

**AN
INTRODUCTION TO
CRIMINAL
JUSTICE**

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Cover design: Stephanie Guyaz
Typeset by: C&M Digitals (P) Ltd, Chennai, India
Printed in the UK

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First published 2017

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Library of Congress Control Number: 2016947173

British Library Cataloguing in Publication data

A catalogue record for this book is available from
the British Library

ISBN 978-1-41296-211-7
ISBN 978-1-41296-212-4 (pbk)

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1 Introduction

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One of the very first serious points for consideration in putting together our ideas for this book from the outset was the title. We unanimously agreed on *An Introduction to Criminal Justice* and are proud to have this on the front cover. However, behind this title, and as evident in the competitor titles from other publishers, sit a range of other potential and similar titles, including variations on the themes of *The Criminal Process*, *Criminal Justice* and *The Criminal Justice System*. We felt it important not to wed ourselves to a label that foregrounded the contents as driven by considerations of criminal justice as a ‘system’ or as a ‘process’. There are problems with both formulations. A system implies a group of closely related parts that work together efficiently with little outside interference; a process is a series of actions that flow towards a planned outcome with a clear beginning and end. Neither term quite captures what criminal justice is and does, though process is probably the more accurate. Both terms will be used in this chapter and later by our contributors.

Another serious consideration, admittedly towards the end of our editorial journey in compiling this book, was the front cover. In considering images we were anxious to ensure that the cover design fitted with the title of the book and that both give a true reflection of the book’s content and do not convey a false impression of the text to would-be readers. We rejected one of the first mock-ups which superimposed our title on a background picture of a lawyer’s/judge’s wig. For us this was a non-starter. The book is not about the legal system, nor is it a law textbook. We settled on a more abstract and, as Natalie Aguilera from Sage put it, ‘Hitchcock-inspired’ cover.

We make these introductory points as a segue for illustrating the distinctiveness of this publication. Under this title and within the pages between the covers, what we have engineered is a book that is more than the sum of its parts. *An Introduction to Criminal Justice* contains within it a set of chapters that outline and reflect upon policy, practice, research and theoretical developments in the field of criminal justice. Each of these chapters is brought alive by their authors who draw on their research-rich biographies. In compiling this book, and in bringing these contributions together, we have produced a comprehensive text that is infused with wisdoms drawn from scholars adopting various combinations of historical, socio-legal and politico-economic analyses. The remainder of this introductory chapter continues to enlighten the reader about the rationale for the book. We elaborate on the above and convey our aims and ambitions in devising a text aimed at undergraduate students of criminology, criminal justice studies and related programmes. The chapter provides an overview of the content and outlines how we have chosen to organise the contents of the book into three constitutive parts.

Finally, one of the most important elements of this introduction is the inclusion of an overarching timeline of criminal justice since 1945 to date. This overview of the key developments in criminal justice in England and Wales since the end of the Second World War highlights a lengthy list of landmark developments or events that have been significant in respect of criminal justice as we move from the twentieth to the twenty-first century. As Mair notes in Chapter 2, the pace of change accelerates rapidly from the early 1990s and each of the chapters in the volume discusses developments that feature on this timeline.

An Introduction to Criminal Justice

As we have begun to establish above, the book is focused on criminal justice rather than criminology and the rationale for this book is to bring together a wealth of contemporary knowledge and thinking about matters concerning criminal justice in England and Wales. We do so with the aim of exposing undergraduates of criminology and/or criminal justice studies degrees to a range of scholarship that is research rich yet eminently accessible. Our ambition is to captivate new generations of students early in their studies, to enthuse them to be inquisitive and questioning in their journey towards independent criminological thought and in our ambitions for them to become collegiate forward-thinking practitioners as well as imaginative scholars and researchers. Criminology as an academic field of study has expanded enormously in the last 30 years, but we would contend that at its heart lies criminal justice – the agencies, institutions, processes and procedures that deal with victims, offenders and offending. If criminology were to lose touch with this central focus it would lose its way and while we are in no way trying to delimit criminology's field, we make no apologies for making criminal justice the centre of our attention. Students studying criminology (or criminal justice, or police studies, etc.) need to have a thorough grounding in how the criminal justice process operates and this book aims to deliver this knowledge.

In claiming the book is ‘more than the sum of its parts’ – i.e. more than a collection of separate and discrete individual chapters, which a cursory glance at the contents pages may indicate – we take the opportunity early in this book to persuade the reader to visit these chapters as part of a package, assembled coherently. When the book is used in this way, we hope it will be evident that the book gathers a momentum in establishing that a comprehensive criminological understanding of criminal justice begins with an understanding as signposted by this text as a whole. In this way we anticipate the book will be a unique teaching resource. We now commence the job we have set ourselves, to tackle practical and normative issues in the Criminal Justice System. That system is to be imagined in the widest possible sense – to include an increasing plethora of agencies and institutions (the book incorporates chapters that focus on the police and multi-agency partners, prosecution and the courts, prisons and parole) that are subsumed under the umbrella ‘Criminal Justice System’. The 21 substantive chapters sandwiched between this introduction and the concluding chapter variously explore criminal processes and procedures and how ‘the system’ deals with those who are channelled into it. It thus examines criminal justice *agencies* and *institutions* as well as ‘agency’ in the criminal justice process. Thus our examination of criminal justice goes beyond mere description of what a state system of justice is, and what its constitutive components traditionally have been and contemporarily are. The text provides the basic overviews of these agencies and institutions, past and present and, in our final chapter we also ponder their futures. However, we have required our contributors to address the main points of debate and contention in matters of criminal justice. These issues and debates might sometimes be rooted in philosophical thought or epistemological differences of opinion, in different political or ethical values. They may be contemplated from different standpoints or through different lenses from which the system and processes of justice are viewed. Such perspectives may be legal, moral or criminological and, at other times, the starting point for the assessment might be victimological. This has given rise to a rich, varied and sometimes partisan analysis, but always a contribution that is thorough, authoritative, and imbued with the most up-to-date examples and references.

The above has guaranteed that a number of major themes run throughout the pages of the book. One example is the place of the victim in matters of criminal justice. The victim has slowly emerged as an increasingly important feature in criminal justice policy making and as a driver for change. As with other incremental developments and shifts in criminal justice focus however, some have questioned whose interests are being served (Duggan and Heap, 2014). Such questions are criminologically and victimologically important and a range of chapters, particularly in Part 2 of the book consider inequalities in criminal justice. In these chapters we find that the distinctions between victims and offenders often become blurred when justice, fairness and equality are the lens through which we consider the effectiveness of criminal justice practices and procedures. Questions of bias, prejudice, inequality, and injustice begin to emerge in Chapters 5 and 6 raising further questions that some of the later contributions take into consideration, especially in Part 3 where crime and harm, deprivations and human rights (see Chapter 22) enter

the analysis of criminal justice. The latter set of concerns sees another recurring feature within the book – the connections between criminal justice within and between sovereign states and the interconnections between the global and the supra-national, the European, national, regional and local. These are big criminal justice questions that the book, though pitched at level 4 undergraduates, taps into in an accessible yet scholarly way. The book encourages the novice scholar to be aware of the importance and significance of the temporal and the episodic, of pendulum swings (for example welfare v. justice, see Chapter 18), of moments of crisis and the signal or trigger events (e.g. the murder of two-year-old James Bulger in Liverpool in 1993, which opened the way for a more punitive approach to criminal justice; see Chapters 2 and 18). At the start of several of the chapters we have provided shorter timelines of key developments in recognition of the importance of some key landmark points in time which are sometimes represented by dates when legislation was enacted and sometimes when key reports or inquiries were published following major inquiries or reviews.

While we have encouraged these big themes to emerge, we have maintained a consistency of approach within each of the chapters. There are common features that help readers engage more swiftly with what may seem challenging content. Each chapter has:

- an introduction that clearly sets out the chapter's purpose and scope;
- a summary reminding the reader of the key points;
- a case study/studies and/or summary of recent research;
- an annotated list of further reading, both academic and web sources where appropriate, for readers who wish to explore further the topics covered in each chapter;
- discussion questions/suggested exercises.

We have also encouraged contributors to include where appropriate, a critical commentary arising from different perspectives on the criminal justice process, an outline of the historical background to the element of the process that is foregrounded and a discussion of the key current issues. Inequalities are thus often a feature of the discussion and we have ensured that the challenges and disadvantages faced by people with mental health problems are also represented (see Chapter 5).

How the Book is Organised

As noted above, the book is organised into three parts – Part One: The Criminal Justice Process in Context; Part Two: The Criminal Justice Process; and Part Three: Key Issues in Criminal Justice. The first part sets a context for the discussion of processes and experiences that are examined in some detail in Part Two. Criminal justice, as already flagged, is identified as a contested terrain and this is illustrated by exploring different models and perspectives that have been preferred, popularised and

politically championed at various points in history and contemporarily. The adversarial nature of the criminal justice process of England and Wales is explained, together with key historical developments and milestones that have shaped the contemporary nature of this process in England and Wales.

Historical developments and milestones are a logical place to commence discussing criminal justice. Looking back in time at key landmark developments and simultaneously pointing out the ways in which criminal justice has traditionally been defined and conceptualised is a useful exercise in which to engage students at the start of an introductory module on criminal justice. These are foundational matters in the study of criminal justice. Knowing these contexts informs the ways in which policy, practice, research and theorising will continue to develop into the twenty-first century. Historical understandings are crucial if we are to fully appreciate the present. Future trajectories of criminal justice including its significance and relevance for government and the general public are in part shaped by past experiences. Emerging patterns and key themes such as the expanding criminal justice process, modernisation, penetration of the voluntary and private sectors in matters of criminal justice, risk and accountability are all made sense of through having a comprehensive appreciation of criminal justice and the criminal justice process in context.

Those who work within and those who come into contact with the Criminal Justice System have been the subject of much criminological, and more recently victimological, work. Much criminological research has focused on the clientele that are processed through the Criminal Justice System. No criminal justice textbook would be complete without a significant focus on those who experience the Criminal Justice System – whether as alleged perpetrators, offenders, victims and/or witnesses. In a run of eight chapters this first part of the book thus provides a comprehensive foundation for the study of the criminal justice process.

This book deals with criminal justice in England and Wales, rather than all of the United Kingdom. As McAra (2008: 481) notes, it is inappropriate to subsume Scotland in a United Kingdom-wide discussion, because Scotland has a separate justice and penal system from that of England and Wales, and also a distinctive history in terms of crime control. We recommend reading about criminal justice in Scotland elsewhere (e.g. Croall et al., 2016). The political history of Northern Ireland has had major impacts on many aspects of criminal justice, with the change from the Royal Ulster Constabulary to the Police Service of Northern Ireland being a major element of the peace process. The unique role of the Maze prison (see, for example, McKittrick and McVea, 2012) is also a distinctive feature of Northern Ireland's historical legacy and community safety presents particular challenges in a society that has seen such radical changes (Brunger, 2012). It is for these reasons, in addition to the powers of the Northern Ireland Executive over criminal justice policy, that the situation in Northern Ireland is not covered in this book. Instead, the focus is on placing criminal justice in England and Wales into its unique historical and socio-legal context. We trust that you will find it a helpful and illuminating discussion.

Criminal Justice Since 1945: A timeline

- 1945 **Labour win general election (5 July)**
- 1946 Police Act
Dogs introduced experimentally by the Metropolitan Police
- 1948 Criminal Justice Act
Arrival at Tilbury docks of the *Empire Windrush* from Jamaica
Opening of National Police College
- 1949 Royal Commission on Capital Punishment set up
Legal Aid and Advice Act
- 1950 **Labour win general election (23 February)**
Timothy Evans hanged (10 Rillington Place)
- 1951 **Conservatives win general election (25 October)**
- 1953 Derek Bentley hanged
John Christie hanged (10 Rillington Place)
- 1955 **Conservatives win general election (26 May)**
First episode of *Dixon of Dock Green* (last episode 1976)
Ruth Ellis hanged
- 1956 Suez crisis
- 1957 Homicide Act
Home Office Research Unit formed
ACTO report 'Alternatives to Short Terms of Imprisonment'
- 1958 Street disturbances involving racial violence in Notting Hill and Nottingham
- 1959 **Conservatives win general election (8 October)**
Mental Health Act
Obscene Publications Act
White Paper 'Penal Practice in a Changing Society'
ACTO report 'The Treatment of Young Offenders'
Royal Commission on the Police set up
- 1960 ACTO report 'Corporal Punishment'
Cornish Committee on the Prevention and Detection of Crime established (reported 1965)
Royal Commission on the Police (reported 1962)

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- 1961 Criminal Justice Act
Suicide Act
Special Patrol Group Unit formed in Metropolitan Police
- 1962 Royal Commission on the Police
ACTO report 'Non-Residential Treatment of Offenders'
- 1963 Prison Commission (1877 Prison Act) abolished and replaced by the Prison Department
Children and Young Persons Act (CYPA)
Great Train Robbery
National Crime Prevention Centre set up
- 1964 **Labour win general election (15 October)**
Mary Whitehouse begins her clean-up TV campaign (mutates into the National Viewers' and Listeners' Association)
White Paper 'The War Against Crime in England and Wales'
'The Sentence of the Court' (1st edn)
The Longford report 'Crime: A challenge to us all'
Kilbrandon report (Scotland)
Criminal Procedure (Insanity) Act
Police Act
Drugs (Prevention of Misuse) Act
Royal Commission on the Penal System set up (never reported)
Last executions in the UK
Criminal Injuries Compensation Board (CICB) set up to administer the Criminal Injuries Compensation Scheme (CICS) for victims of violent crime
Legal Aid extended to criminal cases
- 1965 Murder (Abolition of Death Penalty) Act
White Paper 'The Child, the Family and the Young Offender'
- 1966 **Labour win general election (31 March)**
Mountbatten Report
Race Relations Act
- 1967 Criminal Justice Act
Abortion Act
Sexual Offences Act
Dangerous Drugs Act

- 1968 Firearms Act
Theatres Act – abolition of theatrical censorship
Criminal Appeal Act
White Paper ‘Children in Trouble’
Enoch Powell’s ‘rivers of blood’ speech
- 1969 Children and Young Persons Act
Divorce Reform Act
- 1970 **Conservatives win general election (18 June)**
Equal Pay Act
ACPS report ‘Detention Centres’
ACPS report ‘Non-Custodial and Semi-Custodial Penalties’ (the Wootton report)
- 1971 Misuse of Drugs Act
Courts Act
- 1972 Road Traffic Act
Criminal Justice Act
Erin Pizzey opens the first refuge for victims of domestic violence in Chiswick
- 1973 Community service orders introduced on a pilot basis
- 1974 Three-day week
Labour win general election (28 February – minority government)
Labour win general election (10 October)
IRA bombings in the UK (Birmingham, Guildford, Woolwich)
Robert Martinson ‘What Works: Questions and answers about prison reform’
Juries Act
Prevention of Terrorism Act
Control of Pollution Act
Rehabilitation of Offenders Act
Introduction of the Police National Computer (project approved in 1969)
ACPS report ‘Young Adult Offenders’ (the Younger report)
First Victim Support project set up in Bristol
- 1976 Bail Act
Police Act
First UK Rape Crisis Centre opened in London

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- 1977 Criminal Law Act
Police Complaints Board created
- 1978 Inner Urban Areas Act
Consumer Safety Act
Expenditure Committee report 'Reduction of Pressure on the Prison System'
- 1979 Winter of discontent
Conservatives win general election (3 May)
May Committee report
- 1980 Magistrates' Courts Act
Prison Inspectorate established
- 1981 Scarman report on the Brixton riots
Contempt of Court Act
Royal Commission on Criminal Procedure
Home Affairs Committee report 'The Prison Service'
- 1982 Criminal Justice Act
First British Crime Survey
First Neighbourhood Watch scheme introduced
- 1983 **Conservatives win general election (9 June)**
Mental Health Act
Home Office Crime Prevention Unit formed
HO Circular 114/83 'Manpower, Effectiveness and Efficiency in the Police Service' (FMI principles imposed on the police)
- 1984 Police and Criminal Evidence Act (PACE)
HO Circular 8/84 'Crime Prevention'
- 1985 Prosecution of Offences Act
Police Complaints Authority replaced the Police Complaints Board
- 1986 Public Order Act
Crown Prosecution Service begins work
Drug Trafficking Offences Act
Childline established
The Islington Crime Survey
- 1987 **Conservatives win general election (11 June)**
First Domestic Violence Unit established in London (Tottenham)

- 1988 Criminal Justice Act
Legal Aid Act
Road Traffic Act
Green Paper 'Punishment, Custody and the Community'
Safer Cities programme launched
- 1989 Children Act
- 1990 White Paper 'Crime, Justice and Protecting the Public'
Strangeways riot (and in 25 other prisons)
Criminal Justice (International Cooperation) Act
Victims' Charter
- 1991 Criminal Justice Act
Woolf Report on the Strangeways riot
Criminal Procedure (Insanity and Unfitness to Plead) Act
Home Office Standing Conference on Crime Prevention report published (Morgan report)
Launch of the Citizen's Charter
The UK became a signatory to the UN Convention on the Rights of the Child (UNCRC)
- 1992 **Conservatives win general election (9 April)**
Formation of the National Criminal Intelligence Service (NCIS)
National Standards for the Probation Service
Wolds Remand Prison opened – the first private prison in Britain
- 1993 James Bulger murdered
Stephen Lawrence murdered
Michael Howard becomes Home Secretary
Royal Commission on Criminal Justice
Bail (Amendment) Act
Criminal Justice Act
Sheehy report on the police service
Prison Service becomes an executive agency of the Home Office
- 1994 Sexual Offences Act
Criminal Justice and Public Order Act
Police and Magistrates' Courts Act
First Prisons Ombudsman appointed

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- 1995 Criminal Appeal Act created the Criminal Cases Review Commission
Learmont report on prison security
Posen report on the police
Incentives and Earned Privileges Scheme introduced in prisons
- 1996 Criminal Procedure and Investigations Act
Security Services Act
Audit Commission report 'Misspent Youth'
- 1997 **Labour win general election (1 May)**
Firearms (Amendment) Act
Protection from Harassment Act
Sex Offenders Act
Crime (Sentences) Act
White Paper 'No More Excuses'
Police Act
Social Exclusion Unit established
- 1998 White Paper 'Modernising Justice'
Consultation paper 'Joining Forces to Protect the Public'
Crime and Disorder Act
Human Rights Act (came into force October 2000)
- 1999 Access to Justice Act
Criminal Cases Review (Insanity) Act
Youth Justice and Criminal Evidence Act
Greater London Authority Act
Local Government Act
Publication of the Macpherson report into the Stephen Lawrence investigation
Launch of the 'Equal Treatment Bench Book' by the Lord Chancellor and Lord Chief Justice
Replacement of the Police Disciplinary Code with the Code of Conduct
Launch of Working Families Tax Credit
- 2000 Criminal Justice and Court Services Act
Powers of Criminal Courts (Sentencing) Act
Race Relations (Amendment) Act

- 2001 **Labour win general election (7 June)**
‘Review of the Criminal Courts in England and Wales’ (the Auld report)
‘Making Punishments Work’ (the Halliday review of the sentencing framework)
National Probation Service begins work
Anti-terrorism, Crime and Security Act
Criminal Justice and Police Act
Criminal Defence Service (Advice and Assistance) Act
International Criminal Court Act
Private Security Industry Act (established the Security Industry Authority)
White Paper ‘Policing a New Century: A blueprint for reform’
Establishment of the Commission for Judicial Appointments
Victim Personal Statements (VPS) introduced
- 2002 Police Reform Act
Proceeds of Crime Act
White Paper ‘Justice for All’
ACPO introduce the National Crime Recording Standard
- 2003 White Paper ‘Respect and Responsibility – Taking a stand against anti-social behaviour’
Courts Act
Crime (International Cooperation) Act
Anti-social Behaviour Act
Sexual Offences Act
Criminal Justice Act
European Union (Accessions) Act (15 new countries join the EU in May 2004)
The (first) Carter report ‘Managing Offenders, Reducing Crime’
‘Securing the Attendance of Witnesses in Court’, consultation paper
Victim Support provides a Witness Service in all criminal courts
Conditional cautions introduced
- 2004 Home Office response to the Carter report ‘Reducing Crime – Changing Lives’
Domestic Violence, Crime and Victims Act
Appointment of the first female Law Lord
National Offender Management Service (NOMS) introduced
Independent Police Complaints Commission replaces the Police Complaints Authority

- 2005 **Labour win general election (5 May)**
Constitutional Reform Act
Prevention of Terrorism Act
Mental Capacity Act
Serious Organised Crime and Police Act
'The Code of Practice for Victims of Crime' published
- 2006 Criminal Defence Service Act
Police and Justice Act
Identity Card Act
Terrorism Act
- 2007 Offender Management Act
UK Borders Act
Mental Capacity Act
End of Custody licence introduced (June)
Serious Crimes Act
The Corston Report on vulnerable female offenders
Creation of the Ministry of Justice
The (second) Carter report 'Securing the Future: Proposals for the efficient and sustainable use of custody in England and Wales'
The Witness Charter published
- 2008 Criminal Evidence (Witness Anonymous) Act
Criminal Justice and Immigration Act (introduces the youth rehabilitation order)
Sentencing Guidelines Council issues comprehensive guidelines for magistrates' courts
'Youth Crime Action Plan'
NOMS restructured to bring Prison and Probation Services together under a single HQ
'Engaging Communities in Fighting Crime' (the Casey review)
'Punishment and Reform: Our approach to managing offenders' (Ministry of Justice)
- 2009 Green Paper 'Engaging Communities in Criminal Justice'
Members of the public in England and Wales allowed to vote online to choose Community Payback projects
Government plans five new private prisons holding 1,500 inmates each

- Coroners and Justice Act introduces a new Sentencing Council for England and Wales
- Policing and Crime Act
- House of Commons Justice Committee ‘Cutting Crime: The case for justice reinvestment’
- Sarah Payne appointed first Victims’ Champion
- 2010 **General election (6 May) results in a hung parliament. Coalition government (Conservatives/Liberal Democrats) formed**
- End of Custody licence terminated (April – just before the election)
- Coalition plans to abolish the Youth Justice Board and replace it with a Youth Justice Division in the Ministry of Justice (not taken forward due to opposition)
- Green Paper ‘Breaking the Cycle: Effective punishment, rehabilitation and sentencing of offenders.’ Proposes Payment by Results (PbR)
- Sentencing Council begins work
- Louise Casey appointed as first Victims’ Commissioner
- Jonathan Djanogly MP appointed Victims Minister
- Gillick v. United Kingdom* (2010)
- 2011 White Paper ‘Breaking the Cycle: Government response’
- Birmingham prison becomes the first ever prison to pass from state to private control
- House of Commons Justice Committee ‘The Role of the Probation Service’
- Riots in London, Birmingham, Manchester, and a number of other English cities (August)
- Review of Imprisonment for Public Protection (IPP) sentences
- Police Reform and Social Responsibility Act
- Legal Aid, Sentencing and Punishment of Offenders Bill
- 9 September – prison population stands at 86,842 – highest ever recorded
- Government response to the Justice Committee’s report: ‘The Role of the Probation Service’ (October)
- Terrorism Prevention and Investigation Measures Act
- 2012 Legal Aid, Sentencing and Punishment of Offenders Act
- Consultation Paper ‘Punishment and Reform: Effective Probation services’
- Consultation Paper ‘Punishment and Reform: Effective community sentences’
- Proposals to replace ASBOs
- July ‘Swift and Sure Justice’

- September – Chris Grayling replaces Ken Clarke as Justice Secretary
- November – elections for Police and Crime Commissioners
- November – Restorative Justice Action Plan
- College of Policing due to be established by the end of the year
- 2013 1 January – prison population lower by almost 3,000 since 1 January 2012
- Coalition Mid-Term Review
- January – ‘Transforming Rehabilitation’ consultation paper
- Consultation on the implementation of direct entry in the police (January)
- Criminal Justice Board meets for the first time (February)
- 1 March – prison population has increased by almost 1,000 since January
- ‘Transforming Youth Custody’ consultation paper
- ‘Transforming Legal Aid’ consultation paper (April)
- ‘Transforming Rehabilitation: A strategy for reform’ government response to the January consultation paper signals the end for the probation service
- October – National Crime Agency launched
- 31 October – Cameras allowed into courtrooms for the first time
- Crime and Courts Act – all community sentences for adults to have a punitive element
- A revised ‘Code of Practice for Victims of Crime’ published
- ‘The Witness Charter: Standards of care for witnesses in the Criminal Justice System’ published
- Victims’ Right to Review introduced
- House of Commons Justice Select Committee inquiry into the needs of older prisoners
- 2014 Offender Rehabilitation Act
- Anti-social Behaviour Crime and Policing Act
- Domestic Violence Disclosure Scheme – Clare’s Law
- Pilot launched of scrutiny panel for cautions
- 2015 **Conservatives win general election (7 May)**
- Michael Gove becomes Justice Secretary; Theresa May remains as Home Secretary
- Counter-Terrorism and Security Act
- Revised ‘Code of Practice for Victims of Crime’ published
- 2016 The 2016 Police and Crime Bill
- 2016 Theresa May becomes Prime Minister and Liz Truss Justice Secretary

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