	Department of Health
DTC	Duty to co-operate
EBPP	Evidence-based policy and practice
ESRC	Education and Science Research Council
HMIC	Her Majesty's Inspectorate of Constabularies
HMIP	Her Majesty's Inspectorate of Probation
HMP	Her Majesty's Prison
HSE	Health and Safety Executive
IPLDP	Initial Police Learning and Development Programme
ISSP	Intensive Supervision and Surveillance Programme
MAPPA	Multi-agency Public Protection Arrangement
NAYJ	National Association for Youth Justice
NETCU	National Extremism Tactical Coordination Unit
NIM	National Intelligence Model
NITFed	National Intermediate Treatment Federation
NOMS	National Offender Management Service
NPIA	National Policing Improvement Agency
OGRS	Offender Group Reconviction Scale
PACE	Police and Criminal Evidence Act
PBA	Probation Boards Association
PIP	Professionalizing the Investigative Process
POP	Problem orientated policing
PSSO	Police Standards and Skills Organisation
RIPA	Regulation of Investigatory Powers Act
ROM	Regional Offender Manager
SFO	Serious Fraud Office
UCC	Union Carbide Corporation
VFM	Value for money
VIS	Victim Impact Statements
VPS	Victim Personal Statements
YJB	Youth Justice Board
YOI	Young Offenders Institution
YOT	Youth Offending Team

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APPLIED CRIMINOLOGY

Rob Canton and Joe Yates

The development of social scientific theory and knowledge takes place not simply within the heads of individuals, but within particular institutional domains. These domains, in turn, are shaped by their surroundings: how academic institutions are organised, how disciplines are divided and subdivided, how disputes emerge, how research is funded and how the findings are published and used. In Criminology, an understanding of these institutional domains is especially important for knowledge is situated not just, or not even primarily, in the 'pure' academic world, but in the applied domain of the state's crime control apparatus.

(Cohen, 1981: 220)

Criminology is a contested, contradictory and interdisciplinary discourse marked by constant incursion, interactions, translations, deviations and transgressions. Competing theoretical perspectives meet and sometimes they are able to speak to, listen to and understand each other, at others they appear not to share any common discourse. There is, therefore, no one definition of 'Criminology' . . . but a multitude of noisy, argumentative criminological perspectives.

(McLaughlin and Muncie, 2006: xiii)

Chapter Summary

This introductory chapter explores what is meant by Applied Criminology: that is, Criminology in its applied form.

It is argued that Criminology should be applied to three principal questions:
- what is to be done about offenders?
- what is to be done about crime?
- what is to be done on behalf of the victims of crime?

It considers the historical development of Criminology as a discipline.

Some of the major movements and theories within Criminology are set out and the implications of applying these theories are explored.

Factors which shape the construction of criminological knowledge are critically considered. It is argued that all these factors have an important bearing on how Criminology is (or might be) applied and therefore how Applied Criminology should be understood.

The chapter concludes by considering the practice and policy implications of an Applied Criminology and outlining the contributions the various chapters of the book make to these debates.

Introduction

Over the last ten years there has been an increase in Criminology courses in universities and in the number of students on these courses, many of whom anticipate employment in the community and criminal justice sector. This growth in the number of students is integrally linked to the perception that studying Criminology will not only improve the 'employability' of students but also, in doing so, it will improve the functioning of the criminal justice system and increase its effectiveness. There is a sense, then, that the Criminology studied in the academy will (or should) be applicable in the field—to what are presented as the 'real world problems' of crime and criminal justice—a form of Applied Criminology.

The growth of Criminology taught in the institutional domain of the academy has also coincided with an increase in governmentally sponsored Criminology research. Whilst this reflects the prominence of crime and effective crime control in political debate, it also reflects a broader ambition to use 'evidence' from criminological research—especially in relation to what does or does not 'work'—to guide policy and practice.

This governmental commitment to researching criminal justice and evaluating its effectiveness has also been a significant factor in the growth of the monies made available to fund criminological research. Between 1998 and 2001, Tombs and Whyte (2004) observed that there was a 500 per cent increase in funding for research by the Home Office, much of which was aimed at commissioning criminological research. This is a significant investment and represents the government's interest in the generation of criminological knowledge. However, as we will stress, criminological knowledge and its production are not value free; nor is the extent to which criminological knowledge is meaningfully engaged and subsequently applied. Different criminological theories emerge from different contexts, are shaped by different forces and therefore have very different implications if applied. As this chapter, and indeed this volume, will illustrate, this is not as straightforward a process as it seems. There have been a number of developments, for example in policing and youth justice, which make bold claims regarding the extent to which criminological research and 'evidence' have been employed in informing the direction of policy and practice. Yet the extent to which criminological research has been employed to inform rather than merely legitimate policy is hotly contested, calling for a reappraisal of how Criminology has been engaged or 'applied' (see Hine, this volume).

This introductory chapter aims to set the scene for the rest of the book by exploring these issues. In doing this it critically appraises the forces which shape criminological understandings and considers the extent to which these understandings are—or could be—meaningfully deployed in guiding the policies and practices of criminal justice.

We identify three principal questions which Applied Criminology should address

- what is to be done about offenders?
- what is to be done about crime?
- what is to be done on behalf of the victims of crime?

and outline how the chapters which make up this collection contribute to these challenges.

It will be shown in this introductory chapter that these apparently simple questions are conceptually much more complex than first appears and that any answers to them involve political judgements as well as debates about effectiveness—or indeed what is judged as evidence of effectiveness. At this point, it is enough to note that unless Criminology illuminates these questions it is not easy to see **how** it is to be applied or **to what**.

The other chapters in this collection also address these questions. They apply Criminology to understanding crime and criminalisation, to responses to crime and offenders, to penal policy, to the needs and rights of victims and to understanding why certain conceptions of criminal justice have been prioritized over others. These chapters accordingly offer not only an overview of Criminology and the extent to which it has been meaningfully applied in respective parts of the 'field', but also contribute to debates around criminal justice—critically exploring the relationship between Criminology and policy and practice developments. The chapters in this collection do not all adopt a similar approach. Indeed in many respects they reflect the theoretical diversity of Criminology and the contested nature of criminological discourse. What the chapters have in common is that they critically engage with the manner and the extent to which Criminology has been meaningfully applied to the particular element of the field they address.

Garland defined Criminology as 'a specific genre of discourse and enquiry about crime—a genre which has developed in the modern period and which can be distinguished from other ways of talking and thinking about criminal conduct' (Garland, 2002: 7). He argued that this distinctiveness rests on Criminology's claims to be empirically grounded and scientific, its focus on the subject matter of crime giving its distinctive disciplinary identity. Others dispute that Criminology constitutes a discipline in its own right (Walklate, 2005). According to Lea, Criminology is not a discipline but is defined by its subject matter—crime, criminal law and the relation between the two—and it is to this subject matter that we now turn.

The subject matter of Criminology

Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting towards the breaking of laws . . . The objective of Criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime and treatment.

(Sutherland and Cressey, 1955: 3)

Whilst its disciplinary standing may be contested, then, Criminology involves a critical and systematic study of crime and criminals, of their victims, of the institutions and practices of criminal justice and punishment, of crime management, treatment and ultimately of reduction. This definition of the subject of criminological enquiry

is ambitious, committing Criminology to inquiry and interpretation in areas conventionally explored by psychology, sociology and philosophy, by law, politics and economics. Indeed this theoretical abundance, whilst reflecting the 'rendezvous' nature of Criminology, is both part of its intellectual appeal and the source of its most intractable disputes and the subsequent 'fractures' between differing criminological perspectives (Ericson and Carriere, 1994).

Common sense suggests that crime must be the stuff of Criminology. Yet the definition of crime and correspondingly the boundaries of Criminology are notoriously problematic. An accepted, but minimal, definition of crime stipulates that crime is conduct proscribed by the law and liable to attract punishment. However, this definition has its limitations: how, for example, does an 'act' become transformed into a 'crime' and why are some acts defined as crimes while others are not? As Christie observes 'Acts are not, they *become*. So it is with crime. Crime does not exist. Crime is created. First there are acts. Then follows a long process of giving meaning to these acts' (1998a: 121).

Is there something that all crimes have in common? A Durkheimian (1964) approach would suggest that the criminal law expresses a consensus about what is right and wrong, what types of behaviour should be legislated against and punished. Stealing, for example, is a crime because it is agreed to be morally wrong. A more critical perspective, however, sees crime as narrowly defined by governments who represent the interests of powerful groups in society rather than as a reflection of consensus. For example a Marxist perspective identifies how the process of criminalization can be used as an instrument of economic power to serve the interests of the powerful (Sheptycki, 2006). An anonymous protest about land enclosure makes the point eloquently:

> The law locks up the man or woman
> Who steals the goose from off the common;
> But lets the greater felon loose
> Who steals the common from the goose.

The perception of the criminal law as a formal codification of the consensus of values that binds a society therefore arguably neglects these important dimensions of power. Without an appreciation of these dimensions of power it is impossible to understand how certain acts become criminalized whilst others do not. This plainly raises questions for Criminology: if Criminology is restricted to the study of acts that the state defines as criminal, it is clearly at risk of having the terrain of its enquiry limited and confined to agendas defined and shaped by the state. Many criminologists insist, therefore, that they have the right and the responsibility to investigate other types of harmful conduct—for example, the wrongs done by states to their citizens, or the harms caused by powerful corporations, whose actions may not fall within governmentally defined criminality, but are never the less socially harmful (Schwendinger and Schwendinger, 1975)

The legal parameters of crime should not just be accepted as given: it is an impoverished and uncritical Criminology that forbids itself by definition from inquiring

into the origins of laws, who decides what kind of conduct is so proscribed and with what consequences.

Some have accordingly been tempted to call for a shift away from crime as the subject of inquiry and to instead focus on *harm* (Hillyard and Tombs, 2005). This perspective argues that crimes should be considered in the much broader context of the many harms that threaten and damage people's lives, including the pollution of air, water or food, poverty, exploitation and abuse by powerful industrial and commercial interests, health and safety at work, stress and social exclusion. Some of these harms are, to be sure, technically criminal, at least in some circumstances, but it is not usually these that governments have in mind when they debate 'crime concerns' and many of these harms are not 'criminal' at all. It is also not these type of crimes or social harms to which criminological enquiry is routinely *applied*.

Crime impacts disproportionately on vulnerable and disadvantaged communities, who are also most at risk of other social harms and from the crimes of the powerful. Much crime too is intraclass—that is, committed by members of these marginalised communities against one another (Young, 1986). To insist that the crimes of the powerful and the processes of criminalization impact unfairly on disadvantaged communities is not to deny the harms of crime as conventionally understood. Criminologists have an ethical duty to consider these issues, especially if we are concerned with the application of this knowledge and how the insights of Criminology can support and serve these communities.

Law as oppression, law as liberation

The criminal law calls upon the state to protect people who are powerless against the predations of those who would exploit and abuse them, and to bring the perpetrators to justice when crimes are committed. It is therefore an instrument of liberation.

The criminal law represents the interests of those who have the power to impose their preferences on the rest of society and, in some jurisdictions and in almost all societies at some times, sustains injustice. It is therefore an instrument of oppression.

Applied Criminology

This chapter—and indeed this whole volume—affirm the possibility and value of Applied Criminology—that Criminology which self-consciously and deliberately explores the insights of Criminology for their relevance and application to policy and practice.

Some theorists have associated Applied Criminology with a dilution of criminological theory and the process whereby Criminology has become depoliticized. That is, they have seen Applied Criminology as focusing primarily on improving the service delivery of the criminal justice system, dislocated from consideration of broader structural issues and the theories which examine these. This perspective sees Applied Criminology as purely 'technicist' (Cohen, 1985), focusing primarily on the effective workings of the criminal justice system, a system which targets the transgressions

of the poor and the powerless, and in particular socially deprived working class adolescents (Taylor, Walton and Young, 1973).

However, we would argue that an Applied Criminology should go much further than this. Applied Criminology should have a critical edge, casting a discriminating, analytical gaze over the processes of criminalisation, crime enforcement, and the criminal justice system. Since crime is such a highly politicised issue, Applied Criminology should seek to expose the relationship between governmental agendas and knowledge production. That is how government defines crime, shapes the criminological agenda and influences the way in which Criminology is applied. An Applied Criminology has an ethical duty to do this; otherwise it risks being fully incorporated by the state and its intellectual integrity and analytical efficacy severely restricted. In this respect, to echo Christie's assertion regarding the role of Criminology, Applied Criminology should not be aimed at *problem solving* for the state but rather should also focus on *raising problems* (Christie, 1971 cited in Bottomley, 1979). Applied Criminology should contribute not merely to the smooth functioning of criminal justice but must raise questions regarding the direction of policy in the context of a broader socio-structural critique. Thus the 'emphases and methodologies of applied work' should be considered in relation to the 'economic, political and social conflicts of the time' (Sim et al., 1987: 5). In this context any attempt to understand what is meant by Applied Criminology requires an appreciation of the context from which criminological theories emerge, and of state power and its relationship with criminological knowledge production.

As Hudson has argued Criminology not only seeks to understand social control but 'is itself part of the apparatus of social control in modern societies' (Hudson, 1997: 452). Applied Criminology accordingly calls for an element of self-reflection—for example why does Criminology focus mainly on the poor and the powerless rather than the actions of the powerful—or in the words of Hagan (1994) the crimes of the 'street' rather than the crimes of the 'suite'? Why is it these groups who become the paradigmatic target to which Criminology is applied—whereas other groups do not? This focus clearly ensures that Criminology focuses on certain types of problems rather than others, generating knowledge of certain types of activities to the neglect of others. Tombs and Williams explore this issue in detail in their chapter in this volume, demonstrating that while crimes committed by powerful business interests cost far more than street crimes, they are much less likely to be the subject of research.

Whilst Criminology is plainly vulnerable to misuse to 'legitimate' policy and practice, especially when crime is such a volatile political area, we would argue that Applied Criminology is worthy of study for a variety of reasons. Indeed, so long as it retains its critical and analytical perspective, Applied Criminology can make important contributions to informing policy and enhancing practice, illuminating the three identified principal areas of concern—what is to be done with offenders?; what is to be done about crime?; what is to be done for (on behalf of) victims of crime?

Applied Criminology shows us that each of these questions is much less straightforward than it looks, concealing a number of deeper questions and themes. How are we to understand the processes by which some wrongdoers (but not others) come to be

identified as offenders? What types of intervention are just and effective? What of 'potential' offenders? How good are we at identifying them? And what are the consequences of identifying them and the ethics of intervening (perhaps compulsorily)—not on the basis of what they have done but in anticipation of what we think they may do? Indeed what type of issues would be raised if we considered this type of pre-emptive intervention with corporate offenders rather than juvenile delinquents? Since so few crimes lead to conviction, can the criminal justice system influence levels of crime? If not, what can? Who is to count as a victim? Many of these issues are questions with which the chapters in this volume concern themselves.

Another important insight of Applied Criminology is to recognise that these three broad questions cannot be collapsed into one. This fairly obvious point needs to be pressed because penal policy has often seemed to treat them as a single question—a question to which the answer is *punishment*. Penal policy, at least in the past twenty years, has insisted that condign punishment—whether justified in the language of desert, deterrence or incapacitation—is the appropriate way of dealing with offenders, displacing the rehabilitative aspirations that characterized the earlier years of the 20th century (Garland, 2001). Again, conflating the first two questions, policy has typically responded to anxieties about the prevalence or seriousness of certain kinds of conduct by penalizing these through the criminal law. Yet at least arguably this rests on an exaggerated faith in the efficacy of deterrence and the educative force of criminal justice.

Punishment is also felt to be a unique vindication of the experience of victims. The possibility that victims may need other sources of restitution, support or closure has often been politically marginalised on precisely this pretext. The persuasive trope of the *scales of justice*—in which the claims and needs of victims are weighed against those of offenders—encourages the belief that a balance can only be struck when punishment is heavy. Yet investigation shows the position is more complex than this. Victims respond to the distress of crimes against them in different ways. Plainly it will depend on the victim and the crime. It is no doubt safe to assume that victims want the offences against them to be taken seriously, but this is not at all to say that this can only (or even best) be demonstrated through punishment—and certainly not through punishment alone. Annexing the matter of the needs of victims to the punishment of offenders, moreover, leaves stranded the many (majority) of victims whose offenders are not caught or punished.

The first point, then, is that failure to separate out these three questions leads to poor crime control and an approach to victimisation that will leave most victims unsupported and unsatisfied. It is next to be noted that these are all *normative* questions, which are not 'value free' but call for political and ethical judgements. We saw earlier that the choice of definition of *crime* and the determination of the scope of Criminology irreducibly involves political and ethical choices—for example whether to study crime (or even what type of crime) or social harm. Similarly, the three questions raise not only empirical and conceptual challenges, but also ethical problems.

Yet, as Matza argued, the 'correctional perspective' in Criminology—the priority to denounce and repudiate—increases the possibility of 'losing the phenomenon—reducing it to that which it is not'. (Matza, 1969: 17) In other words, the urge to suppress crime interferes with a proper understanding. This perspective too at least partly

explains why so much of the criminological tradition treats offenders as objects rather than subjects, inquiring into causes rather than the reasons that are usually sought when trying to understand behaviour. There are ethnographic traditions in Criminology too (Hobbs, 2007) which attempt to discover what offending means to its perpetrators, the sense they make of their conduct, listening to their 'voices'. Whilst these perspectives have been marginal in Criminology they have made a considerable contribution to the understanding of crime and criminality (Yates, 2004). However, these perspectives bring with them the risk of romanticizing crime—another shortcoming against which Matza warned (1969). Matza's proposal was for an appreciative inquiry which takes seriously offenders' accounts of their own behaviour without collusion or romanticization.

> If we want to know why someone has behaved as they have, we ask them and they will give **reasons** and **meanings** in their account—not causes. Criminology has not usually approached offenders in this way, losing a potentially rich source of understanding. This may be because we are reluctant to 'understand' conduct which it is psychologically and politically more comfortable to deplore.

Matza's insight plainly has very significant implications for Applied Criminology. If, in an enthusiasm to denounce crime, criminologists abandon a critical perspective, as they apply their understandings to the real problems of crime, criminal justice and victimization, they are at risk of misunderstanding, of irrelevance and even of aggravating the problems they are attempting to address.

Some criminological approaches and their applications

There are a wide range of criminological theories, which offer competing perspectives on crime and therefore have very different implications if applied to the field of community and criminal justice practice. To illustrate this, we now review some theories and explore the issues raised in their application.

The 'Lombrosian project' (Garland, 2002) attempted to determine what it was about criminals that made them different from others through the application of positivist methodology and the utilization of the tools of the natural sciences to identify *'L'Uomo Delinquente'*—the 'Criminal Man'. Yet the aspiration to reduce crime significantly through gaining knowledge of its causes as discerned from a study of offenders gradually came to seem less plausible. The biological or psychological factors that differentiated offenders from others were elusive and in any case probably beyond influence. Meanwhile, the worth of the project was challenged by other modes of understanding crime. The 'Chicago school' investigated the ecology of crime and suggested that crime might be a function of social organization (or disorganization). 'Strain theory' found the origins of offending in the 'strain' between aspirations of affluence and the realities that prosperity was attainable by relatively few: crime was one possible response to this predicament. 'Conflict theories' regarded crime as a manifestation of tensions—typically class tensions—grounded in the social order.