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Crime and Disorder

Sacha Darke

**A thesis submitted in partial fulfilment of the
requirements of the University of Westminster
for the degree of Doctor of Philosophy**

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Abstract

This thesis investigates growing use of civil and public law orders as tools of crime control by crime prevention partnerships. This development has been little explored in criminology. The proliferation of crime prevention partnerships is viewed by many criminologists as forming part of a bifurcation in criminal policy between serious crime and anti-social behaviour, in which the 'enforcement approach' of the criminal justice system is being focused upon the former and a non-legal 'partnership approach' advanced for the control of the latter. It is argued that the 'partnership approach' runs a risk of becoming an extension of and not an alternative to the 'enforcement approach' of the criminal justice system. In investigating this risk, it is intended that this thesis should contribute to criminology in two ways. The first contribution is an investigation of the theoretical potential for the local to become a site of authoritarian crime control. The second is an investigation of the extent this potential is being realised in England and Wales.

Empirical research centred on the development of crime prevention strategies in implementing the Crime and Disorder Act 1998. Fieldwork focused on the development of metropolitan borough strategies in twenty-one London boroughs, and a police sector and two social housing estate strategies in the borough of Westminster. Resort to civil and public law orders was found to be significant to the approach taken by the majority of London boroughs studied, including Westminster. One of the estate strategies at Westminster was found to be as authoritarian as the borough strategy, but the other estate strategy and the police sector strategy were not. Punitive views were not encountered among local practitioners on any of the three sites. Punitive views were encountered among local residents on the police sector, but not on either of the estates. Once the peculiarities of the institutions and areas studied were taken into account, it was concluded that there is a significant risk that crime prevention partnerships will take an authoritarian approach to crime control unless they are located in areas where there is a strong sense of geographical community, and their policies are shaped by local practitioners and local residents.

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Authoritarian Crime Control

We are now in the middle of a deep and decisive movement towards a more disciplinary, authoritarian kind of society... The new laissez-faire doctrine, in which social market values are to predominate, many would say, like the old laissez-faire, is not at all inconsistent with a strong, disciplinary state [...] Make no mistake about it: under this regime the market is to be Free; the people are to be Disciplined. (Hall, 1996: 257 and 259)

Hall's analysis of the link between developments in crime control in England and Wales and the changing needs of western capitalist economies in the closing decades of the 20th Century was originally published in 1980. Nonetheless, his central message that we are drifting into a law and order society is as relevant to analysis of criminal policy in the 1990s and 2000s as it was to criminal policy in the 1970s and 1980s (Scraton, 2004; Sim, 2000). Four aspects of this 'punitive turn' in contemporary criminal policy are of particular interest to criminologists: the increasing use of imprisonment, increasing public vindictiveness, the co-existence of corrective alongside punitive criminal justice practices, and the extension of criminal policy to local state and even non-state institutions (Young, 2002b). This doctoral thesis is concerned with the last of these issues, with a 'turn to the local' in the criminal policy of England and Wales, and in particular the growing use of civil and public law orders (henceforth referred to as legal orders), available to local authorities to manage their areas and the people that reside within them, as weapons of crime control. Formal partnership between the police and local authorities at a local level has developed largely in response to a perceived need for increased cooperation between state institutions in the control of minor crime and non-criminal nuisances (henceforth referred to as anti-social behaviour). Legal orders comply with this vision. Like the police power of arrest, legal orders are backed by coercive and often penal remedies, yet they may be targeted on a wider range of behaviour and are subject to lower thresholds of evidence. The legal orders of particular relevance to this thesis are

abatement notices, fixed penalty notices, injunctions, possession orders, anti-social behaviour orders, and parenting orders. The nature of these legal powers and their potential use as tools of crime control is explored in chapter four.

In the 1970s and 1980s a number of criminologists joined Hall in his criticism that the state was taking a more authoritarian approach to crime control (e.g. Bunyon, 1976; Gordon, 1987; Hillyard and Percy-Smith, 1988; Scraton, 1985 and 1987; Sim et al., 1987). Among these criminologists, Gordon focused on the growing emphasis that was being put on community policing and with it increased cooperation between the police and local authorities. He warned:

... community policing is not an alternative to reactive policing... we must locate [it] in the context of the increasing disciplining of society by the state, the emergence of the 'strong' disciplinary regime' which, Stuart Hall has argued, is necessary 'if the state is to stop meddling in the fine-tuning of the economy, in order to let 'social market values' rip, while containing the inevitable fall-out, in terms of social conflict and class polarization'... It is an aspect of what Stan Cohen, writing of Foucault's 'punitive city', has described as a 'correctional continuum'. (Gordon, 1987: 141)

Gordon's (1986) analysis of community policing was written at a time when the police were the dominant partners of crime prevention partnerships (see Crawford, 1997; Gilling, 2000; Gilling and Barton, 1997; Jones et al., 1994; King, 1989; Kinsey et al., 1986; Koch, 1998; Newburn, 2002; Tilley, 2002; Walklate, 2001; Weatheritt, 1986 – covered in section 4.1). Gordon was concerned with the prospect of local authority departments providing the police with information on offenders that could be used to inform criminal law enforcement. In the mid 1990s, however, local authorities took over the mantle of responsibility of partnership arrangements. The same period has also seen rapid growth in local authority use of legal orders as tools of crime control. This is a development that warrants equal attention.

Recourse to legal orders is largely neglected in existing theoretical and empirical research on crime prevention partnerships, however. While government and academic studies have emerged to document the proliferation of crime prevention partnerships and growing resort to legal orders in crime control, the relationship between the two phenomena remains largely unexplored. Empirical studies of the use of legal orders as

tools of crime control make little reference to crime prevention partnerships, and while much academic literature recognises the potential for crime prevention partnerships to become exclusionary sites of social control, little note is taken of resort by crime prevention partnerships to legal orders. Furthermore, little attention has been given in academic literature to the relationship between the continuing proliferation of crime prevention partnerships and the recent introduction of youth offending teams, which are likewise developing in response to a perceived needs for increased criminalisation of anti-social behaviour. In chapter four it is shown that in England and Wales youth offending teams also involve cooperation between the police and local authorities at metropolitan borough and district council level, and have been largely inseparable from crime prevention partnerships since the Crime and Disorder Act 1998. Yet, neither the latest edition of the Oxford Handbook of Criminology (Maguire et al., 2002) nor the latest edition of the Sage Dictionary of Criminology (McLaughlin and Muncie, eds. 2006) refer either to legal orders or the work of youth offending teams in their descriptions of crime prevention policy and practice (see Follet, 2006; Hughes, 2006a, 2006b and 2006c; Pease, 2002).

Two broad assumptions appear to inform this silence. First, from a theoretical perspective, the proliferation of crime prevention partnerships is viewed by many criminologists as forming part of a bifurcation in criminal policy since the 1980s, in which the preventative role of the criminal justice system has been focused upon serious crime and a non-legal 'partnership approach' has been advanced for the control of anti-social behaviour. Second, this time from a political perspective, the proliferation of crime prevention partnerships is regarded as a victory, or at least a potential victory, for the egalitarian left, due to the potential they have for including local practitioners and residents in policy making. The object of this thesis is to explore the alternative view that one of the implications of the 'turn to the local' in crime control may, on the contrary, be an overall increase in law enforcement, replicating the failure of growing use of community sentences to reduce the use of imprisonment (see e.g. Cohen, 1985; Scull, 1983; Vass, 1990). In investigating this possibility, it is intended that this thesis should contribute to criminology in two ways. The first contribution, to theoretical criminology, is an analysis of the structural and political background to the potential for the local to become a new site of authoritarian crime control. This involves investigation of the changing economic and

social needs of post-industrial western societies in the latter decades of the 20th Century, and the rise of moral communitarianism as a political force since the 1980s. This contribution is the focus of chapter two. The second contribution, to empirical criminology, is an assessment of the potential for economic, social and political pressure on the local to become a site of authoritarian intervention to be realised on the ground. This was examined in two phases of empirical research. First, the history of crime prevention partnerships in England and Wales was investigated, from their inception in the 1970s to their statutory footing in the Crime and Disorder Act. This involved analysis of central and local government policy documents, and the immediate political climate in which they were produced. Having investigated the development of national crime prevention policy, attention was then placed on the production of crime prevention strategies in implementation of the Crime and Disorder Act. There were two aspects to this phase of the empirical research. The first was a comparative study of crime prevention partnerships across London. Among the partnerships studied, Westminster was selected for case study analysis. The research involved a review of policy documents, alongside observation of policy meetings and interviews with key players in Westminster. The second focused on the development of a police sector and two estate crime prevention policies falling within the borough policy in Westminster. It was also based on documentary analysis, observation and interviews. Both aspects of the fieldwork in Westminster were conducted over a ten-month period between July 1998 and April 1999. The research was conducted from a qualitative neo-Marxist critical standpoint, reflecting the view that it is impossible to be wholly objective in criminological research as “[c]rime and punishment are intensely political and moral issues” (Hudson, 2000: 175). The aims of the empirical research and choice of methodologies are covered more fully in chapter three. The results of the empirical research are presented in chapters four and five.

The 'Turn to the Local' in Crime Control

Opposed to inclusion, and the circuits that maintain it, stands exclusion. Not that the excluded are to be merely cast out – they are also to be subject to strategies of control. On the one hand, there are those strategies that seek to reaffiliate the excluded, through a principle of activity, and to reattach them to the circuits of civility... On the other hand there are the strategies which deem affiliation impossible for certain individuals and sectors, and seek to manage these anti-citizens and marginal spaces through measures which seek to neutralize the dangers they pose. (Rose, 2000: 330)

If the integration of the social body cannot be achieved through persuasion, it must ultimately be guaranteed by force. (Stenson, 1999: 68)

Contemporary social theory points to a reconfiguration of government in western societies in the latter decades of the 20th Century. This reconfiguration is affecting the objectives and targets of government, and the locality that government is realised. The object of this chapter is to investigate the links between government change and the proliferation of local crime prevention partnerships. In particular, it assesses the theoretical potential for this 'turn to the local' in crime control to result in the local becoming a site of authoritarian crime control.

2.1. Contemporary Western Government

Analysis of the 'turn to the local' in crime control comprises a number of interrelated though at times conflicting observations relating to changing political, economic and social needs in post-industrial western societies.

2.1.1. Changing Political Needs

Five observations concerning changing political needs of western government are of particular relevance to the 'turn to the local' in crime control. The first relates to an exposure of the failings of the modernist paradigm of maximum state intervention. Young explains that as a result of a "crisis of aetiology" and a "crisis of penalty" caused by the failure of rising standards of living and punishment in mid to late 20th Century to control poverty, discrimination and crime, "[t]he twin pillars of the modernist project of reason and progress, the use of law in the control and adjudication of human affairs and the intervention of government to engineer a just social order totter under the weight of their own inconsistencies" (1998b: 262). In consequence, western states are looking for ways to pass responsibility for government onto the public (c.f. Dean, 1999; Garland, 1996, 1999 and 2001; O'Malley, 1992; Pavlich, 1999). Note is taken of Foucault's (1991) observation that the power that the state wields pales into insignificance alongside that of the population it is in charge of. This "responsibilisation strategy", as Garland (1996 and 2001) describes it, is resulting in a blurring of the boundary between the public and private at both national, international and, more importantly for current purposes, local levels (Shearing and Wood, 2003; cf. Crawford, 1999). Of equal significance, it is also resulting in a move away from 'anatomo-politics', in which the objective of government is to make specific economic and social use of the population, and so a reduction of government to the 'bio-political' need to ensure that the population is economically and socially utile: that the population is enveloped in 'apparatus of security' (for discussion of the terms 'anatomo-politics' and 'bio-politics', see e.g. Foucault, 1979 and Gordon, 1991; for discussion of the term 'apparatus of security', see e.g. Dupont and Pearce, 2001 and Foucault, 1991). 'Apparatus of security' include physical and mental health. They also include personal security. The 'responsibilisation strategy' is said to be having a marked effect on all areas of criminal policy:

... government authorities have become increasingly aware that crime control is 'beyond the state'... inasmuch as the institutions of the criminal justice state are severely limited in their crime control capacities... [But also] inasmuch as there are crime control mechanisms operating outside the state's boundaries, and relatively independently of its policies. The

effort to address these limits, first by reforming the state institutions, and subsequently by mobilizing and harnessing non-state mechanisms has been the basis of the most innovative policies of the recent period. (Garland, 2001: 123)

The possibility that the ‘responsibilisation strategy’ has as much to do with economic change as failed government is explored in section 2.1.2.

Garland highlights the proliferation of crime prevention partnerships as an example of the ‘responsibilisation strategy’, and moreover as a development that does not involve resort to law. The alternative possibility that the ‘responsibilisation strategy’ will result in more rather than less authoritarian crime control is explored later in this chapter in section 2.2.1.

The second observation relating to changing political needs of particular relevance to the ‘turn to the local’ in crime control is also concerned with change in the locality of government, though this time away from central to local government. Jessop (1997) explains that the nation state is now considered, “too small to solve the big problems, and too big to solve the small problems” (cf. Amin, 2005; Geddes, 2005; Raco, 2003; Swyngedouw, 1996). Jessop focuses on the effects of economic change, covered in a moment, but his observations are also relevant to the argument that the locality of government is shifting due to the political failures of the past. The effect of this change in the locality of government on crime control is also returned to in section 2.2.1.

The third observation follows from the first. The ‘responsibilisation strategy’ has been accompanied by a switch in emphasis in correctional controls away from disciplinary “technologies of domination”, which normalise the subject’s behaviour through subjecting them to the judgement of experts (Foucault, 1977), towards “technologies of the self”, which require the subject to take responsibility for normalising him or herself (Martin et al., 1988), and do not necessarily need to be individualised to the subject’s particular needs. Unlike ‘technologies of domination’, ‘technologies of the self’ are more closely associated to the classicist than positivist view of human behaviour. They treat deviancy as the result of moral lapses rather than compulsion, holding faith in the view that “[t]here is a little OK person trapped inside every non-

OK shell” (Cohen, 1985: 153). ‘Technologies of the self’ therefore treat individual deviants as sad rather than mad (see Ainsworth, 1999), telling him or her that they have a problem that they need to address, but not that there is a problem with them that they require professional help for. This move towards treating the population as made up of autonomous individuals is a necessary development if people are to be encouraged to take more responsibility for their well-being. As a result of this “alloy of autonomisation and responsabilisation” (Rose, 2000: 324):

[Strategies of control are arising that] seek to regenerate and reactivate the ethical values that are now believed to regulate individual conduct and help maintain order and obedience to law by binding individuals into shared moral norms and values: governing through the self-steering forces of honour and shame, of propriety, obligation, trust fidelity, and commitment to others [...] Individuals, families, firms, organizations, communities are urged to take upon themselves the responsibility for the security of their property and their persons, and that of their own families... [They must] actively engage in partnerships... to maintain order and combat threats to individual and collective security. (Rose, 2000: 324 and 327)

‘Technologies of the self’ have two distinct poles, described by Valier (2001) as “self-regulation” and “self-fashioning”. ‘Self-regulation’ aims to subject a person to his or her own judgement, through commanding them to “know yourself... do not pretend to be God” (Martin et al., 1988: 18). The subject is required to face the consequences of his or her actions, to open their eyes and confess to others. The move towards ‘self-regulation’ has revolutionised the disciplines of psychology and psychiatry, which have virtually abandoned the Freudian model of rehabilitation and its emphasis on reaching into the subject’s unconscious to help them get to the roots of their deviant behaviour (Cohen, 1985), in favour of the panoptical model of rehabilitation and its emphasis on the simpler task of teaching the subject how to control his or her deviant behaviour. Examples of the influence of these ‘technologies of the self’ on criminal policy include the use of behavioural contracts (see e.g. Cohen, 1985; Crawford, 2003; Garland, 1999), mentoring (see e.g. Cohen, 1985), parent training (see e.g., McLaughlin, 2002; Newburn, 1998) restorative justice (see e.g. Ashworth, 2002; Muncie, 1999) and, most famously, cognitive behavioural therapy (see e.g. Cohen,

1985; Sim, 2004). It has recently been reported that in the United States, for example, cognitive behavioural therapy is used to treat ninety-nine percent of its estimated twenty million psychiatry patients (see the Observer, 19 February 2006).

'Self-fashioning', on the other hand, aims to normalise a person through manipulating the models of behaviour provided by his or her social and economic environment. It does not subject the individual to any form of external coercion whatsoever, commanding them "to be concerned, to take care of yourself" (Martin et al., 1988: 18). Valier explains, "[self-fashioning] holds out models of the person to be adopted by willing individuals. Forms of subjectivity are not imposed upon passive subjects but on free subjects who participate willingly in [controlling themselves]" (2001: 439). The absence of direct external intervention makes 'self-fashioning' the more efficient of the two poles of 'technologies of the self'. 'Self-regulation', like 'technologies of domination', continues to rely on the supervision of individuals: on normalising people "one by one" (see Mathiesen, 1983). On this view, the 'responsibilisation strategy' has less to do with dispersing responsibility for normalising others than with providing the conditions necessary for individuals to become responsible for normalising themselves. 'Self-fashioning' relies on the subject being surrounded by 'positive' influences, however, which are relatively absent in marginalised groups. When it comes to normalising the marginalised, then, 'self-regulation' retains an important role (Los, 2004). Here the emphasis of the 'responsibilisation strategy' is on normalising the social control mechanisms of subjects' families and communities. Unlike 'self-fashioning', which allows the state to 'govern at a distance' in the sense that it governs the subject through his or her surroundings, in this case the state 'governs at a distance' in the sense that it governs the subject through informal social controls. The link between contemporary correctional controls and the 'turn to the local' in crime control is explored in section 2.2.2.

The fourth observation of changing political needs of particular relevance to the 'turn to the local' in crime control also follows from the first. The 'responsibilisation strategy' has been further accompanied by a growing emphasis on spatial controls. In order to encourage the public to participate in government, the state needs to ensure they have safe and orderly environments to operate in. Serious crime and anti-social

behaviour both have adverse effect on people's confidence to be involved in the economic and social world around them. The link between contemporary spatial controls and the 'turn to the local' in crime control is explored in section 2.2.1.

However, the last observation pertaining to changing political needs of particular relevance to the 'turn to the local' in crime control contradicts the first. The 'responsibilisation strategy' is resulting in exposure to the "myth of the sovereign state" (Garland, 2001: 109). This has put the state on the defensive. In this sense, the modernist paradigm of maximum state intervention was not a failure, as it enabled the state to at least be seen to be governing. The state has become particularly defensive when it comes to crime control, as to admit that it is unable to protect the public from one another would be to question its very legitimacy to govern (cf. Feeley, 2003; Hughes, 2000). Garland sees this dilemma as the source of much contradiction in contemporary criminal policy:

The emergent outcome is a series of policies that appear deeply conflicted, even schizoid, in their relation to one another. On the one hand, there has been an attempt to face up to the predicament and develop pragmatic new strategies that are adapted to it: through institutional reforms aimed at overcoming the limits of the criminal justice state, or else through accommodations that recognise these limitations and work within them. But alongside these *adaptations* to the reality principle, there is a recurring attempt to evade its terms altogether... This politicized reaction takes two recurring forms. Either it wilfully *denies* the predicament and reasserts the old myth of the sovereign state and its plenary power to punish. Or else it abandons reasoned, instrumental action and retreats into an *expressive* mode that we might, continuing the psychoanalytical metaphor, describe as *acting out* – a mode that is concerned not so much with controlling crime as with expressing the anger and outrage that crime provokes. (Garland, 2001: 110)

Garland (1996 and 2001) demonstrates that these 'schizoid tendencies' co-exist across many areas of criminal policy, including the use of imprisonment and, more significantly for current purposes, 'zero tolerance' policing. Yet, as already noted, Garland does not regard crime prevention partnerships to be potential institutions of authoritarian crime control. His analysis comes under two lines of attack. The first centres on the prospect that the state is adapting to the deficiencies in the criminal justice system by reforming it rather than reducing reliance upon it. This is of particular relevance to the potential of legal orders to be incorporated into criminal

policy, and is returned to in section 2.2. The second line of attack concerns Garland's restricting of expressive criminal policy to the need to be seen to be in control. The need for the state to be seen to be governing is only the first purpose of expressive criminal policy. The symbolic power of penal punishment also lies in its capacity for guiding government, and deflecting attention away from the crimes of others and the state's involvement in them. The links between increasing need for expressive criminal policy and the 'turn to the local' in crime control are explored in section 2.2.3.

2.1.2. Changing Economic and Social Needs

Observations of changing economic needs in post-industrial western societies of particular relevance to the 'turn to the local' in crime control focus on the effects of globalisation. First is the effect of economic power being concentrated in the hands of a diminishing number of giant corporations, which shift their capital from one place to another in a search for greater efficiency. On the one hand, this is resulting in less need for the regulation of businesses, as the regulation of businesses only serves as a barrier to corporate efficiency (Fraser, 2003; Tombs and Whyte, 2004). On the other hand, it is resulting in more need for anti-social behaviour such as littering, begging and 'hanging out' to be regulated, as anti-social behaviour makes commercial areas unattractive to businesses (Tombs and Whyte, 2004).

Second is the growing need for a flexible and entrepreneurial rather than uniform workforce. Industrial economies treat the work force as "cogs in the machine" (Foucault, 1977), while post-industrial service economies treat the work force as individual resources to be fostered (Dean, 1999). In the emerging service economy, people are more often required to do different types of work and to work different hours during their careers (Amin, 2005; Bauman, 2000; Fraser, 2003). As a result, the workforce does not need to be so rigidly trained, and more people are likely to be permanently excluded from employment for refusing or otherwise being unable to adapt to the ebbs and flows of the work market. Under these conditions, there is a reduced need for 'anatomy-politics' as the emphasis of the role of government in providing labour is being reduced towards the 'bio-political' need to ensure that the

population reproduces, is physically and mentally healthy, and is instilled with work ethic, in other words that there is a population of sufficient size and utility to feed the economy. Once this has been achieved, individuals are given responsibility to manage their own careers, and to train themselves as and when required. Finally, 'technologies of domination' make way for 'technologies of the self', as 'technologies of domination' leave the subject with less room for manoeuvre, and are more likely to make them dependant on the help of others (Lemke, 2000).

This second effect of economic change leads onto observations relating to changing social needs. First is the need to deflect attention away from the stresses and economic insecurities of the service economy. Gone are the nine to five jobs for life and welfare from the cradle to the grave provided by industrial production and the welfare state, and in their place comes the forty-plus hour flexible working week, with reduced employment and social welfare rights. Second is the breaking up of geographical communities and extended families (as factories providing mass employment close down, and individuals and nuclear families move locality in search of work). The social whole is being replaced with "communities of choice" (Hirst, 1994). This is having negative consequences for commitment to geographical identity, as the psychological distance between individuals and the areas they live in has increased. As a result, we are becoming more essentialist and socially exclusive, and so less tolerant of those whose activities we consider anti social (Young, 1999 and 2002a).

2.1.3. 'Apparatus of Security'

While there is much disagreement over the extent of government change and the reasons behind it, social scientists are in broad agreement that the last decades of the 20th Century saw a move away from 'anatomo-politics', 'technologies of domination' and centralised state government towards 'bio-politics', 'technologies of the self' and dispersed government. The broad effect of government change on the objectives of crime control has been a switch in emphasis away from tackling the underlying causes of individuals' offending towards the simpler task of managing crime. This "new penology", Feeley and Simon famously observed:

... is concerned with the rationality not of individual behaviour, or even community organization, but of managerial processes. Its goal is not to eliminate crime but to make it tolerable through systematic coordination. (Feeley and Simon, 2003: 435-436)

It is not necessary to adjudicate between those that claim that little has changed and those that claim that a lot has changed, and between those that claim that change has more to do with political failure and those that claim that it has more to do with economic change. Nevertheless, the remainder of this chapter is written in light of the researcher's support for the emphasis that Marxism puts on the power that economic relations wield over government (see e.g. Pearce and Tombs, 1998). This section explores the broad nature of the effect of the move away from 'anatomy-politics' and 'technologies of domination' on the targets of crime control.

As emphasised in the work of Rose (2000) quoted at the beginning of this chapter, the move towards managing rather than reintegrating offenders has been accompanied by an intensification of the distinction between the governing of the normal and the deviant. The modernist emphasis on the biblical Hebrew notion of 'pastoral power', in which government aims to take care of each and all of us, is making way for the ancient Greek and Roman notion of the 'city-citizenship game', on a dichotomy of inclusion and exclusion (Dean, 1999; Fraser, 2003; Gordon, 1991; Rose, 2000). Anti-social behaviour is 'defined down' for the included, but 'defined up' for the excluded. The broad move of western government is, in other words, towards less intervention into the lives of the majority, but more intervention into the lives of the minority, or as Cohen (1985) puts it, towards concentrating on the hard cases and letting the soft cases take care of themselves. The consequence for those that the criminal justice system continues to focus on is a "mesh thinning" of control, involving more intensive supervision of both "shallow end" and "deep end" offenders (ibid). The switch in emphasis from eradicating to managing crime has therefore been accompanied by a further switch in emphasis from controlling the unproductive, anti-social individual to controlling the unproductive, anti-social group and category of person: a switch in emphasis from problem individuals to problem populations (O'Malley, 1992 and 2001). Hudson explains, "[t]he point is not, as in earlier, individually-orientated penal eras, whether this offender among others in the same

category will reoffend, but whether this offender is a member of a high-risk or a low-risk group” (2003: 162; cf. Bottoms, 1983; Cohen, 1985; Mathiesen, 1983).

Finally, the consequence of the move away from ‘anatomy-politics’ for causal criminology has been the emergence of a discourse of underclass, reminiscent of the 19th Century concept of the feckless ‘undeserving poor’ incapable of accepting social responsibility (Walker, 1996). Murray (1996b), for example, writes of a “new rabble” of culturally disordered young men, brought up in single parent households without the discipline and role models provided by fathers needed to civilise them. As a result, Murray claims, whole sections of the working class are growing up without the respect for others needed to keep them away from crime (cf. Dennis, 1998; Murray, 1996a and 2001). The emerging dichotomy of inclusion and exclusion is therefore based as much on people’s social backgrounds as any harm they have caused. Certain categories of people are treated as totally different from the rest of us, as pathological anti-social ‘others’ (Garland, 1996). Their reputation goes before them, and even the most minor of anti-social behaviour is treated as an indicator of dangerousness.

This points leads onto the issue of the effect of the move away from ‘technologies of domination’ on crime control. If offenders are treated as culturally disordered, there is little point trying to reintegrate them, as “[r]ehabilitating offenders, or any reintegration strategy can only make sense if the larger community from which offenders come is viewed as sharing a common normative universe with the communities of the middle classes” (Feeley and Simon, 2003: 444). When it comes to the means of controlling those that have been identified as different, then, emphasis is put on their similarities to the rest of us. While the problem of crime is attributed to an underclass of irresponsible people in need of earlier and more intensive supervision, the problem of crime control is focused upon a need to treat people as responsible for their actions, as rational actors that base their decisions on utilitarian judgement and are hence susceptible to being deterred by penal supervision.

2.1.4. Recruiting New Partners

The influence that the 'new penology' may have on crime prevention partnerships formed the basis of four of the six aspects of the research question taken into the empirical research conducted during the course of this doctoral thesis (see section 3.1). It is explored in more detail in section 2.2. This section deals with a second issue that goes to the heart of assessment of the 'turn to the local' in crime control, and to the heart of the first two aspects of the research question: the question whose order crime prevention partnerships are likely to enforce.

Contemporary social science makes important distinction between 'steering' (policy making) and 'rowing' (policy implementation). While social theorists are in broad agreement that 'responsibilisation strategy' is resulting in a dispersal of both the 'steering' and 'rowing' of government, there is much dispute over the question whether this is resulting in a significant redistribution of power. In other words, while it is clear that the further away from the centre government is exercised, the more it is likely to be shaped by individual perceptions and indigenous culture (Edwards and Hughes, 2005), it is not clear that the new sites of government that are emerging are any more likely than the old sites of government to operate at 'arms distance' to the realms of existing power.

In the case of public involvement in policy making, those who are likely to gain most influence over the new sites of government are the ones that are least likely to be critical of the existing priorities of the central state. Two points need to be emphasised. First of all, the ability to attain voice depends on people organising themselves into interest groups (Crawford, 1995). Critically, the greater the distance from existing power structures individuals and groups are located, the less political resources are available to them, and the less influence they are likely to have. In the case of crime prevention partnerships, the people whose voices are least likely to be heard (such as youths and marginalised groups) are the very people that are more likely to be aware of the deficiencies of the existing system of crime control. From their experience of being discriminated against by government as a whole, and by the criminal justice system in particular, youths and marginalised groups are more likely

to have broader visions of crime and more holistic visions of crime control. Second, although democratic theorists have long argued that active citizenship as a whole gives rise to less authoritarian government, this is ultimately dependent on the people involved showing a commitment to an inclusive common good. Jordan and Arnold (1995) warn that in the current climate of punitivism associated with the changing nature of the social (see section 2.1.2), active citizenship is as likely to increase as decrease pressure to resort to authoritarian crime control (cf. Hancock and Matthews, 2001). This point is relevant to both marginalised and included individuals and groups, and to youths as well as adults. With the demise of geographical communities, both are more likely than they were in the past to base their interpretations of the problems of crime and crime control on macro ideologies than local knowledge and interaction with the people that live around them.

If the experience of consulting the public by crime prevention partnerships matches that of the police, then increased input from the public will certainly present little challenge to existing power relations. Police and community consultative groups and police sector working groups have proven to serve little more purpose than to allow the police to mobilise consent (Dixon and Stanko, 1995; Kinsey et al., 1986). As a Metropolitan Police chief inspector, writing in the weekly police journal *Police Review*, put it: “[w]ould you screen your assembly to make sure that it contained only people whose opinion you need... If so, then you’re probably happy with your Police and Community Consultation Group” (see *Police Review*, 3 December 1999). The important question for current purposes is whether, in contrast to police and community consultative groups and police sector working groups, local residents will not only gain a voice in the steering of crime prevention partnerships, but that crime prevention partnerships are also sufficiently localised for the decisions of those residents that do get involved in the shaping of policies to be informed by their interpretation of the needs of the areas that they live in, and more important still, that crime prevention partnerships are sufficiently localised for youths and marginalised groups to gain voice.

The position of practitioners is equally interesting. Like residents, practitioners involved in local crime prevention partnerships will inevitably base their decisions on their interpretation of the needs of local areas (in this case the needs of the areas that

they work in) as well as the needs of society as a whole. Further, compared to practitioners working at, for example, the Home Office or the Local Government Association, the views of local practitioners are more likely to be shaped by interactions with those that have most experience of the discriminatory and punitive nature of the existing criminal justice system. Not only are some local practitioners (for example, community police officers, probation officers, youth justice workers, and health and safety inspectors) in direct day to day contact with offenders, but many other local practitioners (including, for example, housing officers, environmental health officers, mental health workers, and outreach youth workers) are in daily contact with youths and marginalised groups as a whole. However, like the potential influence of local residents, the strength of these observations are weakened by the changing nature of the social. Not only are practitioners more likely to come under pressure from residents to be more authoritarian than they were in the past, but they are more likely to take authoritarian views into their work in the first place. The important questions here reflect those regarding the likely input of local residents: whether crime prevention partnerships are sufficiently localised for the decisions of practitioners involved in the shaping of crime prevention policies to be informed by their interpretation of the needs of the areas that they work in, and most importantly, whether crime prevention partnerships are sufficiently localised for the voices of practitioners working 'on the ground' to be heard.

2.2. The Local as a Site for Authoritarian Crime Control

With these important points in mind, the remainder of this chapter returns to the structural pressures on the local to become a site for authoritarian crime control. As noted in the discussion of changing political, economic and social needs earlier to the chapter, at the turn of the millennium there is little doubt that western societies can no longer be described as disciplinary in the sense that the term was used by Foucault (1977) to describe societies characterised by forms of government that are dominating and individualised to the 'needs' of particular people. Contemporary western government, it was explained, is less concerned with normalising as with managing people, as regimented workers are less required, and the flip-side of the advantage

that 'technologies of domination' have in producing docile subjects is that subjects are less able to adapt to the different working conditions they are likely to encounter in their lives. This means less direct government intervention into the lives of the majority. However, it also means more intervention into the lives of the minority. First, the move away from the post-war social democratic promise of universal employment and social welfare that has accompanied the move beyond industrial production is resulting in less economic inclusion and support, in turn resulting in more resentment and with it more anti-social behaviour. Second, the economic insecurities and the break-up of the social whole that have accompanied economic change is resulting in a greater need for the state to be seen to be doing something about anti-social behaviour. Finally, there is a need for more coercive interventions, including penal interventions, as the marginalised are more defiant of efforts to control them as well as efforts to make them responsible for their economic and social welfare. Yet, unlike the past, the primary object of intervention is not to understand where individuals have gone wrong, but simply to hold their anti-social behaviour back, to supervise them, to manage them, along with others of their kind. As Cohen puts it in the specific context of crime control, "[t]he game is up' for all policies directed to the criminal as an individual, either in terms of detection (blaming and punishing) or causation (finding motivational or causal chains)" (1985: 147).

Two final points about the continuing, if not increasing need, for coercive social control need to be made before the relevance of law enforcement to the 'turn to the local' in crime control is explored in more detail. First is that the falling out of favour of the positivist interpretation of human behaviour has also had the effect of restoring faith in the coercive potential of the penal system (Garland, 2001; O'Malley, 1992). Juridical controls are akin to 'technologies of the self', correcting "en masse" rather than "retail" (Foucault, 1977), and aiming to do no more than teach "the misfortunes of vice" (ibid.). Second, in the opinion of the researcher, it is the potential use of legal orders as tools of crime control that lies at the heart of the potential for the local to become a site of authoritarian crime control. Three particular factors point in this direction. From an empirical point of view, local authorities already resort to law in their role as managers of residential and commercial populations. There is nothing to suggest why they should choose to take a softer line to crime control. Also from an empirical point of view, like criminal law enforcement, legal orders are backed up

with penal remedies, yet they can be obtained under evidential procedures that traditionally fall below those required by the criminal courts; and while it is necessary to prove that legal orders have been broken ‘beyond reasonable doubt’, proving that a youth has, for example, ‘hanged around’ on the street after seven o’clock in the evening is far easier than proving, for example, that they have vandalised a car or harassed their neighbours. These two points are explored in more detail in section 4.2.1. Finally, those that call for legal orders to be used as tools of crime control often argue that there is a need to criminalise behaviour that is not currently covered by criminal laws in order to ‘nip offending in the bud’. This point is returned to at various points throughout the remainder of this chapter.

Criminologists have noted a relaxing of the due process and penal equivalence models of justice in post-industrial western societies (e.g. Rutherford and Green, 2000; Hallsworth, 2002; Hancock and Matthews, 2001). However, as noted in section 2.1.1, many criminologists, including Garland (2001), note that appeals for ‘zero tolerance’ to be shown to the anti-social behaviour of the economically and socially non-compliant have made little headway. What this argument fails to question is whether it is with local authorities and not the police that the future of the ‘zero tolerance’ approach to crime control depends. Most significant of all, legal orders can be applied against behaviour not traditionally covered by criminal law, in other words legal orders allow for earlier as well as easier penal intervention. It no longer becomes necessary, for example, to wait for youths ‘hanging out’ to start vandalising property or harassing their neighbours. So long as their behaviour causes distress to others, they can be brought under immediate penal supervision. The relaxing of the due process and penal equivalence models of justice formed the basis of the fifth and sixth aspects of the research question taken into the empirical research conducted during the course of this doctoral thesis (see section 3.1).

2.2.1. ‘Behaviour Surveillance’

The first means of managing people is through incapacitating them. The most obvious way to do this is through the criminal justice system. Hudson (2001) demonstrates how the emphasis on managing offenders is reflected in England and Wales in the

growing focus on incapacitation in sentencing, and in the restructuring of imprisonment and the regimes of community penalties. On the former, Hudson notes that under the Criminal Justice Act 1991 property crime was originally allocated to a “proportionality track” and violent crime to a “risk track”, and that burglary was later added to the ‘risk track’ under the Crime (Sentences) Act 1997. This emphasis on incapacitation was strengthened under the Criminal Justice Act 2003. First, the White Paper that preceded it (Home Office and Lord Chancellor’s Department, 2002) suggested that incapacitation should be taken into consideration by sentencers for property as well as violent offences. Second, minimum sentences were brought in for aggravated and second murders, and for gun possession. Finally, a new indeterminate sentence of imprisonment for public protection was introduced for most violent and sex sentences attracting a potential sentence of ten years or more. 1,900 of these sentences were handed out by the courts in the first twenty-one months after they were introduced (see the Guardian, 7 January 2007).

Incapacitating the marginalised in prison is a modern example of “the dark side of bio-politics” (Dean, 1999: 139). While “bio-power” emerged in order to administer rather than impede life (Foucault, 1979), it has negative exclusive functions as well as positive inclusive one, and still relies heavily on sovereign interventions (see e.g. Christie, 2000; Rutherford, 1997). The growing emphasis on incapacitation in sentencing is further matched by modern-day prison regimes, which emphasise security above all other purposes. Writing of Pelican Bay prison in the United States, Bauman, for example, highlights the lack of emphasis put on providing for constructive activity:

[While] all kinds of panoptical-style houses of confinement were first and foremost factories of discipline – more precisely, factories of disciplined labour [...] What the Pelican Bay prison brings close to perfection is the technique of immobilization [...] What the sharp acceleration of the punishment-by-incarceration suggests... is that there are some new and large sections of the population targeted for one reason or another as the threat to the social order, and that their forcible eviction from social intercourse through imprisonment is seen as an effective method to neutralise the threat, or at least to calm the public anxiety which that threat evokes. (Bauman, 2000: 210, 212 and 213 – cf. Feeley and Simon, 2003)

The second means of managing people, as noted in section 2.1.1, is through controlling the spatial environments in which they act (Cohen, 1985). Such spatial controls aim to restrict subjects' choices, including their opportunities to commit crime. The spatial control of crime is both victim and offender orientated. Victim-orientated controls aim to restrict access and to protect potential targets. Examples include the use of security guards, pin numbers, passwords, swipe cards, anti-vandal paint and fixed cameras. Offender-orientated spatial controls aim either to exclude potential offenders or keep them under surveillance. Examples here include the provision of traffic calming measures such as speed bumps and road narrowing, crowd directing measures such as fencing and the placing of amenities and youth leisure facilities, and most important for current purposes, coercive measures such as curfews and monitoring individuals through rotating cameras.

Although criminologists acknowledge the growth of offender as well as victim orientated spatial controls, it is the more subtle forms that have received most attention. Emphasis is put on the potential that spatial controls have for making government more covert, in turn creating less resistance. This observation is well summarised by Rose:

In disciplinary societies it was a matter of procession from one disciplinary institution to another... In our societies of control, it is not a question of socializing and disciplining the subject *ab initio*. It is not a question of instituting a regime in which each person is permanently under the alien gaze of the eye of power exercising individualizing surveillance. It is not a matter of apprehending and normalizing the offender *ex post facto*. Conduct is continually monitored and reshaped by logics immanent within all networks of practice. Surveillance is 'designed in' to the flows of everyday existence. (Rose, 2000: 325 – cf. Shearing and Stenning, 1985)

This, however, is a control mechanism of what Rose describes as “circuits of inclusion”. Social control is not so subtle when surveillance is targeted at the anti-social behaviour of the minority. In the control mechanisms of “circuits of exclusion” (Rose, 2000) surveillance continues to depend on the juridical symbols of the sword and blood. Coercive spatial controls are of equal relevance to post-industrial government. This is demonstrated, for instance, in Mathiesen's (2000) account of the integration of registration and surveillance systems across Europe. Mathiesen

provides evidence of the current availability across European police forces of details on 700,000 people, and the use of such information for targeted surveillance. Although registration and surveillance systems are currently targeted primarily at the threat posed by illegal immigrants, and are being implemented as a result of globalisation rather than localisation, Mathiesen warns of their broader potential use against the marginalised as a whole that will be made possible through technological advance. His conclusion is daunting:

The likely development towards a more or less integrated, totalising registration and surveillance system in Europe implies a development towards a vast “panoptical machine” which may be used for the surveillance of individuals as well as whole categories of people, and which may well become one of the most repressive political instruments of modernity. (Mathiesen, 2000: 188)

The development of such a ‘panoptical machine’ can be observed, for instance, in the current proposal to introduce compulsory identity cards, backed up by a central computer database. The Home Office insists that they will only be used to tackle illegal immigration, entitlement to public services, identity fraud, organised crime and terrorism (Home Office, 2003b). The proposed scheme has come under much criticism for its potential future extension to other functions, however. Two areas of concern that have been highlighted are the increased power the police will likely be given to stop and search people (in order to confirm that they are carrying their identity cards), and the potential use of central computer databases that will store information held on individual identity cards as an aid to electronic surveillance systems once technological advances such as facial recognition systems have been fully developed (see House of Commons Home Affairs Committee, 2004). As currently proposed, information will be held on people’s personal details, photographic and biometric identification and residential status. There is little reason to doubt that the databases will one day carry information from police records, as is the case with the European-wide registration and surveillance systems examined by Mathiesen (2000). With the growing influences of the discourse of underclass and the dichotomy of inclusion and exclusion, the “panoptical machine” also appears to be an inevitable part of the future of social control at national as well as global levels (see

e.g. Campbell, 2004; Fussey, 2004; Hier, 2003; Hörmqvist, 2004; Lyon, 2002; Marx, 2002).

Returning to the phenomenon of crime prevention partnerships, empirical evidence also exists of the potential for such a 'panoptical machine' to be developed at a local level. In their research on the crime prevention partnership in Merseyside, Coleman et al. (2002) demonstrate that private and local authority CCTV systems are becoming useful tools for tracking risky individuals, and notifying the police and local authorities when they need to intervene. Evidence of targeted surveillance at a local level was also uncovered during the fieldwork conducted for this doctoral thesis at Westminster, where the chief executive's department and housing department were introducing a mobile CCTV system to gather evidence for the application and enforcement of legal orders (see section 5.2.5).

The theoretical potential for the local to become a site of coercive spatial control is brought about by a continuing need for the state to step in where the population is not willing or lacks the ability to exert control over its spatial environments. Issue over the willingness of the population to exert control over its spatial environments concerns continuing state provision of spatial controls where informal controls are absent. Despite the privatisation of much public space with the proliferation of shopping and leisure complexes and gated communities (Caldeira, 2000; Davis, 1992; Shearing and Stenning, 1983; Shearing and Wood, 2003; South, 1988), it has not been established that the public will ever be content to live in fear of public spaces, and for their lives to be restricted to shuffling from one secure enclave to another: to live, work and play in a "city of walls" (Caldeira, 2000). The well-off may be able to withdraw into highly-secure gated communities, and the majority may be able to avoid public places to a large extent by travelling by car and shopping and playing in privately owned and controlled environments, and to avoid the most dangerous places altogether by moving to the suburbs, but few take comfort from the prospect of public spaces becoming 'twilight zones'. Efforts are being made to make people take more responsibility for their own personal safety, and for exerting control over public places through the creation and equipping of, for instance, residents' associations, and neighbourhood and commercial watch schemes, but with the changing nature of the social (see section 2.1.2), these "technologies of agency" (Dean, 1999) are unlikely to

result in the public taking on responsibility for looking out for people they are not acquainted with. It is, in other words, highly doubtful that it will become possible to govern public spaces 'at a distance'. A police apparatus will still be required. The police apparatus is being increasingly dispersed, but Foucault's (1977) inspector of the "non-disciplinary spaces" will most likely remain directly or indirectly employed by the state. Encouraging the population to become involved in managing its geographical territories is one thing. Encouraging it to take over is quite another. As noted in section 2.2.1, there may be little political risk (in terms of exposure of 'the myth of the sovereign state') in the state withdrawing from 'bio-political' practices such as health and education, but the same cannot be said for personal security.

Issue over the ability of the population to exert control over its spatial environments concerns continuing state efforts to maintain sovereign state control over disorderly areas where the informal social controls of the compliant majority are faltering. It is concerned with efforts being made by the state to facilitate informal social controls through emboldening the population. Particular note needs to be taken of the influence of Wilson and Kelling's (1982) 'broken windows' thesis on a refocusing of criminal policy towards providing earlier and more consistent legal intervention into disorderly communities to prevent anti-social behaviour from 'spiralling out of control'. In particular, the 'broken windows' thesis emphasises that disorderly areas can be kept under control through increasing the certainty of legal intervention. Its supporters refer to a need for short-term intensive clampdowns to break the will of the non-compliant. However, with the changing nature of the social, it is again far from clear that geographical communities can be sufficiently built up to exert control over their spatial environments. Supporters of the 'broken windows' also support a long-term policy of intensive authoritarian policing in the most socially disorganised areas locations, and are as concerned with encouraging the public to report anti-social behaviour to the police as encouraging the public to intervene themselves. A number of social scientists have emphasised the link between the 'responsibilisation strategy' and the recruitment of the public as the 'eyes and ears' of the state (e.g. Andrejevic, 2005; Palmer, 2000; Wakefield, 2005; Zurawski, 2005). The 'broken windows' thesis is covered in more detail in section 2.3.4.

The continuing need for the state to supplement and facilitate the spatial controls of the population, both victim and offender orientated, is an important reservation that needs to be made to the 'responsibilisation strategy' thesis. This formed an important background to each of the last four aspects of the research question taken into the empirical research conducted during the course of this doctoral thesis (see section 3.1).

2.2.2. 'Behaviour Modification'

The third means of managing people is to teach them how to control themselves. This, as emphasised in section 2.1.1, is as important a part of post-industrial western government as the growing emphasis on spatial controls. It may be the case that economic and social change is resulting in more exclusion, but it is important that this point is not exaggerated. The extremity that the 'exclusive society' thesis may be taken to is epitomised by Young:

Let us immediately clear up the notion that capitalism always needs a great degree of social order. This is true only of specific period: the universally orderly population of the modernist period was necessary only with Fordist production and full employment... The underclass of today are not needed, their labour unnecessary, the inculcation of punctuality and discipline irrelevant, their consumption needs useful but easily controllable. (Young, 1998b: 283-284)

And by Lianos and Douglas:

... who are the deviants today? They are not the moral incorrigibles of the past and they are known to be disadvantaged. They are not to be morally condemned but they are to be contained. They are not to be patronisingly 'treated' but they are to be avoided, even though without value judgements. They are not detestable but they are disposable. They are simply 'dangerous', 'aggressive', 'threatening', 'dodgy'. (Lianos and Douglas, 2000: 263; cf. Lianos, 2003)

Such interpretations of modern-day society are useful and informative, but they predict too much discontinuance with the past (Matthews, 2002; O'Malley, 2001; Young, 2002a; Zedner, 2002). First, the growth in the number of people surplus to economic requirements has not proven to be as large as many anticipated. There is, on

the contrary, a significant need for workers in the service industry in late capitalism. In an alteration to the views he expressed four years earlier, Young explains:

What is not accepted, and indeed, is little mentioned [in the social exclusion paradigm], is that the underclass is integrally a part of the larger economic process and, more importantly, that it serves the living standards and the comfort of the more favored community... The economically fortunate... are heavily dependent on its presence. (Young, 2002a: 470)

Interpretations of social change should likewise not be exaggerated. Not only do the economically fortunate continue to be serviced by the poor in, for instance, restaurants, supermarkets and DIY stores, but only the most wealthy are showing signs of a mass exodus to housing enclaves or of, for instance, stopping attending the same hospitals or sending their children to the same schools. If anything, social classes are more integrated geographically now than they were in the past. This is again well captured by Young:

There is widespread evidence that the culture of contentment... – a ‘contented majority’ who are all right thank you, doing fine, and sharing little in common or concern for the excluded minority – is a myth... the late modern city is one of blurred boundaries... the very intensity of the forces of exclusion is a result of borders which are regularly crossed rather than boundaries which are hermetically sealed [...] It was the Fordist city of modernity which had a segregated structure, a division of labour of specialized areas, a Chicago of concentric rings. Now the lines blur: gentrification occurs in the concentric rings; deviance occurs in the suburbs. It is a world of globalization, not separation; of blurring, not strict lines of demarcation. It is culturally a world of hybrids, not of pedigrees; of minor, not major differences. The very decline in the physical community and the rise of its virtual counterpart means that it is impossible for an underclass to exist separately. (Young, 2002a: 467 and 475)

The blurring of the boundary between public and private space (see section 2.1.1) is therefore being countered by a blurring of the boundaries between the spaces shared by different social classes. Exclusion may be encouraged by the former, but it is being discouraged by the latter. The increased sharing of space gives rise to a need for more civility and more community, not less.

Correctional controls are therefore evolving with economic and social change rather than dissipating and dying. Marginalised groups cannot be simply “managed in place”

(Simon, 1988 – cited in Hudson, 2002), as their cooperation in the economy and in the social is still needed. Besides, spatial controls are only really effective in controlling opportunistic crime. As Young (2002c) points out, much conventional crime is exciting, and much is reactionary. As noted in section 2.1.1, where correctional controls do continue, emphasis is placed on the subject correcting him or herself, on the 19th Century classicist notion of correcting through punishment, on ‘grinding rogues honest’ (for analysis of the concept of correcting through punishment, see e.g. Cohen, 1985; Hudson, 1987; Ignatieff, 1978; Mathiesen, 1990; Muncie, 2002b). Where correctional interventions do continue to adhere to the predestined actor model, their relevance to contemporary government can be explained in terms of “case-management risk” (Dean, 1999): the concentrating of methods of control, old and new, on the most risky (cf. Ericson and Haggerty, 1999). The broad movement in correctional controls, however, is towards the subject not so much being taught as shown how to control him or herself. With its emphasis on uniformity and the voluntarist notion of reform, such moral (as opposed to scientific) and self (as opposed to externally imposed) rehabilitation is therefore more suitable to the post-industrial need to give individuals more responsibility for governing themselves. Suggestion that their mind is being shaped from the outside is to be avoided where possible. The expert remains in the background, and where external intervention is needed, emphasis is put on the subject being helped by other members of the public rather than the expert, preferably by people that have experienced similar behavioural problems in their lives. Such rehabilitation is also suitable to the post-industrial need to produce well-behaved people, but not to penetrate so deeply into their soul to create right-behaving people: “[t]he criminal is not asked to change, but to show an ability to maintain the overt demands of a conforming life” (Cohen, 1985: 122).

Cohen’s (1985) analysis of the growing dominance of behavioural science on criminal policy is therefore relevant to the direction that both correctional and spatial controls are taking. As a spatial control, it points to the continuing importance of techniques of managing anti-social behaviour that do not rely on incapacitation. As a correctional control, it points to the continuing importance of “technologies of the norm” (Dean, 1999). In contemporary correctional practices, then, the roots of anti-social behaviour are treated as the same for everyone: not enough responsibility in the exercise of autonomy.

The rest of this section explores the relevance of law enforcement to the ‘turn to the local’ in crime control along a similar trajectory to section 2.2.1. First, like informal spatial controls, the use of ‘technologies of agency’ (in this case more specifically described as “technologies of solidarity” – see Dean, 1999) to promote correctional controls is reflected in efforts to construct communities on a geographical level. Second, there is likewise little evidence that the movement towards ‘government at a distance’ will result in the abandonment of state-provided correctional controls. Again, with the changing nature of the social, it is far from certain that the state can devolve responsibility to the population to normalise its members. Nor, in the case of marginalised communities, is it in the interests of the state to devolve power. An example of state distrust in allowing marginalised groups to correct themselves highlighted in section 4.4 is the training of parents that have been served with parenting orders. Government guidance on parenting orders (Home Office et al., 2004) emphasises that parents need to be taught to take responsibility for the behaviour of their children, but makes it clear that parents need to be instructed on the kinds of behaviour they need to learn to enforce.

State-provided correctional controls are therefore of equal relevance to contemporary government as state-provided spatial controls, and most importantly for current purposes, correctional controls continue to be an essential element of crime control. Reference should again be made to the ‘dark side of bio politics’, which is not restricted to its ability to exclude. Dean (1999) explains that “authoritarian governmentality” has always been an essential element of the ‘responsibilisation strategy’. While some people are treated as beyond help, most are treated as capable of improvement, if not self improvement. The “good despot”, he concludes, may resort to law enforcement to deal with those who refuse to take up opportunities given to them to do so voluntarily:

Within liberal forms of government... there is a long history of people who, for one reason or another, are deemed not to possess or to display the attributes (e.g. autonomy, responsibility) required of the juridical and political subject of rights and who are therefore subjected to all sorts of disciplinary, bio-political and even sovereign interventions. (Dean, 1999: 135)

The continuing need for state-provided correctional controls is a further reservation that needs to be made to the 'responsibilisation strategy' thesis (alongside the continuing need for the state to supplement and facilitate the spatial controls of the population, explored in section 2.2.1). This formed a second background to the last four aspects of the research question taken into the empirical research conducted during the course of this doctoral thesis (see section 3.1). The growing emphasis on such compulsory correctional controls in post-industrial social control is reflected in England and Wales in the emergence of youth offending teams alongside crime prevention partnerships. This development is explored in section 4.4.

2.2.3. *'Expressive Justice'*

One final aspect of post-industrial structural change of relevance to the potential for the local to become a site of authoritarian crime control needs to be explored. In section 2.1.1 it was noted that there is an increasing need for expressive criminal policy. It was explained that this relates first to the role that law enforcement plays in allowing the state be seen to be in control of its sovereign territory and population. This aspect of increased need for expressive criminal policy is linked to the withdrawal of state government from the provision of, for example, employment and social welfare, which has led to public demands for a strengthening of the core (bio-political) functions of government, including crime control (Feeley, 2003; Hughes, 2000). Even to the extent that crime control is ultimately in the hands of the public, the state simply cannot afford to be seen to be withdrawing from such an essential aspect of government. The fundamental need for the state to provide for personal security has been emphasised at a number of points in this chapter.

The second aspect of expressive criminal policy relates to the general preventative role of law. In modern times, law has always been used as a means of denouncing behaviour (Foucault, 1977). As more responsibility for government is given to the population in post-industrial western societies, the symbol of law is becoming more important still (see Foucault, 1979; Rose and Valverde, 1998). Further, as a result of the increased economic and social insecurities associated with economic and social change (see section 2.1.2), cruelty is becoming a more respectable penal value in the

construction of mechanical solidarity. It is, Simon (2001) stresses, becoming increasingly important for the state to show empathy with victims. This point is also emphasised by Bauman:

To support the observance of norm, those in breach of the norm must be seen to be punished. Best of all, they must be seen to be excluded [...] The tendency to resort to the dry and impersonal letter of the law instead of relying on person-to-person negotiation of a common *modus vivendi* is a consequence of the gradual demise of... 'the multiplicity of contact points' – once the foremost characteristic of city life. (Bauman 2000: 207 and 208-209)

And by Coleman and Sim, in their discussion of the use of CCTV systems by the crime prevention partnership on Merseyside:

Those at the centre of this downward gaze can be understood as the contemporary equivalents of Foucault's leper whose identification and targeting reinforces 'the constant division between the normal and the abnormal'. (Coleman and Sim, 2000: 637)

Finally, by identifying certain groups as public enemies, and criminalising and punishing them, the state is able to deflect attention away from the structural causes of economic and social problems, including serious crime and anti-social behaviour (Box, 1983; Hall et al., 1978; Sumner, 1990). There is, in other words, an increasing need for a "politics of otherness" (Scruton, 2005), as there is more to deflect attention away from.

It is, as Sullivan (2001) puts it (in criticism of Garland, 1996 and 2001, cited in section 2.1.1), "schizophrenia as usual". While there are no structural reasons for the increasing need for expressive criminal policy to be realised at a local level, there is every possibility that this increased schizophrenia will spill over into the work of crime prevention partnerships. As emphasised in section 2.1.4, with the changing nature of the social, we are more likely than in the past to treat people we are not personally acquainted with as 'strangers' and 'outsiders', or in the case of those that commit crime or behave anti-socially, as 'enemies within'. It only takes a short glance

through a local newspaper to appreciate just how close to the local punitivism operates.

To conclude this section, modern-day western societies are full of blurred boundaries. Five blurred boundaries have been focused upon in this chapter so far: between the state and the population, the social and the private, civil nuisance and crime, free will and compulsion, and due process and crime control. The first was investigated in order to emphasise the point that devolving is not the same thing as redistributing power. The other shifting boundaries were investigated in order to explore the role that the criminal justice system continues to play in crime control. It has been demonstrated that there is a growing emphasis on holding crime back rather than dealing with its underlying causes, precipitated by the ineptitude of the state and the decline of the social with the movement beyond Fordist production, but that the spatial controls that have proliferated as a result are based as much on supervising as incapacitating potential offenders, and that the need for correctional controls has not been dispensed with. Most important, it has been demonstrated that law enforcement not only has a continued role to play in facilitating and supplementing (spatial and social) government, but that it is becoming more rather than less important, with the result that it is being increasingly focused on anti-social behaviour as well as serious crime. Finally, it has been demonstrated that with the further trend towards dispersed government, there is a danger that structural pressure on the state to take a more authoritarian approach to crime control will be realised in part or on the whole through crime prevention partnerships, that the penal state may be 'rolled out' to the local (Tombs and Whyte, 2004) as one weapon in an increasing armoury needed to allow for more intensive intervention into the lives of the marginalised, to contain the increasing danger they pose, while simultaneously deflecting attention from troubles elsewhere. In order to reach these conclusions, five issues have been focused on: the emergence of behavioural science as the dominant criminology, the growing influence of the 'broken windows' thesis, the continuing need for the labour and civility of the otherwise economically and socially marginalised, the growing need for expressive criminal policy, and the possibility that the state is reacting to the deficiencies of the criminal justice system by resorting to it earlier and more consistently.

2.3. Keeping Order

Having explored the potential for changes in economic and social structure to result in the local becoming a site of authoritarian crime control, this chapter now moves on to investigate the more immediate political context under which the ‘turn to the local’ in crime control is developing. This requires analysis of the recent rise of communitarianism, and in particular moral communitarianism, as a political force in the western world.

2.3.1. *Communitarianism*

The communitarian agenda emerged in response to the domination of neoliberalism at the end of 20th Century. In contrast to liberal thought in general, it emphasises the collective rather than individual character of human existence (Hughes, 1996). While liberalism emphasises the negative aspects of individuals being constrained by their communities, communitarianism emphasises the benefits that communities bring to their members. Etzioni explains:

While it is possible to think abstractly about individuals apart from the community, it must be noted that if individuals are actually deprived of the stable and positive effective attachments communities best provide, they exhibit very few of the attributes commonly associated with the notion of the freestanding person presumed by the individualist paradigm. Such individuals are unable to be reasonable and reasoning members of a civil society. (Etzioni, 1996: 25 – cf. Etzioni, 2000: 16-18)

Liberalism therefore focuses on the rights of the individual over his or her geographical community, while communitarianism is equally concerned with the individual’s obligations to his or her geographical community (Hancock and Matthews, 2001). Communitarianism emphasises the need to respect the right of others to live without fear of crime or civil nuisance (Leadbeater, 1996). Communitarianism therefore has broad appeal. It collects together the concerns of all those who reserve support for the enlightenment project and continue to attach importance to the need for social cohesion in order to allow geographical communities to live and prosper together. As such, communitarianism encompasses

critique of both the current neoliberal emphasis on free market individualism and the previous liberal emphasis maximum state intervention, both of which are viewed as dangers to organic community (Hughes, 1996).

It is the more conservative interpretations of communitarianism that have so far prevailed in crime prevention partnerships. Radical interpretations of communitarianism have remained peripheral. Social democratic support for crime prevention partnerships is found instead in the emergence among the political left of so-called 'third-way' politics, with its emphasis on finding a balance between social cohesion and individualism. The extent that 'third-way' interpretations of the need for social cohesion have so far triumphed over neoconservative ones in the objectives and targets of crime prevention partnerships in England and Wales is covered in chapters four and five. The purpose of the remainder of this chapter is to investigate the objectives of 'third-way' and neoconservative communitarianism, the methods they employ, and the common ground that may be found between them.

2.3.2. Moral Communitarianism

While radical communitarians put equal emphasis on motivations as restraints in their analysis of the causes of crime, moral communitarians throw their support almost exclusively behind the latter. They warn that post-industrial social change has been accompanied by a faltering of the power social institutions such as the workplace, trade unions, the church, families and community groups previously exerted over individuals. Skogan explains that in the past, levels of crime remained unchanged, even in times of social inequality, "because the traditional agents of neighborhood social control were strong: families, parish churches, schools, the bonds of ethnic solidarity, and conservative values" (1990: 126 – cf. Dennis, 1998: 6-14). The result, moral communitarians say, is that people no longer have the confidence to intervene or stand up to crime, or even confidence in their right to do so. While 'third-way' communitarians retain a level support for strain theories, they share this underlying support for control theories with the neoconservative right. Skogan continues:

Since mounting disorder and crime reflect the declining strength of informal social controls in urban neighborhoods, efforts to reinvigorate those informal controls may succeed in reversing the trend. While there might be other mechanisms for doing this (for example, by attacking unemployment and family breakdown, and upgrading the quality of schools) organising communities to recapture the past has emerged as our newest hope for reshaping urban neighborhoods. (Skogan, 1990: 126)

Leadbeater likewise refers to motivations for crime when he introduces the ‘third-way’ vision of communitarianism, but focuses on restraints when he discusses the methods of crime control that need to be deployed:

[Communitarianism] recognises the power of both cultural and economic explanations for crime. But it diagnoses and responds to them in different ways by attempting to rebuild a layer of intermediate institutions between the individual and the state, which are capable of commanding authority and dispensing punishment. Society will only become more ordered if we create common, collective institutions capable of providing that order. (Leadbeater, 1996: 11)

The challenge, ‘third-way’ and neoconservative theorists agree, is to find ways of re-asserting control. It is not the need to restore control, but rather how and to what level it should be restored that separates ‘third-way’ from neoconservative communitarianism. Three points need to be emphasised. First, neoconservatives put few limits on the rights of geographical communities to define the limits of acceptable behaviour among its members (Hughes, 1996). In the spirit of Lord Devlin, Wilson, for instance, defines anti-social behaviour as any behaviour that disturbs public peace. He gives the examples of “a noisy drunk, a rowdy teenager shouting or racing his car in the middle of the night, a panhandler soliciting money from passersby, persons wearing eccentric clothes and unusual hairstyles loitering in public places” (1968: 16). What is not made clear in neoconservative literature is whether this allows for a geographical community to define behaviour that is unacceptable to society as a whole as acceptable to their particular locality, and what is to be done in areas where there is no consensus over the limits of acceptable behaviour. These issues are returned to later in this chapter in section 2.3.5.

Next, in their interpretation of social control, neoconservatives are also far more concerned with people being liable for the harms that they cause to their geographical

communities (and so liable to be disciplined by their geographical communities) than with the duties that geographical communities owe to their individual members (to give them emotional support, teach them to be altruistic, surround them with positive influences, provide them with activities to occupy their time, and so on). Last, and for current purposes most important of all, they emphasise the need for the informal social controls of geographical communities to be supplemented by formal social controls, including legal ones. Kelling, for example, writes:

[M]ost research which sheds light on the relationship between police and citizens suggests their mutual dependence... Citizens need close relations with police for back-up force to control streets, ensure their safety, provide emergency service and assistance in the prevention of crime, and to restrain them when their actions verge on vigilanteism. (Kelling, 1986: 100)

The ‘third way’, on the other hand, qualifies the right of the compliant majority to set and enforce standards of behaviour for their neighbourhoods with the need for social inclusion and the celebration of difference (Hancock and Matthews, 2001). Furthermore, when ‘third-way’ communitarianism speaks of people’s obligations to their communities, it is equally concerned with their social duties. Etzioni writes:

We aspire to a society that is not merely civil but is good. A good society is one in which people treat one another as ends in themselves and not merely as instruments; as whole persons rather than as fragments; as members of a community, bonded by ties of affection and commitment [...] When we bond with family, friends or community members we live up to the basic principle of the good society. The values of love, loyalty, caring and community all find their roots here. (Etzioni, 2000: 11 and 12 – cf. Etzioni, 1996: 25-28)

Finally, the ‘third way’ differentiates itself from neoconservatism by stressing an overriding preference for informal social controls. Leadbeater, for example, writes, “[w]e need institutions which can command respect and authority without bearing the heavy hand of the state” (1996: 12 – cf. Etzioni, 1996: 12-14). ‘Third-way’ critique of law enforcement is based partly on the view that state power pales into insignificance alongside that of the population it is in charge of (see section 2.1.1), and partly the negative effect of penal punishment on individuals. Braithwaite (1989) explains that community institutions are more successful in ensuring compliance to their norms of

behaviour as they command respect through fear of chastisement rather than fear of punishment. He gives two examples to back up his argument. The first is a field experiment that showed income tax evasion to be affected more by guilty conscience than by fear of criminal penalties. The second is a youth survey on the fear of being arrested. Highest on the list was fear of chastisement from parents. Next was the shame of having to appear in court.

'Third-way' communitarians therefore criticise neoconservatives for the breadth of their intolerance of difference, and for their overriding support for discipline and law enforcement. For these reasons, Etzioni (1996 and 2000), for instance, describes 'third-way' communitarians as social conservatives, while Leadbeater (1996) refers to them as cultural conservatives. The 'third way' stresses that the fundamental difference between itself and neoconservatism is to be found in its attempt to bridge the gap between liberals and conservatives. While liberals emphasise the importance of the freestanding individual, and conservatives the importance of collective virtues, the 'third way' aims to establish a balance between the two. "That tired old ideological conflict", Leadbeater insists, "has been replaced by a new common sense which combines elements of liberalism and authoritarianism, most ably captured by Tony Blair's slogan: 'Tough on crime, tough on the causes of crime'" (1996: 3-4 – cf. Etzioni, 1996: 7-12).

Yet, the important point for the purpose of this thesis is that despite these differences, the division between 'third-way' and neoconservative communitarianism is often difficult to make out, and is one that is easily bridged. Hughes (1996) has no qualms about including the right within the communitarian agenda, describing both sides of the political spectrum as moral authoritarians or conservative moral communitarians (cf. Garland, 2000). Despite Braithwaite, Etzioni and Leadbeater's attempts to find a balance between the rights of the individual and the rights of geographical communities, and to consider motivations as well as restraints to crime, 'third-way' and neoconservative interpretations of communitarianism still share plenty of common ground. Neither questions the benefit of the free market, both treat conventional crime as a serious problem, both are as concerned with anti-social behaviour as they are with serious crime, and neither expresses any real concern with non-conventional crime. Both support putting restraints on individuals as the primary

response to crime, reminiscing of the power that intermediary institutions held in the past and pointing to apparent low levels of crime and disorder in far-eastern societies today, where community control is said to be stronger. Finally, although both support informal social controls as the ideal way of controlling crime, talking in terms of effective crime control depending on the ability of the state to facilitate geographical communities, both accept that it may be necessary to supplement informal social controls with formal social controls, including legal controls. And like the right, 'third-way' communitarians put emphasis on increasing the certainty of penal punishment, Etzioni, for example, writing:

A major goal for the next decade should be to significantly increase certitude... that those who violate the law will be caught, those caught will be convicted and those convicted will serve their term... Punishing those who violate the law is unavoidable in an orderly and just society. (Etzioni, 2000: 42)

The difference between Dennis, Kelling and Wilson, and Braithwaite, Etzioni and Leadbeater is, in other words, a matter of degree rather than principle. Moral communitarian logic may be extended to allowing geographical communities to define any difference as a threat, or it may place strict limits on the types of difference geographical communities have to tolerate. Braithwaite, Etzioni and Leadbeater clearly lean towards the latter, and Dennis, Kelling and Wilson towards the former. Nonetheless, varying degrees of tolerance and intolerance to crime are to be found on both sides of the political spectrum. The same point can be made about the methods (as opposed to the objectives) of crime control.

Of particular importance for the purposes of this thesis is the blurred nature of the boundary of 'third-way' support for law enforcement. The ease by which the line is crossed between 'third way' insistence that law enforcement is a matter of last resort and neoconservative support for quick resort to law enforcement is most apparent in the support that both 'third way' and neoconservative communitarians give to the 'broken windows' thesis, with its claims that not only should anti-social behaviour be treated as a problem of crime in its own right, but that informal social controls are also most effective when they focus on anti-social behaviour, that geographical communities that have lost control of their environments will not re-gain the

confidence to effectively police their areas without an initial ‘clampdown’ on crime by the police, and that in more fragmented geographical communities the police will be needed as a permanent back-up. As will be seen (in section 2.2.1), although the ‘broken windows’ thesis does not necessarily require the police to clamp down on minor crime through law enforcement, many that describe themselves as ‘third way’ communitarians support the right in making such a call. Before exploring moral communitarian support for the ‘broken windows’ thesis’, it is first useful to consider the broader nature of the criminologies and penologies that inform moral communitarian interpretations of crime control. This requires analysis of left and right realism.

2.3.3. Left and Right Realism

Right realism emerged in the United Kingdom in response to the dominance in the 1970s of critical criminology on the left and administrative criminology on the right. Critical criminology and administrative criminology both argued for a reduction in the use of the criminal justice system (Kinsey et al., 1986; Young, 1988). Critical criminologists stressed that the criminal justice system focused on conventional crime, and so served to deflect attention from equally important social harms such as domestic and commercial violence (e.g. Box, 1983 – see section 2.2.3), while administrative criminologists insisted that most crime was opportunistic and would be more effectively prevented through spatial controls (e.g. Clarke, 1980). Most important for current purposes, both sides added that the post-war rise in crime had shown the criminal justice system to be an ineffective means of crime control, due to the destabilising and brutalising effect it had on those it punished (Young, 1998b). This fact, critical and administrative criminologists emphasised, called for a bifurcation in criminal policy between serious crime and anti-social behaviour. They emphasised that perpetrators of serious crime should continue to be punished, in the interests of just deserts and incapacitation, but minor offenders should be diverted away from prosecution. The effects of the common ground found between the criminological left and right on criminal policy in the 1970s and 1980s is explored in more detail in section 4.1.1.

Right realism emerged as a criminological force in direct response to this alliance of opinion. Right realists did not dispute the fact that the criminal justice system was incapable of rehabilitating offenders. Central to right realist thinking is the concept of underclass, which claims that many offenders come from communities that are culturally disordered and incapable or else unwilling to desist from crime (see section 2.1.3). Instead, right realists focus on the issue of deterrence, claiming that the criminal justice system is less effective than it was in the past because the chances of offenders, and in particular minor offenders, being prosecuted and given severe punishments is lower (e.g. Dennis and Mallon, 1998; Murray, 1997; Wilson, 1983). Further, right realists claim that perpetrators of minor crime deserve to be punished, as many people live in constant fear of them (e.g. Wilson and Kelling, 1982). It is argued that minor crime is not only experienced by many on a day-to-day basis, but that it is also a major contributor to fear of serious crime, as it serves as a constant reminder of people's vulnerability to it. Indeed, the more minor the crime, the more common an occurrence it is said to become, and the more anxiety it is said to cause. Of particular significance for current purposes, right realists extend their definition of minor crime to include civil nuisances such as homeless people begging, youths 'hanging around' in an intimidatory manner, neighbours playing loud music, children cycling past elderly people on pavements, people not cleaning up after their dogs, and so on. Instead of crime, right realists speak in terms of incivilities, 'quality of life' crimes, or (the term used in this thesis) anti-social behaviour.

Right realism can be treated as the criminological branch of neoconservative communitarianism. Like neoconservative communitarianism, right realism not only puts equal emphasis on anti-social behaviour as serious crime, but it also emphasises social control over strain theories of crime, and restraining offenders through discipline rather than support (Muncie, 1998; Young, 1988). Left realism quickly surfaced to challenge these biases (see e.g. Kinsey et al., 1986; Lea and Young, 1994; Matthews, 1992; Matthews and Young, 1992; Young, 1988). It mounted a similar attack on critical and administrative criminology, supporting the view that anti-social behaviour should be 'defined up' as a problem of crime (e.g. Lea and Young, 1994, who described crime as "the tip of the iceberg"), but like 'third-way' communitarianism, distinguished itself from the right by emphasising diversity rather than absolute values. Unlike 'third-way' communitarianism, it also put as much

emphasis on tackling motivations as restraints to crime, and expressed equal concern for non-conventional crime. The danger nonetheless remained that the path was being paved for the left to lose its radical edge in criminological as well as political terms.

Left realists are wary of the theoretical overlaps between themselves and the right, Matthews and Young for instance writing that the two approaches, “share a concern with the corrosive effects which crime can have on communities... but they are ultimately oppositional and competing positions” (1992: 5). Nevertheless, while left realists identify deprivation as the fundamental cause of crime, they include order maintenance among their suggested remedies (e.g. Lea and Young, 1994; Young, 1988). Moreover, although left realism stands behind an overall policy of minimal policing, putting emphasis on the informal social controls of geographical communities and on the state settling disputes through negotiation, it insists that so long as policing is democratic and non-discriminatory, arrest and prosecution have a role to play, albeit a small one. Lea and Young, for example, write, “[t]he growing inefficiency of the police as a crime control organisation has an effect in increasing crime through potential offenders realizing that the likelihood of being apprehended is becoming continuously lower for many types of offence... [Falling clear-up rates] has undoubtedly contributed to further increases in crime” (1994: xiii-xiv – cf. Kinsey et al., 1986; Matthews, 1992; Young, 1998a; Young and Matthews, 1992). Allied to the support that left realism gives to ‘defining anti-social behaviour’ up as a problem of crime, this is a dangerous path to tread.

2.3.4. ‘Nipping Offending in the Bud’

Moral communitarianism therefore finds justification for its support for ‘defining anti-social behaviour up’ as a problem of crime from the observations of realist criminology that anti-social behaviour is a social problem that has a serious impact on people’s quality of life. In section 2.3.3 it was noted that the moral communitarian emphasis on focusing criminal policy on anti-social behaviour is justified further with reference to the ‘broken windows’ thesis. This is the last issue that needs to be expanded on before this chapter can be brought to a close.

Wilson and Kelling's (1982) 'broken windows' thesis focuses on the problem of disorderly areas gradually slipping out of control and attracting serious crime as geographical communities lose confidence in their right and ability to control disorderly behaviour within their spatial environments:

Untended property becomes fair game for people out for fun or plunder, and even for people who ordinarily would not dream of doing such things and who probably consider themselves to be law-abiding... that 'untended' behavior also leads to the breakdown of community controls. A stable neighborhood of families who care for their homes, mind each others children, and confidently frown on unwanted intruders can change in a few years, or even a few months, to an inhospitable and frightening jungle. A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unmarried adults move in. Teenagers gather in front of the corner store. The merchant asks them to move on; they refuse. Fights occur. Litter accumulates. People start drinking in front of the grocery; in time, an inebriate slumps to the sidewalk and is allowed to sleep it off. Pedestrians are approached by panhandlers. (Wilson, 1983: 78-79)

Wilson and Kelling gave the now famous example of an experiment in which a car was left apparently abandoned in a high-crime area of New York, and another in a low-crime town in California. Unlike other parked cars, parts were gradually stolen off the cars (though in the latter area the process started only once the researcher took a sledgehammer to it himself), and they were eventually vandalised. The pace of vandalism, Wilson and Kelling stressed, escalated as people realised that no one would prevent them from doing so.

According to the 'broken windows' thesis, the spiral into decline is a four-stage process: anti-social behaviour causes fear of serious crime, potential controllers in the geographical community lose confidence, public places become deserted, and the anti social are further emboldened, while other unruly people and eventually serious criminals are attracted to the area. Each success is seen as giving encouragement to the anti social and criminal, with the result that, for instance, petty vandalism escalates onto serious criminal damage, and harassment progresses onto robbery. Most critical of all, once the area has begun to 'spiral into decline', the community may never be able to rescue it (see, especially, Skogan, 1990). The consequence for crime control is that anti-social behaviour should be at the centre of criminal policy,

not only because it is a problem of crime in its own right, but because it acts as a precursor to serious crime. Critical to Wilson and Kelling's (1982) paper was the concern that criminology paid too little attention to the fear of being bothered by others. This sentiment is shared by those who have developed the 'broken windows' thesis since. Ross and Mirowsky, for example, write:

Fear may lead residents to believe that other people cannot be trusted, to be suspicious, and to think that others are out to harm them... Fear and mistrust may increase social isolation because people who mistrust others are unlikely to form social ties with them, and people who are afraid rarely leave the house to visit with others. The likely consequences are anxiety, depression, and poor health on the individual level and further erosion of social control and neighbourhood order on the community level. (Ross and Mirowsky, 1999: 426 – cf. Kelling and Coles, 1996: 16-22)

Finally, as noted in section 2.3.2, the 'broken windows' thesis stresses that in areas that are already plagued by anti-social behaviour, and are at the 'tipping edge' of criminal decline, the community will not be able to regain control over its spatial environment without the help of the police. Considering the extent that anti-social behaviour is a current feature of urban environments, supporters of the 'broken windows' thesis consider the need to make sure geographical communities do not lose sovereign control of their spatial environments to be the most important aspect of contemporary policing. The extent that the 'third way' supports the right in calling for the police to support the informal social controls of communities through enforcing as well as negotiating order is returned to in section 2.3.5.

Finally, and in the opinion of the author of equal relevance to the question whether the local has the potential, through the moral communitarian movement, of becoming a site of authoritarian crime control, while Wilson and Kelling (1982) were ultimately concerned with geographical communities exerting control over their environments, in the background to the work of many neoconservative communitarians that have written on the 'broken windows' lies a concern that anti-social behaviour needs to be clamped down on in order to halt the development of 'criminal careers' (Bowling, 1999; Grady, 1998; Innes, 1999; Palmer, 1997; Johnston, 2000; Stenson, 2002). Dennis, for example, writes that it has become necessary for the police to act in the place of geographical communities as the "belated agents of socialization" (1998: 20),

while Kelling refers to the success of “three-strikes and you’re out” and “truth in sentencing” criminal justice policy in “ending the joke” in which, for instance, “children stealing hubcaps of cars [were allowed to progress] onto stealing the cars (2001: 131). Elsewhere, writing with Coles, Kelling refers to children progressing from begging to robbing in the absence of police intervention (Kelling and Coles, 1996: 21). A further example is provided by Johnston (2000), who quotes a reference by Mallon to youths progressing from ‘hanging out’ to stealing cars to burgling homes. The final example is taken from Dennis and Mallon:

Hanging about in a verbally abusive gang, urinating in the lift, smashing the lights on the footpath, spraying graffiti on a house wall, smashing a seat in the park, are the starting points of a criminal career... Police action at this level therefore can have the effect in some cases of closing the criminal-career path early. (Dennis and Mallon, 1998: 67-8)

The ‘broken windows’ thesis, then, with its emphasis on “nipping offending in the bud” (Dennis, 1998: 3), easily extends from law enforcement having a role to play in holding back the criminal decline of neighbourhoods to holding back the progression of the ‘criminal careers’ of the individuals who live within them. The centre of concern of the former is neighbourhoods at the edge of decline (Skogan, 1990; Wilson and Kelling, 1982). The centre of concern for the latter is youths. As emphasised in section 2.2.2, both aspects of the moral communitarian call for ‘defining anti-social behaviour’ up as a problem of crime form part of the background to structural pressure on the state to take a more authoritarian approach to crime control.

2.3.5. Conclusions

The objective of the analysis of moral communitarian politics and realist criminologies in this chapter has not been to accuse the left of drifting towards the right (though, as demonstrated in section 4.3.2, this is an accusation that certainly applies to some). The object has been to emphasise the potential, though unintentional, role that ‘third way’ communitarianism and left realism might play in giving legitimacy to neoconservative / right realist efforts to turn the local into a site of authoritarian crime control. To summarise: ‘third-way’ and neoconservative

interpretations of moral communitarianism both support the right of geographical communities to control their members, and they both identify the restoration of individual responsibility as one of the potential answers to the post-war 'crisis of aetiology' (see section 2.2.1); left and right realism both emphasise that anti-social behaviour should be 'defined up' as a problem of crime, and both include law enforcement as a legitimate means of crime control. The current author likewise believes that it is sometimes necessary to hold people responsible for their actions, and likewise believes that some people should be held criminally responsible. What concerns the author is that the model of crime control supported by the 'third way' communitarian left may not be strong enough to prevent people being held criminally responsible for anti-social behaviour. There are two objectives to this concluding section. The first is to summarise the key differences between 'third way' and neoconservative interpretations of crime control. Specific attention is paid to moral communitarian views on the area of law enforcement focused on in this doctoral thesis: the use of civil and public law orders. The second objective is to summarise the weaknesses in the 'third way' vision of crime control, and to explain how these weaknesses relate to the questions taken into the empirical research conducted during the course of this doctoral thesis, first introduced in this chapter in sections 2.1.4, 2.2 and 2.2.1.

It has been seen that dispute between 'third-way' and neoconservative interpretations of crime control centre over the extent that difference should be tolerated, and the extent to which the police should resort to penal intervention in support of informal social controls. In section 2.3.2 the point was made that the 'third way' accuses neoconservatism of showing little interest in consulting with the marginalised on their standards of acceptable behaviour. 'Third-way' communitarians highlight the fact that it is state-defined order rather than the definitions of order of individual geographical communities that neoconservatives are keen to preserve (e.g. Kinsey et al., 1986).

The second contest between 'third-way' and neoconservative interpretations of crime control focuses on how the informal social controls of geographical communities are to be facilitated by the state. In section 2.3.4 it was seen that in the absence of law enforcement, neoconservatives insist but the 'third way' questions, the compliant

majority have little chance of regaining the confidence to exert control over areas that are already in criminal decline. Neoconservatives try, though with little success, to play down the differences between the two sides. At first sight it would appear ironic, for example, that the New York Police Commissioner in the mid 1990s, William Bratton, with whom the term 'zero-tolerance' policing has been most associated with by the British media, should distance himself from the term altogether, and stress the importance of police officers use of discretion when faced with the possibility of making an arrest (see Bratton, 1998), or for Kelling (2001), co-writer of the 'broken windows' thesis, to go to great length to distance himself from the term authoritarian. Moreover, Dennis (1998) contradicts the term 'zero-tolerance' policing altogether, writing that 'zero tolerance' is about tolerant control. The same is the case with Dennis and Mallon, who write that all 'zero tolerance' means is that the police "return peace to the streets' by controlling minor situations in the interests of 'decent' and 'respectable' citizens" (1998: 65). Wilson likewise describes the police patrollers role as, "defined more by his responsibility for maintaining order than by his responsibility for enforcing the law" (Wilson, 1968: 16), while Waddington (1999) writes that the key to order maintenance is under-enforcement of the law, giving the example of how people change their driving behaviour the moment they see a police car.

'Third-way' communitarians are rightly critical of this stance, emphasising that neoconservative writing on community policing makes constant reference to the need to control anti-social behaviour through arrest and prosecution, and is not concerned about the discriminatory nature of order maintenance policing, or its potential for alienating youths and even whole geographical communities (see e.g. Herbert, 2001; Kinsey et al., 1986; Matthews, 1992). Dennis and Mallon (1998), for instance, cite a police campaign on housing estates in Hartlepool, County Durham, in which thirty-one letters were sent to the parents of young men, but a further twenty-eight young men were arrested. Despite the claims of many of its supporters, neoconservative interpretations of community policing fall far short of treating law enforcement as a last resort. 'Zero-tolerance' policing, as Innes (1999) observes, is not about policing with "an iron fist in a velvet glove" but policing with "an iron fist in an iron glove". 'Third-way' communitarians moreover accuse neoconservatives of not only refusing to allow the marginalised to define the types of behaviour that need to be controlled in

their spatial environments, but also of not being interested in entrusting the marginalised with the control of their environments. Indeed, neoconservative literature makes scant reference to the need to embolden the informal social controls of geographical communities, and appears to be far more concerned with recruiting the law-abiding as the ‘eyes and ears’ of the state. ‘Third-way’ communitarians could not differ more in their efforts to play down the need for law enforcement. The fundamental role of the community police officer, Fielding (1995), for instance, writes, is to negotiate order. This, Fielding emphasises, can only be achieved through the police developing close relations with geographical communities, in order to develop beat-level consultation and to gain information about localised patterns of crime and informal social controls (cf. Pollard, 1998).

Disagreement over how the informal social controls of geographical communities are to be facilitated leads onto a third, and for the purpose of this thesis most important, area of dispute: the promotion by the right of a relaxing of the legal emphasis on penal equivalence and due process. This, as has already been noted in this chapter (see section 2.2), formed the basis of the fifth and sixth aspects of the empirical research conducted during the course of this doctoral thesis (see section 3.1). The relaxing of the penal equivalence model of criminal justice relates to the insistence from the right that once preference is given to the rights of the collective over the rights of the individual, it becomes reasonable to punish anti-social behaviour in disproportion to the harm that it has caused to prevent it from escalating into serious crime. Wilson, for example, writes:

Arresting a single drunk or a single vagrant who has harmed no identifiable person seems unjust, and in a sense it is. But failing to do anything about a score of drunks or a hundred vagrants may destroy an entire community. A particular rule that seems to make sense in the individual case makes no sense when it is made a universal rule and applied to all cases. It makes no sense because it fails to take account of the connection between one broken window and a thousand broken windows. (Wilson, 1983: 84)

The relaxing of the due process model of criminal justice relates to procedural rules and evidential requirements. Matthews (1992), for instance, criticises Wilson and Kelling (1982) for endorsing extra-legal “kick-ass” methods, while Jesilow and Parsons (2000) despairingly quote a New York City community police officer

explaining that patrol officers have to, “have a little talk with the knuckleheads... [and say] [t]his is my neighbourhood. If you mess up and I see you around, I’m going to take care of you” (2000: 178 – cf. Kelling and Coles, 1996, who criticise judicial decisions restricting methods of police interrogation). Most important for current purposes is the support neoconservative communitarianism affords to using legal orders to combat crime. Kelling (1998, cited in Kelling and Bratton, 1998), for example, criticises the growth of tenancy rights against being evicted, while Silverman (1999) emphasises the role played by “nuisance abatement laws” in the reduction of crime and disorder in the mid to late 1990s experienced in New York.

To conclude this chapter. In their assessment of the objectives and targets of government, ‘third-way’ and neoconservative communitarianism stand in ideological opposition. To borrow from Matthews and Young’s (1992) analysis of the differences between left and right realism cited in section 2.3.3, they are ultimately competing stances. Yet the two sides compete over the same theoretical grounds, and the boundaries between them are easily blurred. Like left realism, ‘third-way’ communitarianism ‘defines anti-social behaviour up’ as a problem of crime, but unlike left realism, ‘third-way’ communitarianism pays little attention to non-conventional crime, to strain theories, to welfare interventions, or indeed to controlling crime through anything but disciplinary means. Three areas of potential overlap between ‘third-way’ and neoconservative communitarianism have been emphasised in this chapter: the balance that should be struck between the rights of individuals and the rights of geographical communities, between informal social controls and law enforcement, and between due process and crime control.

The first area of potential overlap relates to the questions whose order the ‘turn to the local’ in crime control is in the interests of (see section 2.1.4), and whether the ‘turn to the local’ in crime control is likely to be affected by the trend towards a ‘mesh thinning’ of social control (see section 2.1.3). Concern was shown to centre over the tendency of those describing themselves as ‘third-way’ communitarians to accompany the right in criticising the state for giving individuals too little responsibility for the consequences of their anti-social behaviour, and resultant calls for anti-social behaviour to be ‘defined up’ as a problem of crime, both in its own right, and because it acts as an antecedent to serious crime. As a result, crime prevention partnerships are

likely to come under ‘top down’ pressure to focus their attention on conventional crimes and the traditional (enforcement) approach to crime control. Further, as emphasised in section 2.1.4, it is not at all clear that crime prevention partnerships are sufficiently localised to resist these pressures, in other words that their policies will be ultimately shaped by local residents and practitioners, and moreover that local residents and practitioners whose voices are heard are likely to have holistic views of crime and crime control.

The second area of potential overlap concerns ‘third-way’ preference for informal social controls not ruling out the need for law enforcement. This relates to the question whether the ‘turn to the local’ in crime control is likely to be affected by the structural pressure on the state to further criminalise anti-social behaviour (see section 2.2.1). Fielding (1995) explains that it is not law enforcement per se that concerns ‘third-way’ proponents of community policing, but the preoccupation with law enforcement within much police culture (cf. Alderson, 1979; Bayley, 1994; Friedmann, 1992; Pollard, 1998; Schaffer, 1980; Skogan, 1990). De Lint observes, “[w]hile protection and security orient a great many of the practices in the community policing quiver, it is now commonplace to see it blithely attached to paramilitary policing units in aggressive order maintenance... law enforcement serves crime prevention” (2003: 391 – cf. Rosenbaum, 1994, who reports concern that in practice community policing has often moved little beyond the use of law enforcement ‘crackdowns’, and McLaughlin, 2002: 81, who quotes John Alderson, famous for being the primary initiator of community policing in the police force of England and Wales, as describing community policing as a “fusion of social policing and legal policing”). Continuing support from the political left for law enforcement makes their support for ‘defining anti-social behaviour up’ in the interests of the rights of geographical communities more dangerous still. Community policing, as Johnston (2000) warns, is likely to remain state-led both in terms of defining the behaviour that is not to be tolerated and the methods by which to control it, as geographical communities are simply not self-regulating.

The last area of potential overlap concerns the potential for ‘third way’ acceptance of resort to law enforcement in the control of anti-social behaviour to include the use of civil and public law orders, and so likewise relates to the question whether the ‘turn to

the local' in crime control is likely to be affected by structural pressure on the state to further criminalise anti-social behaviour. No references to the use of legal orders as tools of crime control were encountered in the 'third way' literature reviewed during the course of this thesis. However, much support for crime prevention partnerships resorting to legal orders was encountered among the public statements of 'third way' politicians such as Tony Blair and Jack Straw. These are covered in chapter five.

All three of these potential overlaps (responsibility for anti-social behaviour, criminal responsibility for anti-social behaviour, and a presumption of criminal responsibility for anti-social behaviour) have been crossed by the current Labour government. Writing on the Government's plans for criminal policy reform in 2002/2003, for instance, Prime Minister Tony Blair used the need to tackle "the narrow, selfish individualism of the 1980s" and the belief that "the state had an unconditional obligation to provide welfare and security [but] the individual owed nothing in return" to announce "tough new measures against those who persistently flout the law", including 'on-the-spot' fines, injunctions and asset confiscation alongside reference to a number of unspecified initiatives to encourage people to become more involved in voluntary work in their geographical communities (see the Observer, 10 November 2002). As Stenson observes, "[a] running thread [of New Labour's 'third-way' law and order policies] is to enable the police and other governmental agencies to regain control over the neighbourhoods of the so-called 'socially excluded', the 'problem' housing estates and poor inner-city areas" (2002: 229); and as Drakeford and Vanstone (2000) point out, despite Blair's claims to the contrary, his vision of communitarianism reflects the neoconservative discourse of underclass and dichotomy of inclusion and exclusion. Chapters four and five assess evidence that the boundaries between 'third-way' and neoconservative interpretations of moral communitarianism are indeed being crossed in the 'turn to the local' in crime control in England and Wales. The two chapters present the findings of the empirical research conducted during the course of this doctoral thesis. Before doing so, it is necessary to explore the development of the research question in more detail, and to outline the methodologies that were used.

Research Methodologies

3.1. Developing the Research Question

The researcher's inspiration for conducting research on crime prevention originally came from media reports during the 1997 general election campaign on the adoption of a 'zero tolerance' approach to community policing in the mid 1990s in New York. This involved the police 'clamping down' on minor crimes such as graffiti, begging, and drinking and urinating in public. The media reported that justification for taking an authoritarian policing approach came not only from the effect that such 'incivilities' have on people's quality of life, but also the view, from the 'broken windows' thesis, that areas plagued by such behaviour are likely to attract more serious crimes such as robbery and drug dealing (see section 2.3.4). As an undergraduate student the researcher had written a dissertation on public order policing in inner cities in the 1980s. 'Zero tolerance' policing appeared to be a continuation of the main theme centred upon in that research: the focusing of proactive policing in economically deprived areas on potential perpetrators rather than potential opportunities for crime (see Bunyon, 1976; Hillyard and Percy-Smith, 1988).

Most importantly, there appeared to be every prospect that 'zero tolerance policing' would also become a feature of policing in England and Wales if the Labour Party, as expected, won the general election. Particular note was taken of the unequivocal support expressed for 'zero tolerance' policing by the then shadow Home Secretary, Jack Straw, and the shadow Prime Minister, Tony Blair. In an interview conducted by the homelessness magazine the Big Issue, for instance, Blair expressed support for a police operation in King's Cross, London, which included arresting people for prostitution and begging (Operation Welwyn). He defended the operation with the following words:

If you've got an old lady on a council estate who gets her door battered down and she's mugged by a gang of youths, it's not enough to say "wait until there's a decent society". She wants something done, to be protected, and she wants those people to be caught and punished. That, I'm afraid, is just the only way the world can work... [I also agree that minor law breaking should be clamped down on by the police] *It is important we say we don't tolerate the small crimes.* (Tony Blair, interview published in *The Big Issue*, 6-12 January 1997. Emphasis added.)

It appeared that Blair and Straw were not only expressing support for focusing criminal policy on minor as much as serious crime, in line with the observations of moral communitarian politics and realist criminologies (see sections 2.3.2 and 2.3.3), but that they were also promoting a need to control minor crime through law enforcement alongside physical and social security, in line with neoconservative communitarianism and right realism. What was equally striking was their apparent willingness to frame their promoting of 'zero tolerance' policing within the 'broken windows' thesis. Straw, for example, announced that "[we need to] reclaim the streets from the aggressive begging of winos, addicts and squeegee merchants" (quoted in the *Guardian*, 7 January 1997), and, "[i]t is quite remarkable that it has taken this government seventeen years to wake up to the connection between quality of life incidents and big scale crime" (quoted in the *Guardian*, 29 May 1996). The Labour Party, as it turned out, had every intention to continue the Conservative legacy of law and order (Sim, 2000). The links between the Conservative and Labour governments of the 1990s and moral communitarianism are explored in section 4.3.1.

As a result of these observations, the research conducted for this doctoral thesis initially focused on exploring the relationship between moral communitarianism, community policing and 'zero tolerance' policing. To gain a deeper understanding of these relationships, the reading extended onto analysis of the wider nature of contemporary social control. The first draft of the research question was written to help guide the literature review. It read: the object of the doctoral research is to explore the potential for the development of community policing in England and Wales to result in a more authoritarian approach being taken to the policing of minor crime. The theoretical aspects of the literature reviewed during this stage of research were analysed in chapter two. To summarise the key points made. Links can be

identified between the emergence of moral communitarianism as a political force in the latter decades of the 20th Century and broad shifts in (post-industrial) western government away from 'anatomy-politics', 'technologies of domination', and centralised government, towards 'bio-politics' (which focuses on ensuring that the population is economically and socially secure and active, but does not go on to ensure that it is imbued with particular economic or social skills), 'technologies of the self' (which focus on individuals taking responsibility for their own economic and social health), and a dispersal of government from the state to the public (with state governing 'at a distance'), and from national to local authorities (a 'turn to the local' in government). There have been two broad effects of these inter-related developments on contemporary crime control. The first has been a focusing of criminal policy on managing crime (as opposed to re-integrating offenders), through victim and offender orientated spatial controls, and behaviour (as opposed to welfare) orientated correctional controls. The second has been increased resort to law enforcement in the policing of those at the margins of society. This has been accompanied by an emerging bifurcation in traditional criminology between analysis of the causes of crime (with the problem of crime being attributed to an underclass of culturally irresponsible people in need of more intensive control) and the means of crime control (with the problem of crime control being focused upon a need to treat people as more rather than less responsible for their actions). Further, the argument put forward in support of resort to law is not the discredited one that punishment needs to be more severe to be an effective weapon of crime control, but the disputed one that punishment needs to be more resorted to with more certainty.

The empirical research on contemporary policing in England and Wales involved analysis of the police practitioners' magazine, *Police Review* (back to January 1996), and a computer search of the *Guardian* newspaper (back to January 1992), using search words such as 'policing people', 'community policing', 'confident policing', 'law enforcement policing', 'zero tolerance policing', 'quality of life policing', and 'broken windows'. The first use of the term 'zero tolerance' encountered was in the context of Operation Welwyn (the *Guardian*, 17 February 1992). The law enforcement aspects of this operation turned out to be far more concerned with the policing of class A drug dealing than with the policing of prostitution and begging. Other than Operation Welwyn, few references to 'zero tolerance' policing were

encountered in this stage of the literature review. What is more, it was apparent that few resources were being allocated to the development of community policing as a whole. These observations were confirmed in the replies to a number of letters sent to police organisations, universities and pressure groups (listed in appendix one) concerning the research topic, most notably the replies from Mollie Weatheritt at the Police Foundation, who wrote that she was unaware of any plans to adopt 'zero tolerance' policing in England and Wales (letter dated 11 March 1997), and John Fisher, Assistant Superintendent at the closest police station to King's Cross, Islington Police Station, who stressed that the label 'zero tolerance' had been misapplied to Operation Welwyn, as the operation had involved no more than, "concentrating our resources at street nuisances at target times and locations" (letter dated 25 March 1997). The final nail in the coffin of the proposed research topic came from reading the Audit Commission report *Streetwise. Effective Police Patrol* (Audit Commission, 1996b), which advocated a 'problem-orientated' approach to the proactive policing of minor crime, focusing on particular crime 'hotspots'. It appeared that for the time-being at least, 'zero tolerance' policing did not form part of the policing agenda.

The researcher drew the conclusion that 'zero tolerance' policing was little more than punitive rhetoric, and should be dropped as a research topic altogether. Nevertheless, it appeared that the emphasis that New Labour politicians were putting on authoritarian crime control was not in itself mere rhetoric, and that the law and order agenda of the previous Conservative government was set to continue. In the search for a new research topic, for a short while the researcher turned attention to the potential for private security to become the 'eyes and ears' of the police. However, this change of direction in the research was abandoned after reviewing academic literature on private security (e.g. Chatterton and Rogers, 1989; Johnston, 1992; Leishman et al., 1996; Loader, 1997; Matthews, 1989; Savage and Charman, 1996; Scott, 1998; Sharp and Wilson, 2000; Shearing and Stenning, 1983 and 1985; South, 1988; Waters, 1996), revisiting *Police Review*, and conducting a further computer search of the *Guardian* newspaper. The suggestion in the academic literature was that the phenomenon of private security was not emerging as an extension of, but rather in place of, state government. Further, nothing in the empirical research suggested that private security was likely to take off to any significant extent beyond private and commercial enclaves in England and Wales, and while the Government was planning

to introduce a licensing scheme for private security companies, it had given no indication that it intended to regulate the industry beyond checking that employees had been trained and did not have criminal records.

Yet, it was during this stage of reading that the researcher's attention was first drawn to the potential for the powers and resources of local authorities to be brought under the umbrella of criminal policy. Despite the lack of evidence of private security taking over from police patrols, a number of references were found to the recent growth of local authority security patrols, for example 'in house' schemes in Wandsworth, London (the Times, 24 August 1994), Sedgefield, County Durham (the Guardian, 6 July 1995), and Glasgow (the Guardian, 20 April 1996), and 'contracted in' schemes in Islington, London (the Guardian, 6 July 1995), and North Tyneside, Tyne and Wear (Police Review, 9 February 1996). This observation resulted in the review of academic literature being extended onto local authority patrols (e.g. Hofstra and Shapland, 1997; Morgan and Newburn, 1997), and the broader nature of cooperation between the police and local authorities (see chapter four). This opened up a whole new angle to the research. In 1991 the Home Office had produced a report on crime prevention (the Morgan Report) that recommended formal partnership between the police and local authorities be given statutory footing. Implementation of the Morgan Report formed part of the Labour Party's 1997 election manifesto. This was later realised in the Crime and Disorder Act 1998. In section 4.1.2 it is seen that the Morgan Report made further recommendations on the types of crime control initiatives in which local authorities and the police should cooperate. Central to the vision of the report was that such cooperation was emerging as a new area of criminal policy encompassing physical and social security but not law enforcement: as a multi-agency 'partnership approach' operating as an alternative to the traditional 'enforcement approach' of the criminal justice system. The researcher questioned whether cooperation between the police and local authorities might result in the 'partnership approach' becoming, on the contrary, an extension of the criminal justice system. A number of criminologists were found to have expressed concern about local authorities focusing decisions to provide physical and social security on their ability to reduce crime (e.g. Crawford, 1997; Rutherford, 1996), but with one exception (Gordon, 1986), no concern was encountered in the literature over the potential for the

'partnership approach' to result in local authorities being employed as the 'eyes and ears' of the police.

Still, the research was to hit yet another dead end, again following the contacting of practitioners, academics and pressure groups for advice. First, the researcher approached the community safety officer in London Borough of Merton, who was a colleague of the researcher's Ph.D. supervisor. During interview, the community safety officer emphasised that few local authorities in the country had set up security patrols, and that in London, Wandsworth was the only borough to have done so (field notes, 2 April). These findings were confirmed at a later interview with the community safety officer in Wandsworth (field notes, 30 April 1997), and in letters received from Mollie Weatheritt at the Police Foundation (letter dated 2 June 1997), Frank Warburton at NACRO (letter dated 2 July 1997), who was involved in research on cooperation between local authorities and the police, and at interview with Scott Ballintyne at the Institute of Public Policy Research, a non-government organisation with strong links to the Labour Party, who had also conducted research on crime prevention partnerships (field notes, 26 June 1997). A list of interviews conducted during the course of the doctoral research is provided in appendix one.

The turning point in the refinement of the research question came when the researcher's Ph.D. supervisor suggested contacting a researcher at the Home Office Crime Prevention Unit who was a visiting lecturer in crime prevention at the university. The Home Office researcher put the author in touch with a colleague of hers, Sheridan Morris, who was conducting research into local authority use of civil law injunctions and possession orders introduced by the Housing Act 1996 in response to crime. He emphasised that the powers were being targeted at minor crime and even "civil nuisances" as well as serious crime (field notes, 15 July 1997). There were clear parallels between this term and terms like 'incivility' and 'quality of life crime' that the researcher had originally encountered in media reports on 'zero tolerance' policing in New York.

An empirical focus had finally been found for the researcher's broad interest in the 'zero tolerance' paradigm, and emerging interest in the implications of cooperation between the police and local authorities. Attention was then turned to the local

authority practitioner journals *Housing Today* and the *Local Government Chronicle*, both of which were analysed back to November 1996. Two relevant articles were found. The first was on the use of a Housing Act injunction to prohibit a social housing tenant from, among other things, playing loud music, screaming, and using abusive language (see *Housing Today*, 1 May 1997). The second article, written by a firm of solicitors, outlined the legal requirements for the powers that had been introduced under the Housing Act (see *Local Government Chronicle*, November 1996). Through a library search for books on housing management, the researcher also discovered an empirical academic study on the use of injunctions and possession orders, and also public law abatement notices, to deal with “neighbourhood disputes” over civil nuisances such as noise and dumped rubbish (Dignan et al., 1996). Finally, it was discovered from media reports that the Labour Party was proposing to introduce a new civil order (the community safety order) specifically designed for use by crime prevention partnerships. This was eventually introduced as the anti-social behaviour order. This research is covered in more detail in chapter four.

As a result of these observations, the moral communitarian and crime prevention literature was returned to. Criticism was uncovered in the moral communitarian literature of the failure of criminal law to control crime (see section 2.3.5). This criticism took two forms, both of which questioned the emphasis that the western world puts on liberal democratic interpretations of the rule of law. First was the high threshold of evidence needed to prosecute people under criminal law. Second was the failure of criminal law to cover behaviour such as swearing in public, being noisy and intimidating neighbours. A number of references to the potential of civil and public law orders to make up for these purported deficiencies of the existing criminal justice system were also found. The use of civil and public law orders as tools of crime control was barely recognised in the crime prevention literature, however. References to the proposed anti-social behaviour order were encountered, but all of the authors played down its significance, and none went on to mention other civil or public law orders. Indeed, it was another two years before any real academic concern over the link between crime prevention partnerships and the use of civil and public law orders was uncovered (by Burney, 1999).

However, the dearth of attention given to civil and public law orders in the crime prevention literature was as much a source of inspiration as despair for the researcher. To this focus, a further development in cooperation between the police and local government that was also being promoted in the interests of authoritarian crime control was shortly added to the research project: Labour Party plans to introduce a statutory duty for the police and local authorities to cooperate in youth offending teams as well as crime prevention partnerships (see sections 2.2.2 and 4.4). Youth offending teams were to take over responsibility from the probation service for supervising youth offenders given community sentences. The emphasis of these partnership arrangements was, like crime prevention partnerships, minor as well as serious crime, and law enforcement as well as physical and social security. In the White Paper *No More Excuses* (Home Office, 1997) the newly elected government made it clear that youth offending teams were being introduced as part of a reversal of the policy adopted in the 1980s of waiting for young offenders to grow out of crime. The new emphasis on early legal intervention was to be achieved in two ways. First, the police would be required to charge youths that had been arrested for a third time. Second, youth offending teams would be responsible for administering a further civil order that the Labour Party was proposing to introduce, the parenting order, which would be available, for example, for parents whose children had been served with anti-social behaviour orders.

In light of these empirical observations, the literature review was extended onto analysis of contemporary developments in the control of all types of behaviour deemed in establishment criminology to be problems of crime, regardless of whether they are covered by criminal law or not. The term 'anti-social behaviour' was chosen to describe this grey area of crime control, for the simple reason that it is the term most favoured in British academic, political and popular discourse. Further, the term 'legal orders' was chosen as a generic term for civil and public law orders. The research question was also finalised, with the words community policing changed to crime prevention partnerships. It now read: the object of the doctoral research is to explore the potential for crime prevention partnerships in England and Wales to become institutions of authoritarian crime control.

From the ongoing review of literature on the structural background to the potential for the local to become a new site of authoritarian crime control, it was immediately possible to identify three areas of potential weakness in the crime prevention paradigm that could be exploited by the neoconservative right. The first related to observations that the 'turn to the local' in government was in the interests of existing government (see section 2.1.4). As the researcher's understanding of the links between the changing economic and social needs of western societies and the rise of moral communitarian politics developed (see section 2.3.2 to 2.3.5), this observation was divided into two. The first concerned the emphasis that moral communitarianism puts on controlling conventional rather than non-conventional crime. If crime prevention fails to look beyond the current emphasis that the criminal justice system puts on conventional crime, the prospect is raised that it will also fail to escape from the emphasis that the criminal justice system puts on law enforcement. The second concerned doubt that the 'turn to the local' supported by moral communitarianism is sufficiently local to allow 'top down' trends to be resisted 'on the ground'. There were three aspects to this question: first, whether local practitioners and residents involved in implementing crime prevention policies are also likely to shape the content of the policies; second, whether crime prevention partnerships are sufficiently localised to make it likely that the decisions of local practitioners and residents that do get involved in the shaping of crime prevention policies will be informed more by their interpretation of the needs of the areas in which they work and live than by their interpretation of the needs of society as a whole; and third, whether crime prevention partnerships are sufficiently localised for youths, marginalised groups and practitioners working 'on the ground' to gain a voice.

The second potential weakness in the crime prevention paradigm related to observations that the 'turn to the local' in government is bolstering rather than replacing existing government; in other words that government is being expanded as well as dispersed, with an overall 'mesh thinning' of social control (see section 2.1.3). This observation was found to be reflected in the equal emphasis that moral communitarianism, again 'third-way' as well as neoconservative, puts on controlling minor as well as serious crime, due to the relatively prolific nature of minor crime, and due to its acting as a precursor to serious crime. If minor crime is 'defined up' as a more serious problem of crime, the prospect is raised that crime prevention will not

only fail to operate as an alternative to criminal justice, but that it will result in more and not less resort to law overall.

The third potential weakness concerned observations that as a result of trends in government away from ‘anatomy-politics’ and ‘technologies of domination’, anti-social behaviour is more likely to be regarded as a social problem that needs to be criminalised (see section 2.2). This observation was eventually broken down into three issues. The first concerned the influence of control theories on ‘third-way’ and neoconservative moral communitarianism, and specifically the emphasis control theory puts on holding crime back rather than dealing with motivations for crime, holding crime back through offender as well as victim orientated controls, and holding crime back through disciplining as well as supporting potential offenders. This time the prospect is raised that crime prevention will likewise be influenced by the support that control theories afford to disciplining people through law enforcement. The second concerned the emphasis that moral communitarianism puts on relaxing the penal equivalence model of justice, in order to give law enforcement a role in facilitating the informal social controls of geographical communities and allowing for the compulsory supervision of offenders. The third concerned the support that moral communitarian affords to a relaxing of the due process model of justice. These raised the further prospect that law enforcement will become an aspect of crime prevention due to the potential for the civil and public law powers possessed by local authorities to be used tools of crime control.

3.2. Selecting the Sites for Empirical Research

It was decided that the research question would be applied to both national crime prevention policies and the policies of a number of local crime prevention partnerships. This would allow for a vertical study of the effect of structural and political pressure on the local to become a site of authoritarian crime control, covering both the national picture and ‘snapshots’ of the local picture. The research on the national picture would involve an investigation of the history of crime prevention from the 1970s, culminating in the guidance produced on implementing the Crime

and Disorder Act 1998. The research on local crime prevention would investigate the policies of a number of local district council partnerships, covering residential populations of around 200,000. The views of practitioners and residents involved in shaping local policies are inevitably influenced by national policies as well as macro ideologies. However, as emphasised in section 2.1.4, by the fact that they are making decisions affecting the particular areas that they work and live in, their decisions are also more likely than those of practitioners and citizens involved in formulating national crime prevention policies to be influenced by local knowledge and local interactions. Moreover, there is a greater likelihood that the voices of youths and marginalised communities, and practitioners that work with them, can be heard.

The empirical research on local crime prevention was divided into two stages. The first was a study of crime prevention documents produced by partnerships between the mid 1990s (when the empirical research began) and April 1999, the deadline for local authorities and the police to implement the Crime and Disorder Act. The second stage would involve a comparative case study of two local partnerships, one that displayed signs of the weaknesses of the model of crime prevention adopted in moral communitarian thinking, and the other not. The fieldwork would serve two purposes. First, it would allow the researcher to paint a more detailed illustration of the potential future of the 'turn to the local' in crime control, depending on whether it moves in a more authoritarian or humanitarian direction. Second, it would serve as an aid to interpreting the data obtained from other partnerships, as it would allow the researcher to gain a deeper understanding of the nature of inter-agency cooperation in crime control and the culture of the different organisations involved. As a result of the latter aspect of the fieldwork, the researcher identified a number of instances where sections of individual documents could not be taken as representing the views of those for whom the documents were officially produced. Examples are given in section 3.3.3 and in chapter five.

It was decided that both stages would be restricted to local authorities falling within the boundaries of the Metropolitan Police. This decision was related to available resources. It was also decided that it would not be necessary to choose between London boroughs for the first stage of empirical research on local crime prevention. Even if documents were acquired from each of the thirty-three boroughs, it would be

feasible to study them all. Further, by seeking documents from each of the boroughs, the researcher should be left with a wider selection of potential partnerships for fieldwork to choose from.

In January 1998 letters were sent to the community safety officers of the other thirty-one local authorities in London (in addition to Merton and Wandsworth), requesting information on existing cooperation between the local authority and the police in crime prevention, and proposing an interview to discuss the possibility of fieldwork being carried out within their borough. Twenty-two replied, seven of which resulted in interview, during which the community safety officers were informed that the object of the proposed fieldwork was to study the balance that the partnerships were likely to strike between law enforcement, physical and social security. Of the seven in which interviews were conducted (at Corporation of London, Croydon, Hammersmith and Fulham, Harrow, Sutton, Tower Hamlets and Westminster), only four had existing crime prevention policies. The policies of two of the partnerships (Sutton and Tower Hamlets) only mentioned law enforcement in the specific contexts of prostitution or racial harassment in their crime prevention strategies. The policies of the other two (Croydon and Harrow) did not mention law enforcement at all. More important still, each presented a holistic vision of crime control, focusing, for example, on welfare as much as behaviour orientated correctional controls, and on victim rather than offender orientated spatial controls. The researcher went to the interviews hoping that at least one of the community safety officers at the remaining three partnerships would indicate that the partnership envisaged it would promote law enforcement as a means of controlling anti-social behaviour in its crime prevention strategy produced in implementing the Crime and Disorder Act. While the object of the intended fieldwork, and moreover the research question as a whole, was to examine potential as well as existing resort to authoritarian crime control, the concern was that it would be difficult to make an accurate judgement of this from single interviews.

Of the seven community safety officers interviewed, those at Sutton, Corporation of London, Croydon, Hammersmith and Fulham, Harrow and Tower Hamlets all played down resort to law enforcement in the control of anti-social behaviour (field notes, 29 April, 5 May, 2 June, 17 June, 9 February and 8 March 1998). Four (at Corporation of

London, Croydon, Hammersmith and Fulham, Harrow and Tower Hamlets) agreed in principle that interviews could be conducted within their partnerships. At Westminster, however, the community safety officer made it clear that the partnership expected law enforcement to play a significant role (field notes, 24 June 1998). In addition to offering access to the partnership as a whole, the community safety officer also offered the opportunity to observe the progress of three localised pilot crime prevention initiatives that had just commenced, covering Westbourne Police Sector, Paddington, Lisson Green Estate, St. John's Wood, and Churchill Gardens Estate, Pimlico. It was envisaged by Westminster that these would provide templates for the subsequent preparation of crime prevention strategies covering each of the fifteen police sectors and four other housing estates in the borough, in addition to the borough strategy required under the Crime and Disorder Act. In return for access to the partnership, the community safety officer requested that two policy-related reports be provided to the chief executive's department on the observations made of the pilot projects.

As a result of the interview at Westminster, the decision was taken to abandon the original plan to conduct fieldwork on a second district council level partnership. This decision was taken for two reasons. First was the opportunity that had arisen to extend the vertical study of the effect of economic, social and political pressure on the local to become a site of authoritarian crime control onto partnerships operating in the most local of communities. It struck the researcher that there was likely to be a wealth of difference in the likelihood of a crime prevention partnership operating 'at a distance' to structural power relations if it were operating on a police sector, covering a population of around 20,000, or a housing estate, covering a population of under 5,000, rather than at district council level. The practitioners and residents involved on the police sector and estate projects would have 'top down' pressure put on them from macro ideologies, national crime prevention policies, and the borough-wide policy. However, at the same time their interpretation of the needs of the areas that they live and work in would be influenced by knowledge and interactions closer 'to the ground'. Moreover, there was a greater chance that youths and marginalised communities would gain a voice, and that the practitioners involved would actually work 'on the ground'. Further, it seemed likely that such highly localised partnerships would be a feature of crime prevention in areas other than Westminster. Through the

ongoing literature review, the researcher had learnt that the Morgan Report had been influenced as much by estates partnerships run by NACRO and the Department of Environment as by district council partnerships, and had recommended crime prevention partnerships be established at council ward as well as district council level (see section 4.1). It was decided that a vertical fieldwork study within one partnership would provide more interesting data than the original plan for a horizontal study of two partnerships at district council level, and it was not feasible in terms of the time and resources allowed to do both.

Second and foremost was the depth of formal access to the partnership that was offered at Westminster. The community safety officer at Westminster was enthusiastic about the fieldwork proposal. Moreover, it appeared that as a result of the policy-related reports the researcher would write for the chief executive's department, the partnership as a whole would be willing participants in the research, and that access would be gained to all the key players. The chairs of four groups that had been set up to run the pilot projects, and produce the crime prevention strategies (the steering groups) were to be informed that the researcher would be attending meetings on the invitation of the chief executive's department, and the members of the groups informed that the researcher would approach them for interview. Three of the groups, made up of local practitioners and residents, had been set up on site, and the fourth group, made up of heads of local authority departments and senior police officers and responsible for overseeing implementation of the Crime and Disorder Act in the borough as a whole, had been set up at the town hall. Two weeks later the depth of access that had been offered was confirmed at the first policy meeting attended at the town hall, where the researcher presented a formal fieldwork proposal. Following the meeting, the researcher was invited for a meeting with the representative from the chief executive's department, who gave the researcher the names, work addresses and phone numbers of the members of the group, and also of the group set up on the police sector, which she co-chaired. The researcher was informed that the coordinator of the estate projects would do the same.

In comparison, none of the crime prevention officers interviewed at the other boroughs had offered to actively support the fieldwork, and none had indicated how the fieldwork might benefit them. Not only was there a far greater guarantee that the

researcher would be able to make efficient use of research time at Westminster, but if the original plan to study a second partnership had continued to be pursued, the researcher would have run the risk of not being able to obtain the data needed to make a comparative study possible. Indeed, as a result of the extent of formal access that had been acquired so early on in the empirical research, Westminster would still have been chosen as a case study for fieldwork even if the opportunity had not arisen to do a vertical study, and moreover even if Westminster had not been an authoritarian partnership. If the former had been the case, the researcher would have used the access to the key players at the top of the partnership to conduct a more detailed study of the crime prevention work of, for example, housing, environmental health and social service departments. In the latter case, the researcher would not have been able to use the data on the borough-wide partnership to provide an in-depth illustration of an authoritarian partnership, but the primary purpose of the fieldwork, to examine the effects of economic, social and political trends on crime prevention policies, would still have remained.

3.3. The Empirical Research Methods

3.3.1. Critical Theory

The remainder of this chapter deals with the methods that were used during the empirical research. Before the rationale behind the choice of individual methods of data collection and analysis are presented, it is important to explore the underlying critical approach that was taken by the researcher. This will set the context for much of the discussion that follows.

The introduction to this thesis concluded with the point that it is not possible to be truly objective when researching crime control. Following Green (1993) and Power (2003), the empirical research conducted during the course of this doctoral thesis was approached with the view that every researcher has ideological as well as emotional baggage, and that all criminologists should accept that their research is a political

exercise. No pretence was made that the objective of the research was to uncover value free knowledge. As Becker argued nearly forty years ago:

To have values or not to have values: the question is always with us [...] This dilemma, which seems so painful to many, actually does not exist... for it to exist, one would have to assume, as some apparently do, that it is indeed possible to do research that is uncontaminated by personal and political sympathies... the question is not whether we should take sides, since we inevitably will, but rather whose side we are on. (Becker, 1967: 239)

Starting with the conviction that bias is endemic in criminological research, the researcher had no reservations about being on the side of those with the least political, social and economic power in society, the “subordinate parties” in the “hierarchy of credibility” that Becker explained feel the full brunt of the biases of crime control, yet have little influence over it. Indeed, one of the defining characteristics of the critical social researcher is his or her insistence on taking a stand for the subordinate: to challenge established knowledge and try to influence it, to change the world, not just describe it. As Taylor et al. stress, “[r]adical theory cannot rest content with the description of existing social relations, directed at the establishment of a new intellectual consensus within a radical intelligentsia. It has to develop methodologies for the realisation of the societies its own critique would necessitate...” (1975: 24; c.f. Green, 1993; Hudson, 2000; Power, 2003; Scraton, 2005; Tombs and Whyte, 2003). Moreover, critical research allows the researcher to anticipate reaching conclusions that reflect the standpoint taken into the research project (Jupp et al., 2000). The problem for the critical researcher, as Hudson (2000) emphasises, is how to prevent his or her political stance negatively influencing their research. Indeed, it is important that all criminologists reflect on their ideological baggage (Green, 1993). Such ‘reflexive consideration’ becomes paramount when a consciously partisan approach is taken, however, as the researcher starts with the assumption that crime control policy and practice is unjust and repressive (Hudson, 2000; Scraton and Chadwick, 2006; Tombs and Whyte, 2003).

However, the critical stance taken by the researcher did not mean it was assumed that evidence of the potential for the local to become a site of authoritarian crime control would be found. As a ‘second phase’ critical criminologist looking for escape from

the dichotomy between structure and agency (following e.g. Scraton and Chadwick, 1991), the researcher was open to the possibility that crime prevention partnerships will, on the contrary, become institutions of egalitarian criminal policy. As emphasised in section 2.2.2, there is a danger of exaggerating the 'exclusive society' thesis. While the primary driving force behind the 'turn to the local' in government as a whole and crime control in particular may be the 'invisible hand' of free-market capitalism, the growing influence of economic conservatism is not resulting in a dramatic reduction in the need for social inclusion. Besides, free-market capitalism has not so far achieved the depth of hegemony that many in the 1980s predicted that it would (O'Malley, 2001; Pearce and Tombs, 1996; Young, 2002a). Moreover, as emphasised in section 2.1.4, the 'turn to the local' has the potential to open up political space where this hegemony is at its most vulnerable. Counter-hegemony is to be found primarily in the lower echelons of society, including the lower echelons of state institutions (Sim, 2003). The object of critical research is to assess the extent that individual and collective decisions are shaped by the structural and political contexts within which they are made (Scraton and Chadwick, 1991). What this does not mean, however, is that critical researchers do not appreciate the potential strength of resistance 'on the ground'.

Yet the researcher's instinct was to remain pessimistic that crime prevention partnerships would develop in relative seclusion from the exclusionary tendencies of contemporary political, economic and social change. This critical stance is reflected throughout the empirical research conducted for this thesis, from the choice of research topic and question to the choice of research data and the methodologies employed. The first two of these have already been covered in this chapter. It has been seen that the researcher's inspiration for the research topic originally came from little more than a suspicion that the 'zero tolerance' paradigm would have a significant effect the 'turn to the local' in crime control, and that the research topic was persevered with despite the sparse reference to the potential for crime prevention partnerships to resort to law enforcement among criminologists. It has also been seen that, despite Westminster ultimately being selected for fieldwork on the basis of formal and wide-ranging access, the researcher went to the interview with the community safety officer hoping to find that the partnership had an authoritarian vision of crime control. It was emphasised that Westminster would still have been

selected for fieldwork if the community safety officer had played down resort to law enforcement. However, the researcher's enthusiasm for the fieldwork would have been very much reduced.

The effect that the critical stance taken by the researcher had on the choice of research data and the methodologies is covered in the next two sections. One final point needs to be dealt with here. This concerns the agreement to write policy-related reports for the chief executive's department at Westminster in return for access to the partnership.

It has already been seen that this was a decision that had to be taken to guarantee the access offered at Westminster. Nevertheless, two ethical issues were raised that it was necessary to reflect on, both of which concerned the potential use that the partnership could make of the policy-related reports. The first directly concerned the critical stance taken by the researcher. To borrow a metaphor from Clarke (1985), the researcher's instinct was to 'linger on the sidelines' as a critical commentator until it is clear what game is being played. There certainly didn't appear to be much hope that the incoming Labour government would kick the issue of authoritarian crime control to the borders of political discourse on crime prevention; and while it was possible that political space was being carved out for a different game to be played at a local level, until such space was discovered, the danger remained that any policy-related research undertaken might be used to legitimise and even support an intensification of social control over the subordinate. As a critical researcher, the author would have felt safer to remain an outsider for the time being, and avoid entering debate with criminal policy makers.

The demand for feedback from gatekeepers is a common dilemma faced by critical researchers (Sim, 2003). Indeed, it is an issue that is growing, as government definitions of 'relevant' social research are increasingly shaped by a demand for 'what works' policy (Hillyard et al., 2004). Government departments are also increasingly seeking to legitimise policy through external auditing (Coleman, 2003). As Sim (2000) emphasises, while social scientists as a whole have a general ethical duty to honour research bargains made with gatekeepers (contained, for example, in the British Society of Criminology Code of Research Ethics – see British Society of

Criminology, 1999), critical social scientists have a specific duty to 'the other'. Fortunately, in this case it was possible to conduct the policy-related research with little compromise to the critical stance taken by the researcher. The chief executive's department asked the researcher to focus on three issues: the success of the pilot projects in locating local issues and concerns of practitioners and different sections of the community; whether the areas chosen for the projects were of an appropriate size; and progress made in cooperation and information sharing between practitioners. These questions were sufficiently broad to allow the agreement made with the chief executive's department to be honoured with minimal risk that the information provided could be used to inform or legitimise injustice or repression. To address the first question, the research focused on whether the crime audits had looked beyond conventional crime, and whether the particular concerns of youths, women and minority ethnic groups had been addressed through consultation. The main recommendations made at the end of the final report to the policy unit were, "crime audits should include information from all relevant agencies", "public perceptions of crime and disorder should be sought through interviews with groups identified as being unlikely to turn up to consultation events", and "focus group sessions should be set up with sections of the community not involved in the project working groups to discuss and give approval to a draft action plan". To address the second and third questions, the research focused on the relative strengths of the findings on the pilot projects on the estates, which, as emphasised in section 3.2, were the most likely to result in holistic crime prevention initiatives. The main recommendation made here was, "the borough-wide strategy should be based on police sectors, but within them separate projects run on housing estates or other areas that have clearly marked boundaries and residents' groups and agency workers specifically attached to the area" (Darke, 1999a: 10).

The second ethical issue was one that applies to all social research. It concerned the potential negative impact that the policy-related reports might have on individual research participants. This first surfaced when the chief executive's department later asked for the names of those that had agreed to be interviewed. This potential issue of confidentiality was resolved by seeking the consent of the interviewees. In the event, all but two agreed. Their names were omitted from the reports.

3.3.2. Selecting the Data for Analysis

Two issues need to be dealt with regarding the choice of individual research methods. The first concerns the types of data sought to address the research question. The research on national crime prevention policies focused on policy and research documents. Of these, the most important were documents on crime prevention produced by organisations that have been directly involved in coordinating crime prevention partnerships since the 1970s, that is the police, the Home Office Crime Prevention Unit, Crime Concern, NACRO and the Department of Environment (see chapter four). However, to fully explore the research question, the research extended to the crime prevention documents of other national organisations likely to have some influence over the policies formed by local crime prevention partnerships and the day to day decisions of practitioners working ‘on the ground’, either as a result of their status as institutions of central government (for example, the Association of Metropolitan Authorities and the National Housing Federation), or else their status as umbrella institutions for local organisations involved in crime prevention partnerships (for example, the Audit Commission, the Law Commission, and Her Majesty’s Inspectorate of the Constabulary). Excluded from the research were the crime prevention documents of national organisations whose work is solely welfare or security orientated. These would have provided interesting data on social and situational crime prevention initiatives. However, the purpose of the research was not to dispute the continuing relevance of social and situational crime prevention, but to uncover data on the potential for crime prevention partnerships to resort to law as well.

The research on national crime prevention documents was supplemented with analysis of three leading journals for practitioners in the police, local government and housing departments – *Police Review*, *Housing Today*, the *Local Government Chronicle*, and the *Guardian* newspaper – analysis which continued until the empirical research was written up in March 2000, and as noted in section 3.1, started with editions of the journals published in January 1996 (*Police Review*) and November 1996 (*Housing Today* and the *Local Government Chronicle*). The choice of the first two of these journals was likewise influenced by the critical stance of the researcher. The

researcher believed that they were the practitioner journals that were most likely to report on crime prevention partnerships resorting to law.

The first phase of the research on crime prevention in London focused on policy documents. The only exceptions to this were the interviews conducted with community safety officers on their pre Crime and Disorder Act strategies (see section 3.2). Information was sought from the partnerships on their auditing of crime and consultation with the public as well as their crime prevention strategies. Crime audits were sought in pursuit of the first and third aspects of the research question, concerning the balance that the partnerships would strike between conventional and non-conventional crime and the emphasis that they would put on anti-social behaviour. Consultation documents were sought in pursuit of the second aspect of the research question, and more specifically the question whether the voices of youths and marginalised groups are being heard. Finally, the crime prevention strategy documents were sought in pursuit of the remaining aspects of the research, concerning the question whether anti-social behaviour is being presented not only as a problem of crime, but as a problem that should be responded to through law enforcement as well as physical and social security.

The second phase of empirical research, the fieldwork in Westminster, involved observations of meetings and interviews as well as documentary research. Starting with the documentary research, information was sought from all the organisations represented on the groups set up to produce the borough-wide, police sector and estate crime prevention policies. The only time during the research that the author became aware of an organisation not included in these groups having an influence over the policies produced was when a complaint was made by a member of the steering group on the police sector to the Westminster Racial Equality Forum. This resulted in racial harassment being added to the targets of the final draft of the strategy (see section 5.3.1).

Documents were eventually acquired from the local authority chief executive, housing, environment health and social services departments, from the local youth offending team, health authority, divisional police forces and police and community consultative groups, and from the police sector working group in Westbourne. This

included documents relating to the broader nature of their work as well as documents specifically relating to crime prevention, such as the most recent annual departmental reviews and policy-related reports made to departmental committees during the period that the fieldwork was conducted. The documents were acquired through various means. Most local authority documents were acquired through attending departmental committee meetings, though a number were acquired as a result of interviews, for example housing department policy documents on the use of civil and public law orders as tools of crime control, copies of standard tenancy agreements, and chief executive department documents on the use of CCTV to gather evidence for criminal and civil law proceedings, or through regular email and telephone contact that the researcher maintained with the coordinators of the police sector and estate projects, for example correspondence between the coordinators and steering group members, and the minutes of steering group meetings. Youth offending team and health authority documents were all acquired from interviewees. The police sector working group documents were acquired through attending two meetings. Some of the police and community consultative group documents were also acquired through attending meetings, but the majority were acquired through emailing the group secretaries, who agreed to include the researcher on mailing lists for the distribution of the minutes of meetings, and correspondence between the group and, for instance, local councillors and police commanders. The mailing lists were also used by the police and community consultative group secretaries to distribute policy documents of the local police divisions.

In addition to acquiring documents, twenty-four meetings and public events were observed in Westminster (listed in appendix one). These included meetings of the steering groups, departmental committees, police and community consultative groups, police sector working group, and public consultation events officially held as part of the development of the crime prevention strategies on the police sector and estate projects. They also included observation of consultation between youth offending team practitioners and youths at a youth conference, and a meeting of a working group set up to organise the conference. The researcher was able to observe eleven of the steering group meetings and three of the public consultation events. The other meetings and the youth conference were chosen for observation due to the organisations involved having representatives on the steering groups. Access to the

meetings and public events was on the whole gained either (in the case of the steering group meetings) from the researchers relationship with the chief executive's department, or as a result of the meetings being open to the public. The exceptions were the sector working group meetings, which were attended on the invitation of the police sector inspector, who co-chaired the group, and the meeting of the group set up to organise the youth conference. The first opportunity arose as a result of attending the steering group meetings on the police sector, which the sector inspector was also involved in. The second arose through an interview with a practitioner at the youth offending team. Finally, as the observational research did not move beyond meetings and events with fixed timetables, the participants were fully aware when contact with them would commence and finish. Therefore no 'exit strategy' was needed.

Next, thirty-eight practitioners or residents were interviewed during the fieldwork in Westminster, twenty-one face to face, and seventeen by post. All but one of the interviewees was involved on the steering groups, the only exception being a drugs action team coordinator, whose details were obtained following an earlier interview with a representative from the health authority on the steering group that met on the police sector. As noted in section 3.2, the researcher was given the names and contact details of the members of the steering groups at the town hall and on the police sector at the beginning of the research. The membership details of the steering groups on the estate projects were provided later on. In section 3.2 it was also noted that the steering group at the town hall, which was set up to oversee implementation of the Crime and Disorder Act in the borough as a whole, was made up of heads of local authority departments and senior police officers, and the steering groups on the police sector and estates were made up of local practitioners and local residents. No reasons arose during the fieldwork to cast any doubt on the conclusion that these groups contained representatives from all the key players in the partnership. Further detail on the make up of the steering groups is given in sections 5.3.1 and 5.3.2.

The face-to-face interviews were conducted at times and places suitable to the interviewees. This decision was made for two reasons. First, from an ethical point of view, there was no reason to inconvenience the research participants. Second, due to the critical nature of the research, the researcher sought to make the interviews as relaxed and informal as possible. This point is returned to in the next section of this

chapter. The decision to 'go out' to the interviews required the researcher to be flexible. With the exception of the auditor for the estate projects, who was interviewed on his way home by train, the interviews with practitioners took place in their offices. However, two residents were interviewed at their homes, one in a hotel lounge following a sector working group meeting in the hotel, one in his workplace, one in the public gallery of an office at Westminster City Hall, prior to a departmental meeting, and four in the offices of residents' associations.

The final method of data collection used during the fieldwork in Westminster was a victimisation and opinion survey (Darke, 1999b), which the researcher was invited to write for use by the youth offending team at the youth conference. The completed forms were returned to the researcher for analysis at the end of the conference, and a statistical breakdown of the results was later provided to the youth offending team. For the purposes of the doctoral research, the results of the second part of the survey were used as an aid to analysing consultation on the borough-wide crime prevention strategy, which had not extended to youth (see section 5.2.6).

3.3.3. Doing the Research

The other issue that needs to be dealt with regarding the choice of individual research methods concerns the way in which the empirical research was conducted. The first point that needs to be discussed is the emphasis that was put on qualitative method. Qualitative methods were appropriate to the research due to the subjective nature of the issues that were addressed. While the powers that were being studied (for example, injunctions and possession orders) were objectively measurable and quantifiable, analysis of the use of these powers (as tools of crime control, and more specifically tools of conventional crime control) was not. Further, as the object of the research was to assess potential as well current crime prevention activity, it had been necessary to devise a research question that covered a broad range of subjective issues identified in the literature review as relevant to the question whether crime prevention partnerships might come to see themselves as institutions of authoritarian crime control. These issues, as seen in chapter two and summarised in section 3.2, concerned: continuing structural and political pressure on governments to focus crime

control on conventional crime; increasing structural and political pressure to treat anti-social behaviour as a problem of crime, control anti-social behaviour through disciplinary interventions, relax the penal equivalence and due process models of justice, and control anti-social behaviour through the informal social control mechanisms of geographical communities; and the likelihood of this 'turn to the local' in crime control being resisted 'on the ground'. The likely influences of these on the shaping of national and local crime prevention policies could only be effectively measured if the researcher gained a deep understanding of the organisations being studied.

Moreover, qualitative methods were particularly appropriate in the case of interviews due to the critical nature of the research question. It was important for the interviews to be informal to reduce the risk of participants becoming guarded, either in defence of the partnership they were involved in, or due to suspicion of the motives of the researcher. One means that was used to reduce this risk that has already been mentioned in this chapter was to allow the research participants to choose the time and venue for interviews (see section 3.3.2). Other means used were to try to establish a rapport with the research participants by being friendly and expressing interest in the views they expressed, and to be creative in the way that questions were put to the research participants. The need to build up rapport with research participants was made more important still by suspicion of the researcher's motives for conducting policy-related research for the chief executive's department alongside the doctoral research. This point is explored in the last section of this chapter.

The semi-structured nature of the research question was outlined in section 3.2 of this chapter. The six aspects of the research question were used to guide the recording of data in the meetings and public consultation events observed and the interviews conducted, and to guide the reading of the contents of documents. Starting with the observational research, to address the first aspect of the research question, notes were taken on the broad balance struck in discussions between conventional and non-conventional crime. To address the second aspect of the research question (concerning the empowering of local practitioners and residents), notes were taken on: the types of work that the practitioners were involved in; the apparent age groups and ethnic backgrounds of residents; the views expressed on existing crime prevention policies

and initiatives; the views expressed on the influence participants expected to have on the policies being formed; and the attitudes expressed towards offenders, in particular whether offenders were regarded as ‘outsiders’. Finally, while notes were taken on the views that were expressed on, for example, serious crime and welfare-orientated responses to crime, the researcher focused on the personal views that participants expressed on anti-social behaviour (the third aspect of the research question), disciplinary interventions such as the monitoring of potential offenders by the police, CCTV, neighbourhood watch groups and residents’ associations (the fourth aspect of the research question), and above all legal interventions (the fifth and sixth aspects of the research question).

The notes taken on documents and interviews essentially addressed the same issues. In the case of documents, however, the first aspect of the research question could not be fully explored. While it was often possible to find data on the social make-up of residents involved in consultation or the types of practitioners or residents on steering groups, the research uncovered little data on the views that were expressed. The only notable exceptions to this were a document on focus group consultations obtained from the partnership at Kensington and Chelsea in the second survey of crime prevention in London (see section 5.2.6), and a report by the chief executive’s department at Westminster on the views expressed by participants at a consultation event on the police sector project (see section 5.3.1). Nor did the documentary research allow for conclusions to be made on the influence that consultations or particular steering groups had on the shaping of policies.

Finally, the only departure from the use of qualitative research was the youth survey conducted on behalf of the youth offending team. The section of the youth survey that was later analysed for the researcher’s own purposes consisted of closed questions that required the respondent to answer ‘a lot’, ‘quite a lot’, ‘a bit’ or ‘not at all’. The two questions that resulted in useful data being obtained were “would you feel safer if more people were arrested” and “would you feel safer if there were more for young people to do” (see section 5.2.6).

One other point needs to be covered regarding the means by which the research was conducted. This concerns checks that were made of the credibility and accuracy of

data. In the case of the research on national crime prevention policy, this task was aided by the availability of multiple documentation produced by individual institutions, which could be cross-referenced with each other. In the second survey on crime prevention in London, separate documents were obtained from most boroughs on the auditing of crime, consultation with the public, and the crime prevention strategies that were later produced. While these three types of document officially dealt with different matters, a number of issues of relevance to the research question were often repeated in each. This was particularly useful for the assessment of the types of interventions focused on by partnerships, which tended to be covered in both the audits and crime prevention strategies. In the case of the fieldwork in Westminster, the task of assessing the validity of data was assisted further by data being accumulated through observational and interview as well as documentary research, which allowed for a degree of triangulation of data.

The credibility of data was only questionable on two occasions during the empirical research. Both instances arose during the fieldwork on the estate projects in Westminster. The first related to opinions expressed in crime audits conducted on Churchill Gardens and Lisson Green estates by the Safe Neighborhoods Unit on behalf of the housing department. Both audits gave summaries of the perceptions that the auditor had encountered among local practitioners and residents on the extent that anti-social behaviour was a problem on the estates and the appropriate means of dealing with anti-social behaviour. These contradicted the views expressed by those the researcher later interviewed or observed at consultation events. The question was raised as to whether the auditor was influenced by his perception of what the housing department wanted to hear. The second concerned a report written by the coordinator of the police sector project on consultation with local residents. In contrast to the researcher's own observations of the consultation and the views she expressed during interview, the project coordinator described the event as attracting a wide range of people. Included in the report was a picture of the researcher, who was the youngest participant at the event, taking notes from a board where participants in the consultation had posted views. These issues are explored in more detail in sections 5.3.1 and 5.3.2.

However, numerous issues concerning the potential unrepresentativeness of data arose during the research. During the fieldwork in Westminster, for example, questions arose over the views expressed by a housing practitioner during interview on the use of injunctions and the incoming anti-social behaviour order by the department in response to anti-social behaviour. The opinions she expressed were contradicted by the views of other interviewees in the department, and moreover by policy documents she had written for housing officers dealing with complaints of anti-social behaviour. Like the auditor on the estate projects, the question was again raised as to whether the views expressed were influenced by the research participant's perception of what her audience (in this case the researcher) wanted to hear. A further example that arose during the research in Westminster concerned the emphasis put on the use of injunctions and possession orders to deal with anti-social behaviour on social housing estates in the borough-wide crime prevention strategy and a number of chief executive department documents in Westminster. These were again contradicted by the views expressed in interviews and in documents produced by the housing department. These issues are explored in more detail in section 5.2.5.

An issue of the potential unrepresentativeness of data that regularly arose in the research on crime prevention in London was the tendency of partnerships to quote existing central government policy as their own. Examples included: reducing truancy and exclusions from school (Department of the Environment objectives); introducing appropriate adults schemes to police stations (Metropolitan Police Service objectives); introducing alcohol and drug arrest referral schemes (Home Office objectives); setting up police community safety units to deal with homophobic violence, racially motivated crime and domestic violence (Metropolitan Police Service objectives); increasing detection rates for burglary, robbery and drug possession (Metropolitan Police Service objectives); and rehabilitating offenders (Probation Service objectives). The mere quoting of central government policy, without explanation of its purpose or its relative importance to other objectives, could not on its own be treated as evidence that the partnerships intended to follow it. To make matters worse, the original sources of these policies was not always acknowledged. Particular difficulty was encountered in assessing the partnerships' approaches to the establishing of youth offending teams, where much of the content was 'lifted' from Home Office documents, in particular Home Office (1997c). Examples here included the

introduction of final warnings for youth offenders, the targeting and fast tracking of persistent youth offenders through the criminal justice system, and the establishment of youth offending teams.

Other examples where cross-referencing led to the representativeness of parts of the documents of London boroughs being questioned by the researcher include a virtual absence of reference to anti-social behaviour in the documents of the majority of crime prevention partnerships studied in the first survey (see section 5.1) and an absence of reference to informal social controls in the second survey (see section 5.2.2). Finally, in the case of the research on national crime prevention policy the most commonly example of potential misrepresentation that was encountered concerned punitive views that were expressed in a number of documents and public statements in the mid 1990s (see especially sections 4.2.1 and 4.3.1).

3.3.4. Recording the Data

The final point that needs to be dealt with in this chapter is the decision that was made to rely on hand-written notes for the recording of the observational and interview research. These records were collated in a folder alongside records of the letters sent and received from police organisations, universities and pressure groups while the research question was being developed (see section 3.1), and records of meetings and progress reports made to the researcher's Ph.D. supervisor. The decision not to audiotape the observational research was a wholly practical one. As the researcher simply observed the meetings and consultation events (see section 3.3.3), it was possible to manually record each of the points that participants made. The decision not to audiotape interviews was also practical. During the observational and documentary fieldwork, it became apparent that there was a danger that the depth of access to the partnership the community safety officer had offered (see section 3.2) would not materialise. Moreover, it appeared that this danger was in part related to the decision that had been taken to write policy-related reports for the chief executive's department. A number of factors pointed in this direction. First, the researcher sensed an element of hostility among residents that attended the steering group on the police sector towards the officer from the chief executive's department, who, as already

noted in section 3.2, co-chaired the group. For example, complaints were made at each of the meetings observed that, unlike the local police sector working group (of which the majority of residents that attended steering group meetings were members of – see section 5.3.1), meetings were scheduled during office hours, requiring residents to take time off work to be able to attend. Further, despite her role as project coordinator (see section 3.2), the officer from the chief executive's department played only a small part in discussion at the three meetings. The meetings were effectively chaired by the sector inspector. The impression given was that the officer from the chief executive's department was an outside intruding on established relations between residents and practitioners working in the area.

Next, the researcher became aware that a number of the organisations and departments involved in the partnership did not share the same vision of crime prevention as the chief executive's department. For example, local practitioners that attended the consultation event on the police sector project did not demonstrate any interest in responding to anti-social behaviour through law enforcement, criminal, civil or public (see section 5.3.1). Analysis of housing department documents likewise uncovered little enthusiasm for taking an authoritarian approach to crime control. Last, and more important still, the researcher began to suspect that there might be animosity between the housing department and the chief executive's department. This suspicion was raised by observations at the meetings of the steering group set up to oversee implementation of the Crime and Disorder Act in the borough as a whole. Discussion at the four meetings centred almost exclusively on the development of the police sector strategy. Moreover, the schedules for the meetings were produced under the heading "Westbourne Police Sector Community Safety Plan", and had fixed eight-point agendas, the seventh of which was given the title "Report from Lisson Green and Churchill Gardens". The suspicion that this raised of strained relations between the two departments was strengthened by the fact that the steering group was not only coordinated by, but met in, the chief executive's department, and by the fact that the coordinator of the estate projects failed to attend two of the meetings, and that the director of the housing department did not attend any.

There was therefore a danger that the researcher's attachment to the chief executive's department would not only make it more difficult to gain access to interviews, but that

the interviewees would be suspicious of the motives behind the fieldwork. This concern was heightened further by the apparent reluctance of the coordinator of the estate projects to cooperate fully in the research. For example, despite several reminders, he only invited the researcher to one steering group meeting, and did not provide a full list of the names and addresses of those that were involved on the steering groups to approach for interview during the first six months of the fieldwork, by which time there was just one month left before the researcher's access to the partnership would formally end (see section 5.3.2). On the other hand, the fact that there was an unsettled culture within the partnership was in itself of likely benefit to the research. As Power (2003) emphasises, the ability to play on competing institutional discourses is one of the strongest tools available to critical researchers.

The researcher was therefore in an extraordinary fieldwork situation, which called for exceptional measures to be used to make the research as confidential and informal as possible. This was not immediately appreciated, however. At first the decision was taken to audiotape the interviews, but to emphasise to the research participants that no comments would be attributed to individuals and, as explained in section 3.3.1, that the interviewee's name could be omitted from the report to the chief executive's department altogether. However, at the first interview, with a representative from the local police and community consultative group on the police sector steering group, the request for permission to record was turned down. The interviewee was highly critical of the project as a whole and the chief executive's department in particular:

The police and community consultative group got pissed off with the project. We didn't like [the project leader from the chief executive's department], but we did like [the police sector inspector], who was enthusiastic... The project was airy-fairy, but some good came out of it... The police and local authority are continuing to work together, but different local authority departments are still not!... The project was just another PR exercise. Did it really deliver the goods?... As for the working group [set up to help steer the project on site], it was a case of "preaching to the converted". I doubt many fresh ideas came out of the group. (Field notes, 13 January 1999)

The interview lasted over an hour and was highly informative. In light of this, the decision was made not to audiotape the remaining interviews. In the event, this was the correct decision to take. A number of the other interviewees involved in the police

sector project were likewise openly critical of the failure of the partnership to take account of the views of minority ethnic groups, one going so far as to accuse other members of the steering group of racism. Moreover, several interviewees accused the chief executive's department of being punitive. These interviews are highlighted in section 5.3.1. The suspicion that animosity existed between the chief executive's department and the housing department was also confirmed during interviews with the coordinators of the pilot projects. The coordinator of the police sector project criticised the housing department for spending £6000 on an outside auditor for the estate projects (field notes, 18 January 1999). She asked for analysis of costs to be included in the report on the pilot projects, and later emailed to the researcher a detailed breakdown of costs incurred during the police sector project (at £3,678), plus the number of hours she had spent coordinating it. The coordinator of the estate projects was clearly angered by this request, and criticised the chief executive's department for not including the hours spent conducting the audit (field notes, 27 January 1999).

The decision not to audiotape interviews therefore served to increase the quality of data uncovered during the fieldwork, and it did so for two reasons. First was the exceptional circumstance that the researcher had unwittingly entered through the research bargain made with the gatekeepers to the partnership. Equally important, the animosity between the chief executive's department and other local authority departments and local organisations involved in the partnership was in itself more of an opportunity than a hindrance to the research. It served to encourage the research participants, as Tombs (2000) puts it, to "blow the whistle" on their institution. This was an equally exceptional situation that the researcher would have been in a weaker position to take advantage of if the interviews had been recorded.

The findings of the empirical research conducted during the course of this doctoral thesis are examined in the following two chapters. Chapter four presents the research that was conducted on national crime prevention policies, while chapter five presents the research conducted in Westminster and on other London boroughs.

Policing in Partnership

In chapter two the proliferation of crime prevention partnerships was explored in the context of academic commentary on the emergence of a new (post-industrial) paradigm of social control that prioritises 'bio-political' over 'anatomy-political' government, 'self government' over 'external government', dispersed over state government and local over national government, and separates control of the majority from control of minority, advocating less control of the former, and more control of the latter. The emphasis of the emerging paradigm of social control was found to be on managing rather than changing people, through 'behaviour surveillance' and behaviour modification' (Cohen, 1985). It was explained that the growing emphasis on 'behaviour surveillance' is evident in the proliferation of physical security, and encompasses exclusionary as well as inclusive controls, while the growing emphasis on 'behaviour modification' is evident in the narrowing of the focus of social work towards making people aware of the consequences of their actions for themselves and for others, and teaching them how to control themselves.

Yet, it was also emphasised that while there is broad agreement over the changing nature of crime control, there is less agreement over the nature of increased cooperation between the police and local authorities. Many criminologists stress that crime prevention partnerships are developing in response to the move towards less control of the majority and not the move towards more control of the marginalised. Furthermore, many criminologists treat growing resort to authoritarian crime control as a relic of past failure to tackle the problem of crime. Those holding the 'reins of power' are said to have recognised that penal institutions are particularly inefficient sites of social control, with the result that crime prevention and punishment are becoming separate areas of crime control. As a result of this "crisis of penalty" (Young, 1998b), the criminal justice system is said to be focusing on incapacitating perpetrators of serious crime. Crime prevention, on the other hand, is seen as

emerging as an alternative means of crime control that does not rely on law enforcement.

It was argued that this interpretation of the 'turn to the local' in crime control does not take sufficient account of the possibility that more control equates to earlier as well as more intensive control, and encompasses behaviour previously considered anti social and a symptom of certain groups being out of control, but nevertheless beyond the reach of the criminal justice system. Nor does it take sufficient account of the possibility that the response to the failure of the criminal justice system to control crime has been to reform rather than reduce reliance on it. On this view, the prospect is raised that crime prevention partnerships may develop as much in response to the national trend towards more control of the minority as the national trend towards less control of the majority, and that the dispersal of crime control beyond central government may result in both the legal powers of local government and the role that local government plays in providing physical and social security being incorporated into criminal policy.

In section 3.2 it was explained that in order to explore this alternative interpretation of crime prevention, the empirical research was designed to address whether the weaknesses in the model of crime control adopted in (moral communitarian) political literature on the need for a 'turn to the local' in crime control is reflected in national and local crime prevention policies. Six weaknesses identified from the literature review that could be exploited by those with authoritarian visions of crime control were explored. These related to: the emphasis that moral communitarianism puts on controlling conventional rather than non-conventional crime, controlling anti-social behaviour as well as serious crime (to 'define anti-social behaviour' up as a problem of crime), disciplining offenders as well as supporting offenders and dealing with their motivations for crime (to manage crime), managing crime through law enforcement as well as physical and social security (to relax the penal equivalence model of justice), and enforcing civil and public as well as criminal laws (to relax the due process model of justice), and to doubt that crime prevention partnerships are sufficiently localised to allow these 'top down' trends to be resisted 'on the ground'.

This chapter applies the research question to crime prevention policy in England and Wales as a whole. The task was to investigate the extent that crime prevention partnerships emerged in the 1960s and have proliferated since the 1990s as an alternative to the ‘enforcement approach’ of the criminal justice system. This, as explained in sections 3.3.2 and 3.3.3, was done through a qualitative review of policy documents and reports produced by state institutions and non-government organisations directly or indirectly involved in crime prevention. The history of the formalisation of cooperation between the police and other institutions, state or otherwise, in crime prevention initiatives is charted in this chapter in three distinct stages: from the late 1960s to the late 1980s, when crime prevention partnerships were primarily police led, the period from the publication of the Morgan Report in 1991, when local authorities became the dominant partners, and the period surrounding implementation of the Crime and Disorder Act 1998, when it is argued that the neglected feature of crime prevention research, resort to legal orders by local authorities as tools of crime control, and more specifically tools of authoritarian crime control, came to the fore. The chapter concludes with analysis of parallel developments in the youth justice system of England and Wales. In section 2.2.1 it was noted that developments in youth justice are at the centre of the movement in post-industrial western societies towards earlier and more intensive intervention into the lives of marginalised groups, and that in England and Wales such developments have been largely inseparable from crime prevention partnerships since the Crime and Disorder Act. As will be seen, contemporary developments in youth justice are not premised in a need to improve the social welfare of youth offenders, but rather in a “language of punishment” (Hill and Wright, 2003).

4.1. The ‘Partnership Approach’ to Crime Control

4.1.1. Minor Crime

The first move towards formalisation of cooperation between the police and local authorities in crime control came with the emergence of crime prevention as a specialism within the police force in the 1960s. Crime prevention has always been

recognised as a specific aim of policing separate from their role as gatekeepers of the criminal justice system, and was stated to be the primary duty of police officers in the first instructions provided to the Metropolitan Police Service in 1829 (Gilling, 2000). This underlying vision of policing was based upon the deterrent effect of officers patrolling the streets on foot. By the 1960s, however, foot patrols had come to be regarded as inefficient means of crime control, and had become a relatively minor part of policing. The notion that crime prevention was the responsibility of each officer was abandoned, and the role of the police in crime prevention switched away from patrols towards physical security (Weatheritt, 1986). Specialised crime prevention departments and crime prevention officers were introduced to advise the public on how to avoid becoming victims of crime. It was recognised that local authorities were indirectly involved in providing physical security through their roles as managers of, for instance, public housing and street lighting (Smith and Laycock, 1985). Multi-agency crime prevention panels were established to encourage them to coordinate these activities with the police.

These moves were endorsed in 1965 by the Home Office Cornish Committee on the Prevention and Detection of Crime (Weatheritt, 1986). Two years later the Home Office set up the Standing Committee on Crime Prevention, which met twice a year. Few police resources were allocated to crime prevention departments, however, with the result that crime prevention panels remained largely inactive, and less than one in a hundred police officers were employed as crime prevention officers (Smith and Laycock, 1985). In 1976 the Home Office made clear its intention to reinvigorate moves towards the new vision of multi-agency crime prevention in its Review of Criminal Justice Policy:

In view of the limitations in the capacity of the agencies of the criminal justice system to reduce the incidence of crime, the scope for reducing crime through policies which go beyond the boundaries of the criminal justice system merit particular attention. In recognition of this, work is already in hand exploring how the Home Office could more readily involve other Government Departments, local authorities, and agencies outside government in the crime prevention field... Work on the broader aspects of crime prevention should be pressed forward as speedily as possible. (Home Office, 1977: 9-10 – quoted in Gilling, 2000: 128)

True to its word, crime prevention came to the fore of Home Office policy in the 1980s. Real policy change was to come in 1983, when the Home Office Crime Prevention Unit was established. The following year the Crime Prevention Unit produced the first circular on crime prevention partnerships (see Jones et al., 1994), and in 1985 the term crime prevention appeared in the annual report of the Home Office for the first time (see Koch, 1998). In 1986 the Crime Prevention Unit established the Five Towns Initiative, which ran for eighteen months, followed by the Safer Cities Programme, which ran from 1988 to 1998. Both projects provided resources, coordination and training for local crime prevention initiatives (Tilley, 1992 and 2002). In 1988 the Home Office also set up and financed the organisation Crime Concern, with the brief to promote best practice in crime prevention (Koch, 1998). The following year the Home Office annual report included reference to specific crime prevention initiatives by the police for the first time. Reference to the contribution other government institutions to crime prevention appeared from 1991. The Association of Chief Police Officers responded to developments in the Home Office with the setting up of the Sub-Committee on Crime Prevention in 1986 (ibid.).

By the end of the 1980s, then, the police and Home Office were committed to developing a non-legal 'partnership approach' to crime control. Although the new emphasis on physical security was applicable to a broad range of crimes, the seeds were being laid for a bifurcation between the policing of serious and minor crime. This was recognised in the White Paper Crime, Justice and Protecting the Public:

The ultimate aim of the Government is to reduce crime, particularly crimes committed by young people, before they embark on a career of criminality [...] Punishment has a major part to play in reducing crime, but its role must not be overstated. If crimes are not reported or detected, those who commit them cannot be brought to justice... Even when crimes are reported, it is not easy for the police to find offenders, especially vandals. The police give priority to detecting the most serious crimes, since the public needs protecting from those who commit them. (Home Office, 1990: paras. 1.7 and 1.8)

The effectiveness of criminal law enforcement had, in other words, come into question in light of evidence that relatively few crimes resulted in the perpetrator being caught.

Finally, it is important to note that the bifurcation between the control of serious and minor crime that emerged in the 1980s was as applicable to punishment as it was to law enforcement. The ability of punishment to control crime had also come under attack, and just deserts and incapacitation were elevated to the centre of sentencing (Hudson, 2001). Sentencing was the primary concern of the White Paper Crime, Justice and Protecting the Public and the Criminal Justice Act 1991 that followed it. Rehabilitation was not to be a consideration in the decision to imprison (Home Office, 1990: para. 3.2), and was to be only a secondary consideration in deciding on the severity of community sentences (para. 4.5), while individual deterrence was no longer to be a consideration in sentencing at all (para. 2.8). Although just deserts might have been utilised to 'define minor crime up', two of the main objectives emphasised in the White Paper were to downgrade minor crime, and to ensure that custody and punishment in the community were not prioritised over other less severe sentences. Regarding the first of these objectives, point was made of the need to achieve clearer distinction between the sentencing of violent and non-violent offenders, with more use of imprisonment for the former (para. 3.8), and less for the latter (para. 4.1). On the second objective, it was stressed that custodial and community sentences should both only be used as a last resort (paras. 3.6 and 4.1). Furthermore, extended sentences were to be abolished for persistent offenders of minor crime, but were to be encouraged in cases of serious violent and sexual crime (paras. 2.15 and 3.12-13).

At no point did any of the policy or research documents analysed during this stage of empirical research look beyond conventional crime. Nor did any of the documents promote a need for a broad approach to consultation. These points aside, it is possible to conclude that during this period crime prevention showed little potential of becoming an extension of the 'enforcement approach' of the existing criminal justice system. The driving force behind the emergence of a 'partnership approach' to crime control in 1970s and 1980s was clearly a loss of faith in ability of the criminal justice system to control crime. The police were failing in their role as the gatekeepers of the criminal justice system, and the probation and prison services were failing to deter or rehabilitate the few offenders that the police caught. In both cases, the answer was to concentrate resources on serious crime and hand over responsibility for the control of minor crime to others.

4.1.2. Minor Crime and Civil Nuisance

Crime prevention spread little beyond the police in the 1980s, however. The failure to get local authorities on board was largely due to the overwhelming focus put by the police on removing opportunities for crime (Walklate, 2001). Indeed, this bias continued into the 1990s (Koch, 1998). The Home office was equally guilty. The Sub-Committee on Crime Prevention, for example, was divided into four discussion groups, entitled Designing out Crime, Tracking Vehicles, Intruder Alarm Response, and Liaison with Manufacturers, none of which addressed underlying causes of crime. Further, the Home Office researchers that had been at the forefront of promoting the new non-legal approach to crime control (e.g. Clarke, 1980; Gladstone, 1980; Hough et al., 1980; Smith and Laycock, 1985) were as much concerned with warning against the relevance of dispositional theories of crime as with warning against the limitations of the criminal justice system. This bias was reflected in the first central government guidance issued to crime prevention partnerships. "Whilst there is a need to address the social factors associated with criminal behaviour, and policies are continually being devised to tackle this aspect of the problem," it was stated, "these are essentially long term measures. For the short term, the best way forward is to reduce through management, design, or changes in the environment, the opportunities that exist for crime to occur" (quoted in Jones et al., 1994: 97). This overwhelming emphasis on opportunity reduction was later reflected in the Safer Cities Programme (King, 1989). On the rare occasion that the Safer Cities Programme looked beyond reducing opportunities for crime in the 1980s, emphasis was put on providing potential offenders with alternatives to crime such as leisure facilities. Though offender rather than victim orientated, these initiatives continued to be spatial controls, albeit with an emphasis on keeping potential offenders away from temptation rather than keeping them under surveillance. It was social "crime prevention à la Thatcher" (ibid.; cf. Muncie et al., 1995).

Local authorities are heavily involved in managing residential and commercial populations. Nevertheless, it was inevitable that the police would dominate any multi-agency crime prevention initiatives they become involved in until crime prevention moved beyond its narrow focus on physical security and included social services such as housing, education, youth work and family support (Jones et al., 1994). Local

authorities would have to wait until the mid 1990s before they would become equal partners with the police (covered in section 4.2). What was not mentioned in any of the Home Office research or policy documents analysed in section 4.1.1, however, was that precedent for a broader approach to cooperation between the police and local authorities had already been set in the 1980s in crime prevention initiatives on council estates. Most significant were the Priority Estate Project, run by the Department of the Environment, and the Safe Neighbourhoods Unit, run by NACRO, both of which were set up in 1979. Six government and non-government organisation reports on these estate projects were reviewed for this thesis, three published by NACRO (Bright and Petterson, 1984; NACRO, 1989; Safe Neighbourhoods Unit, 1990), two by the Department of the Environment (Department of the Environment, 1993; Power, 1984), and one Cabinet Office report of a multi-agency seminar on the projects (Heal and Burrows, 1982).

Unlike the Home Office initiatives, the estate projects were clearly informed by communitarian, and in particular moral communitarian politics. A number of factors point in this direction. Of most significance, the documents gave equal weight to the involvement of local authority departments as the police, encouraged public involvement in crime prevention, and in the case of the NACRO projects, encouraged public involvement in the decision making process through questionnaire surveys and focus-group meetings. As emphasised in section 2.3.1, the dispersal of government beyond central state bureaucracies is at the centre of the communitarian vision of social control. This underlying concern that crime prevention partnerships should include collective local action from both government and non-government organisations and from the public was made clearest by NACRO, which chose to drop the term crime prevention in favour for a new term, community safety (Gilling and Barton, 1997). Second, the documents promoted the communitarian emphasis on the right of collectives to intervene into a wider range of minor crime than that traditionally covered by criminal law. Equal emphasis was put on the negative effect that civil nuisances such as noise, dumping rubbish and threatening behaviour have on a person's quality of life.

These were the only aspects of the estate projects to appeal equally to egalitarian as moral communitarian visions of social control, however. Two of the documents

(Bright and Petterson, 1984; NACRO, 1989) put emphasis on the need to combat domestic crime and racial harassment, and NACRO made efforts to consult widely through residents' associations, door-to-door questionnaires and focus-group meetings with youth, women and minority ethnic groups (though not those that had experience of the weight of the law). However, the overwhelming emphasis of both the NACRO and Department of the Environment projects was on 'problem families' and youths 'hanging out'. Just as important, none of the reports referred to the need to combat white-collar crime. At no point was any real faith shown in the right of those living on particular estates to set standards of acceptable behaviour that differed from that of the country as a whole.

Second, while the initiatives advocated went beyond the narrow focus of the Home Office on opportunity reduction, they did not amount to a holistic approach to crime prevention. In true moral communitarian fashion, the initiatives were formed around the image of offenders being disorderly and out of control rather than pushed into crime. As Bottoms and Wiles (1988), Bright (1997) and Rock (1988) stress, the projects were largely informed by Newman's (1972) 'defensible space' theory and its emphasis on holding potential criminals back by keeping areas under surveillance. This was to be achieved through creating a well managed and attractive setting, which it was hoped would give residents a sense of pride in their estate, encouraging them to look out for one another and intervene when they witnessed crime. Furthermore, far less appeal was made to the need for individuals to be supported by their communities than to them having obligations to their communities. Last, where social welfare was mentioned, it was in the context of providing conditions for the policing of the estates by neighbourhood watch and tenants' associations. Even when the term regeneration was used, it was the need to control anti-social behaviour in order to make the estates more attractive to commerce that prevailed. Tax incentives were not offered to businesses, nor was training offered to the unemployed. Work was to be attracted into the area as a result of crime reduction. Only when the area had been 'rescued' would regeneration be possible. Like the Home Office initiatives, the estate projects were ultimately based on spatial control and the classicist interpretation of the problem of crime control: that the response to crime should focus on making crime more difficult to commit and more difficult to get away with. Community safety, in other words,

meant short rather than long term personal security. As Gilling and Barton (1997) put it, the term community safety could easily have been changed to community control.

Finally, as Rock (1988) notes, the estate projects were also informed by Wilson and Kelling's (1982) 'broken windows' thesis and its emphasis on unchecked anti-social behaviour providing a breeding ground for serious crime (see section 2.3.4). Anti-social behaviour was treated as a problem both its own right and as a problem that escalated into serious crime. This was explicit in one of the documents analysed:

Thinking about crime prevention has undergone significant changes in recent years: two concepts in particular warrant warning here. The first has been increased thinking about what has been labelled the 'situational' approach to crime prevention: measures that can be taken to reduce opportunities for crimes to be committed, by the management, design, or manipulation of the immediate environment in which they frequently occur. The second concept – less systematically researched, but judged by the response of those at the seminar at least, with intrinsic appeal – is the theory that as neighbourhoods decline, those living there become less willing to control the uncivil and anti-social activities of others, and that in time this breeds an atmosphere where crime is acceptable. This idea of areas undergoing 'cycles of decay' is significantly different from the more longstanding, traditional view that poverty, poor education and living standards lead to criminality. (Heal and Burrows, 1982: 33)

However, support for the 'broken windows' thesis was not matched by the emphasis that its original authors put on resorting to law in support of the informal social controls of geographical communities. In contrast, the communitarian vision of NACRO and the Department of the Environment appeared to be an egalitarian one of non-authoritarian crime control. Law enforcement was not mentioned in the Department of the Environment report (Power, 1984). Although law enforcement received occasional mention in two of the NACRO reports (Bright and Petterson, 1984; NACRO, 1989), it was not highlighted. Indeed, the examples of law enforcement were invariably given in the context of the use of targeted surveillance to tackle serious crime. The only clear exception was racial harassment, where criminal law enforcement and evictions were promoted due to the exceptional need to gain the confidence of minority ethnic groups. Bright and Petterson (1984) reported that residents and practitioners suggested eviction might be used more widely to deal with persistent anti-social behaviour, but stressed that the views were not necessarily

shared by themselves. They warned of the homelessness that evictions created, and suggested that social landlords would need to show residents that they were addressing anti-social behaviour through other means. The fact that local residents and practitioners might be ready to resort to authoritarian crime control in the immediate areas where they lived and worked was a warning that needed to be heeded, however. As emphasised in section 2.1.4, the more localised crime prevention partnerships are situated, the more likely they are to become sites for the realisation of just and inclusive criminal policy. Yet, it remains imperative that efforts are made to ensure that even the most localised of crime prevention partnerships are informed by a broad range of local voices.

To conclude this section, the consensus of academic opinion that crime prevention partnerships emerged in the 1980s in response to the failings of the criminal justice system to control crime appeared to apply equally to the estate projects. NACRO did not go so far as the Department of the Environment or the Home Office as to treat crime prevention and punishment as separate areas of crime control altogether, but appeared to be in no doubt as to the need to treat law enforcement as a measure of absolute last resort, explaining, “the machinery of criminal justice... exists mainly to process crime after it has taken place. It has little effect on preventing crime...” (NACRO, 1989: 3). However, the question whether the ‘turn to the local’ in crime control should be viewed in a positive light, as a potential victory for the egalitarian political left, still hung in the balance. The estate projects left political space for crime prevention to become, on the contrary, an extension of the criminal justice system. Weakness was apparent in the approach taken by the Home Office in the 1980s, which it has been seen was restricted to conventional crime and was self-consciously anti welfare. Yet, the approach taken by NACRO and the Department of the Environment was weaker still, despite occasional effort to look beyond conventional crime and to consult widely. As has been seen, the relative weakness of the estate projects stemmed from the inclusion of offender as well as victim orientated spatial controls, and ‘defining anti-social behaviour up’ as a problem of crime, whether covered by criminal law or not, as a problem in its own right and due to a need to ‘nip’ more serious crime ‘in the bud’. Most crucial of all, the model of crime control adopted in the estate projects depended on residents being willing and able to police themselves. As emphasised in section 2.2.1, it is far from clear that collective self-

policing is a realistic prospect in post-industrial western societies. When anti-social behaviour is 'defined up' as a problem of crime but measures are not available to deal with its underlying causes, pressure to turn to law is bound to increase, both in support of the informal social controls of geographical communities and as a compliment to them.

4.1.3. The Morgan Report

In 1990 new central government guidance was issued to crime prevention partnerships that, unlike its predecessor, made no reference to crime prevention theory. It was accompanied by a booklet of good practice that did not discriminate between victim and offender orientated initiatives. In light of the guidance, the Home Office set up a working group (the Morgan working group) to review the state of existing cooperation between the police and local authority departments, and to advise on the future of crime prevention partnerships (Home Office, 1991). Despite the work of the Home Office Crime Prevention Unit, Association of Metropolitan Authorities (1990) had criticised local authorities for lacking crime prevention strategies (cf. Association of District Councils, 1990). The Association of Metropolitan Authorities highlighted a questionnaire survey by the Safe Neighbourhoods Unit, completed by 105 local authorities in 1990, which revealed that only nineteen local authorities had policies on crime prevention.

The Morgan working group was set up with equal representation from NACRO and local authorities as the Home Office Crime Prevention Unit and the police. The report that followed (the Morgan Report) emphasised that crime prevention partnerships did not need to be steered by the police, and recommended that partnerships should be divided along local authority boundaries, with council ward strategies produced within overarching district council and metropolitan borough ones. The police, it was sustained:

... cannot be held solely responsible for community safety or for tackling crime or fear of crime in their force area in isolation: the factors which lead to offending or which offer the opportunity for crime are not within their direct control [...] As the provider of a range of services which directly impact upon the causes of crime (such as education, housing and

recreation) the local authority is the natural focus for coordinating, in collaboration with the police, the broad range of activities directed at improving community safety. (Home Office, 1991: paras. 3.13 and 4.25)

This message was reinforced when it was explained why the term community safety had been chosen in preference to crime prevention:

The term 'crime prevention' is often too narrowly interpreted and this reinforces the view that it is solely the responsibility of the police. On the other hand, the term 'community safety', is open to wider interpretation and could encourage greater participation from all sections of the community in the fight against crime. (Home Office, 1991: para. 3.6)

It was concluded that the police and local authorities should be given a joint statutory duty to work in partnership with other government and non-government institutions. When the recommendations of the report were eventually implemented under the Crime and Disorder Act (covered in section 4.3.2), this statutory duty was extended to the probation service and health authorities.

Like the crime prevention documents analysed of the Home Office, NACRO and Department of the Environment, the Morgan working group only departed from the issue of conventional crime at the end of the report, where crime against women, children, the elderly and minority ethnic groups were listed as specific areas of concern; and like the Home Office and Department of the Environment, no recommendations were made on the issue of consultation, and no mention was made of the right of different areas to set standards of acceptable behaviour that varied from that of the country as a whole. However, despite these shared weaknesses, the view that crime prevention partnerships had emerged as an alternative to the 'enforcement approach' of the criminal justice system likewise shone through the vision of crime control adopted by the Morgan working group. This was set out in the first chapter of the report. Emphasis was put on the accelerated rise in recorded crime in the 1980s, and the fact that only 4 percent of offences recorded by the British Crime Survey resulted in the perpetrator being cautioned by the police or convicted in the courts. "Against this background", it was continued, "crime prevention is a vital component of any comprehensive attempt to tackle crime alongside existing measures to apprehend and deal with identified offenders" (Home Office, 1991: para. 1.6).

Indeed, the report shared less of the weakness inherent in the approach taken by the estate projects, as it did not promote its support for focusing crime control on anti-social behaviour within the 'broken windows' thesis. Anti-social behaviour was treated as a problem in its own right, but not one that escalated into serious crime. Nor, in contrast to the crime prevention documents of NACRO analysed, was the vision of non-authoritarian crime control departed from at any point in the document. Nevertheless, one equally important area of weakness was repeated. Like the estate project documents, the report did not offer a holistic approach to crime prevention. While the report did not go into any detail on the types of crime prevention initiatives the Morgan working group envisaged, a portfolio of potential crime prevention initiatives was listed in the conclusion, under the headings Tackling the Causes of Crime, Reducing the Opportunities for Crimes to be Committed, Helping Victims of Crime, and Reducing the Fear of Crime. Only the first of these offered any prospect of a welfare approach to crime control; and of the nine activities listed under Tackling the Causes of Crime, only three (Alcohol and Drug Misuse Prevention Schemes; Employment and Training Programmes; Debt Counselling) were specifically aimed at improving the social welfare of potential offenders. Each of the others (Family Support Initiatives; Youth Programmes; Community Development and Neighbourhood Initiatives; Pre-School Programmes; Education and School Based Programmes; Work with Offenders and their Families) were just as likely to be picked up by those that were more interested in developing methods of holding potential offenders back than dealing with the reasons they are motivated to offend in the first place.

4.2. The Vision Begins to Evaporate

Crime prevention partnerships began to proliferate in the next few years after the Morgan Report was published. By the time the Labour Party came to power in 1997, promising to implement the report (covered in section 4.3.1), a survey of local authorities (Local Government Management Board, 1996) had found almost two-thirds to have crime prevention policies, in stark contrast to the findings of

Association of Metropolitan Authorities (1990) just six years earlier (see section 4.1.3). Of the twenty-two partnerships that replied to the first postal survey of London boroughs conducted during the course of this doctoral thesis, nine sent documents or letters outlining existing strategies (see section 5.1).

In the first major post-Morgan study of crime prevention partnerships specific to social housing estates (Department of the Environment, 1993), the view that 'the partnership approach' was a non-legal approach to crime control appeared to be alive and well. The report stood out for its depth of reference to spatial crime prevention theories, including Newman's (1972) 'defensible space' theory and Wilson and Kelling's (1982) 'broken windows' thesis. Crime prevention theory was applied to sixty-three pages of analysis of estate projects. The document indicated no change from the vision of crime prevention adopted by the Department of the Environment ten years earlier (see section 4.1.2). It did not at any stage comment on legal intervention. The danger of 'the partnership approach' developing as part of, and not an alternative, to the 'enforcement approach' of the criminal justice system appeared to be weaker still at the Home Office. The first major post-Morgan Home Office study of crime prevention, Sutton's (1996) study of the Safer Cities Programme, likewise did not comment on legal intervention. Sutton showed that the Home Office preference for victim-orientated controls was redressed in the early 1990s, with the amount of money going towards offender-orientated schemes rising from fourteen percent of the total funding in 1989/90 to thirty percent by 1992/93. Like Department of the Environment (1993), the focus of the initiatives highlighted in the report was the spatial control of anti-social behaviour, but unlike Department of the Environment (1993), Sutton did not frame his analysis of offender-orientated spatial control within the 'broken windows' thesis.

However, signs of the 'partnership approach' being exploited by the moral communitarian right were apparent in the first major post-Morgan local authority study of crime prevention (Association of Metropolitan Government, 1993). Like the Morgan Report and the Home Office, NACRO and Department of Environment crime prevention documents analysed, much was made of the reliance of the 'enforcement approach' on the public reporting crime, the rise of crime in the post-war period despite increasing numbers of people being sentenced, and high levels of recidivism

among those who served prison sentences. Unlike the reports by the Home Office, NACRO and the Department of Environment, however, crime prevention partnerships were treated as having emerged to control anti-social behaviour alongside and not in place of the criminal justice system:

Community safety has evolved over the last decade as a development of the longer established 'enforcement approach' which relies on the police and criminal justice system alone to apprehend and punish offenders and deter further offending. Although it encompasses a situational approach based on physical crime prevention measures (the 'locks and bolts' approach), the broader based community safety approach also addresses underlying personal and social behaviour patterns that may lead to criminal activity [...] The limitations of a sole reliance on the enforcement approach has led practitioners over the last decade to develop a broader-based approach which seeks to extend the concept of crime prevention into the community through social development. The move by police forces to a broader based method of working in support of a multi-agency approach... involves reallocating the role of the police service within the context of a community partnership which involves many participants and agencies aimed at tackling a wide range of social problems, of which the prevention and detection of crime is but one. Naturally, the enforcement role of the criminal justice system continues to be important, especially in the context of serious crime and persistent offending, but the multi-agency approach embraces 'policing' within a framework aimed particularly at reducing opportunities for, and the social conditions conducive to, criminal activity. (Association of Metropolitan Government, 1993: 7, 10 and 11)

The document gave a fifty-page outline of the work of existing crime prevention initiatives. A number of references were made to the use of CCTV in collecting evidence for criminal proceedings. Of particular significance was a section outlining the operation aimed at combating prostitution and drug dealing in King's Cross, London (highlighted in section 3.1 of this thesis). Further, the Association of Metropolitan Government's support for the operation was framed within the 'broken windows' thesis:

The drug and vice activities adversely affected the local residents, business users and commuters in a number of ways. Incidents of street crime increased. Offences of theft, assault and the like became commonplace. This in turn caused an increase in the fear of crime. Women were in fear of assault or being propositioned by kerb-crawling when merely walking along the street. There was also a sharp increase in the number of perceived drugs-

pushers or users loitering in the area. The local streets, residential estates and businesses became littered with hazardous debris such as used syringes and condoms, and similar equipment. There was evidence of young local residents having to become 'streetwise' at a very early age. In summary the area had taken on a very seedy and even dangerous image. (Association of Metropolitan Authorities, 1993: 53)

As far as the current author is aware, Association of Metropolitan Authorities (1993) is the earliest government report on crime prevention to have made reference to legal intervention beyond the specific context of racial harassment. Whether its authors' decision to promote an authoritarian approach to crime control was influenced by the punitive political climate in the aftermath of the abduction and murder of the Toddler Jamie Bulger (covered in section 4.3.1) is not clear. However, as demonstrated in the following section, signs that increasing local authority involvement in crime prevention might result in the local becoming a site of authoritarian crime control began to gain pace in the following few years.

4.2.1. Civil and Public Law Orders as Tools of Crime Control

Local authorities began to set up inter-departmental "enforcement" or "anti-social behaviour" teams in the mid 1990s, with the purpose of developing legal orders as tools of crime control (Allen and Springings, 2001; Atkinson and Flint, 2004; Burney, 1999 and 2005; Cowan et al., 2001; Morris, 1996 and 1997; Papps, 1998). The change in local authority attitude was dramatically reflected in Association of District Councils (1994), which focused on the role of housing departments in crime control. Legal orders were promoted as the primary response to anti-social behaviour. Physical security was also promoted, but in contrast to the documents analysed of the estate projects of NACRO and the Department of the Environment (see section 4.1.2), the Association of District Councils expressed no faith in the ability of the public to control their spatial environments. The view that crime prevention partnerships were developing to make up for rather than support the informal social controls of geographical communities was repeated when the document turned to the issue of mediation. The document was sceptical about the advantages of mediation, reporting that residents tend to prefer housing officers to take over responsibility for action due to fear of reprisal, and promoting its use "in resolving conflict where more formal

enforcement type approaches have failed” (1994: 63). The emphasis that the Association of District Councils put on controlling anti-social behaviour through legal orders was repeated in a checklist provided for housing officers dealing with complaints of noise:

If the case is a first instance of noise nuisance, involve environmental health and request that they serve an abatement notice. If the case is more serious, perhaps after an abatement notice has failed to resolve the matter, consider whether further action is needed e.g. service of a notice seeking possession/obtaining an injunction. Gather evidence in the form of witness statements from those living nearby, or who are affected by the problem, and other agencies e.g. the police... If case appears ‘two-sided’, consider mediation and conciliatory action... Involve legal services at an early stage... (Association of District Councils, 1994: 90. Abatement notices are covered below)

Like the Association of Metropolitan Government report of the previous year, the Association of District Councils report must be read in light of the particular punitive political climate of the time. What is clear, however, is that the vision of crime prevention that the Morgan working group based its report on started to be abandoned in the mid 1990s, when local authorities began to take the mantle of responsibility for crime prevention partnerships over from the police. Environmental health officers have long used legal orders to manage commercial areas (Jones and Newburn, 1998). Environmental health officers and housing officers have likewise long used legal orders to manage residential areas (Burney, 1999). In the 1990s, however, as Burney (1999) demonstrates, local authorities began to view their use of legal orders in terms of crime control as well as commercial and housing management. This was particularly the case in their management of residential areas. As the social housing stock decreased in the 1980s and 1990s, a concentration of social disadvantage and old and young (with their incompatible lifestyles) was left on the remaining council estates. The difficult tenant, Burney emphasises, came to be viewed as the anti-social tenant, and the natural response of social landlords was to turn to legal orders largely because they are already used to using them for matters such as recovering rent-arrears. At the same time, alternative non-legal measures to deal with anti-social behaviour faltered with cuts in, for example, caretakers, youth clubs, youth services and family support.

The two most widely publicised local authority legal orders powers that local authorities began to turn to in the 1990s were injunctions and possession orders, both of which were strengthened under the Housing Act 1996. Injunctions are backed up by a potential two-year prison sentence in breach proceedings. A new injunction was made available to local authorities under the Housing Act where council tenants had experienced violence or the threat of violence to prohibit people from, “engaging in or threatening to engage in conduct causing, or likely to cause, a nuisance or annoyance... using or threatening to use residential premises for immoral or illegal purposes; or... entering residential premises or being found in the locality of any such premises” (DETR, 1997: para. 4). Although the power to evict is not backed up with penal remedies, it is arguably equally coercive. First, not only do possession orders result in people losing their homes, but under the Housing Act a person who has been evicted may be refused alternative accommodation, as having made him or her self “intentionally homeless”. Second, local authorities were also given the power to put new tenants on a probationary period, after which their tenancy could be automatically discontinued if any clauses were broken. Third, the Act required local authorities to set up local housing registers, and offer permanent housing only to those registered on them. Shelter (1998) explains that the purpose of this requirement was largely to encourage the disqualification of those suspected of crime. They uncovered around 800 such disqualifications among forty-four local authorities in the following two years, and quoted guidance by the Department of Trade and Industry and the Department of Health recommending that the housing registers be used to disqualify those suspected of non-criminal nuisance as well. Finally, the Housing Act allowed for injunctions to be served on people that had breached the conditions of their tenancy, requiring them not to do so again. The intention that social landlords should use their new powers in the name of crime control was summarised by Lord Woolf, who writing while the Housing Bill was going through Parliament, commended the changes as, “[t]enants who consider themselves as innocent victims are sometimes forced to move out, and this exacerbates the problems because an estate can quickly become a ghetto” (Woolf, 1996: 207). Woolf was clearly adhering to the moral communitarian emphasis on ‘defining anti-social behaviour up’ as a problem of crime, both in its own right, and due to a need to ‘nip’ more serious crime ‘in the bud’.

Burney (1999) was not the only criminologist to recognise the growing use of injunctions and evictions as tools of crime control in the mid 1990s. Papps (1998), for example, gave the example of Newport County Borough Council, which set up an Anti-Social Behaviour Sub-Committee in 1993. Serious crime and anti-social behaviour were stipulated against in tenancy agreements. Tenants were encouraged to report incidences of serious crime or anti-social behaviour to the partnership, and any tenants that attracted the attention of the police were sent letters by the police and the housing department warning them that they were in danger of being evicted. When notices to seek possession were served, injunctions were usually sought alongside. In the following year the initiative was widened to include an estate ranger scheme to allow for more immediate response to complaints.

Another example was the work of Morris (1996 and 1997), the Home Office researcher interviewed while the research question was being developed (see section 3.1). Morris was conducting research into the use of legal orders as tools of crime control by two local authorities. The first publication covered an operation on Kingsmead Estate, Hackney, London, in 1993. Possession orders were served by the council on a family whose children had been accused of burgling and robbing local homes, and the children were served with injunctions banning them from returning to the estate (cf. NACRO, 1996). The second focused on Gateshead, County Durham. Incidents of anti-social behaviour and serious crime involving council tenants that the police attended were reported to the housing department for eviction proceedings to be considered. Like the example focused on by Papps (1998), both the police and housing department gave notice to those concerned that they might have breached their tenancy agreement, and were in danger of losing their homes.

The extent that injunctions and evictions began to be used as tools of crime control in the mid 1990s was demonstrated in a survey of 294 local authorities by Association of County Councils et al. (1996), a survey of 147 housing authorities conducted by NACRO (1997), and a survey of fifty-seven local authorities by Dignan et al. (1996). In each survey around fifty percent of authorities were shown to have policies for dealing with serious crime and anti-social behaviour, with around eighty percent using evictions, and sixty percent injunctions. A later survey of 140 local authorities and 124 housing authorities by Nixon et al. (1999) found that just under two percent of

local authority recorded complaints of serious crime or anti-social behaviour led to notices to seek possession (an average of 1.3 notices a year per 1000 tenancies), twenty percent of which were eventually taken to court. Housing authorities were more active, with 4.5% of complaints leading to notices to seek possession (an average of 1.5 per 1000 tenancies), and fifty percent continued. In contrast to Association of County Councils et al. (1996) and NACRO (1997), however, less than half of local authorities and almost no housing authorities were found to use injunctions as tools of crime control. Indeed, only 111 cases of injunction were reported in total.

Of the two, then, the power to evict was found to be the most commonly used legal power to be used as a tool of crime control by social landlords. The prominent position given by social landlords to evictions extended to the use of introductory tenancies. Nixon et al. (1999) and the Chartered Institute of Housing (cited in Inside Housing, 7 July 2000) found that, like evictions, tenancies were being discontinued mostly in response to rent arrears. Nonetheless, one in five were being discontinued for serious crime or anti-social behaviour.

Two issues remain to be dealt with in this section. The first is the extent the evidence that legal orders were being resorted to as weapons of crime control in the mid 1990s related to their use to control anti-social behaviour rather than serious crime. This was possible to measure in the case of Burney (1999), Morris (1996 and 1997) and Papps (1998), though not in the case of Association of County Councils et al. (1996), NACRO (1997) or Dignan et al. (1996), which did not distinguish between the two. Further evidence was to be found in the housing practitioners journal *Housing Today* (see sections 3.1 and 3.3.2). Of the twenty-two reports that were found on the use of evictions, injunctions or anti-social behaviour orders (covered in section 4.3.2) as tools of crime control in *Housing Today* between November 1996 and March 2000, sixteen concerned low level crimes or civil nuisances. The following were typical examples:

A temporary injunction has been granted against a homeowner banning him from harassing and abusing neighbours, playing amplified music and shouting, screaming and making a general nuisance of himself. (Paraphrased from *Housing Today*, 1 May 1997)

A possession order and injunction has been served against a man who used foul and racial language against his neighbours. (Paraphrased from Housing Today, 3 September 1998)

An eighteen-year-old youth has been served with an Anti-Social Behaviour Order banning him from threatening, harassing or abusing his neighbours and visitors to his estate, throwing stones, spitting and causing damage to council property. (Paraphrased from Housing Today, 4 November 1999)

A tenant has been served with an Anti-Social Behaviour Order prohibiting him from appearing undressed in the view of his neighbours, or shouting, swearing, using threatening behaviour or carrying a knife. (Paraphrased from Housing Today, 6 January 2000)

Evidence that local authorities were turning to legal powers in the mid 1990s was also to be found in the growing use of abatement notices by environmental health departments, available, for example, under the Noise Act 1996. Dignan et al. (1996) reported abatement notices being served for five percent of complaints of residential disorder, 7.5% of which resulting in breach proceedings. It has already been noted that abatement notices are also available to environmental health officers to control commercial activities. Such abatement notices are again available, under the Environmental Protection Act 1990, and also under the Town and Country Planning Act 1990. Association of District Councils (1994) supported the use of abatement notices in the context of anti-social behaviour in both residential and commercial areas. In commercial areas it was recommended that abatement notices be targeted at activities such as fly tipping, windscreen washing, fly posting, and street trading. While civil orders can only be obtained through the courts, and can only be served if the alleged behaviour is proven on a “balance of probabilities” (or in the case of anti-social behaviour orders, covered in section 4.3.2, “beyond reasonable doubt”), the power to serve abatement notices is a public law power that can only be challenged through judicial review. Yet, breach of an abatement notice may result in criminal prosecution. In the case of abatement notices issued under the Noise Act, perpetrators are liable to a £2,500 fine. Under the Noise Act, officers also have the power to issue £100 fixed penalty notices.

The last issue that needs to be dealt with is the failure of the research to uncover evidence that injunctions and evictions were being extensively resorted to in the mid to late 1990s, though to reiterate, it was their future rather than present use that the research was designed to measure. While none of the figures quoted by Association of County Councils et al. (1996), NACRO (1997) or Dignan et al. (1996) were particularly high, there was plenty of evidence in the mid 1990s of the potential for legal orders to be increasingly used as tools of crime control in the future. The first pieces of evidence are provided when comparison is made with figures from the early 1990s, and when figures are provided for different social landlords. Burney (1999), for instance, quotes a study of twenty social landlords that uncovered the use of 170 injunctions during 1996/7. The previous year the same landlords had issued twenty-five percent less (129 in total). In her own study of Manchester City Council, Burney discovered that 164 Housing Act injunctions and thirty-two possession orders had been obtained in 1998, compared to seventy-seven injunctions and fifteen possession orders in 1997, and only seven injunctions and one possession order in 1992. Furthermore, Nixon et al. (1999) found that eighty percent of social landlords directed legal orders at serious crime or anti-social behaviour more often than five years earlier, that seventy-four percent had revised their tenancy agreements since the Housing Act, and that there had been a rise of 127 percent in the number of possession orders for serious crime or anti-social behaviour from 1996/7 to 1997/8. Nixon et al. also showed that the area most active in the use of evictions had issued 160 notices to seek possession for serious crime or anti-social behaviour in 1997/8. Burney and Nixon et al. both stressed that their studies had been conducted just two years after the Housing Act, and that social landlords were likely to become increasingly active over the next few years.

4.3. Partners in Enforcement

This chapter now moves on to examine the extent to which the threat of the local becoming a site of earlier and more intensive intervention into the lives of the marginalised was amplified with implementation of the Morgan Report. It serves as a continuation of the historical analysis of crime prevention partnerships and the

question whether the proliferation of crime prevention partnerships should be viewed in a positive light, as a potential victory for the egalitarian political left, or whether there is a significant risk that it might result in a reversal of the bifurcation of crime control between serious crime and anti-social behaviour, and in the 'enforcement approach' spreading beyond the existing boundaries of the criminal justice system. The section starts off by exploring the broad support afforded to neoconservative interpretations of moral communitarianism by the current Labour government, before moving on to investigate the implications of implementation of the Morgan Report.

4.3.1. 'Getting Back to Basics'

The threat to the bifurcation of crime control posed by moral communitarianism became abundantly apparent in the mid 1990s. In the aftermath of the abduction, torture and murder of the toddler Jamie Bulger, the Conservative government latched onto neoconservative support for the coercive potential of law enforcement (Jordan, 1996). The neoconservative interpretation of moral communitarianism was epitomised by the Prime Minister of the time, John Major, who at the Conservative Party conference in October 1993 announced, "[i]t is time to get back to basics, to self-discipline and respect for the law" (quoted in Dunbar and Langdon, 1998: 115). When minimum prison sentences were introduced for certain repeat offences under the Crime (Sentences) Act 1997, for example, the White Paper that preceded it described their purpose as being "so that offenders know what to expect when they are caught" (Home Office, 1996: 3). The White Paper went on to claim that, despite the increase in the length of these prison sentences, the deterrent effect of the reforms would result in a twenty-two percent reduction in imprisonment overall.

In section 4.2 it was stressed that the particular punitive climate of the time made it particularly difficult to establish the representativeness of government statements on crime control. The Conservative government at the time clearly stands accused of 'pandering to the right' (Dunbar and Langdon, 1998). Of more significance was the reaction of the Labour Party, whose statements on crime control at the time were equally punitive. Instead of criticising the Government's turnaround in criminal policy, the Labour Party likewise began to express support for the coercive potential

of the criminal justice system (Jordan, 1996; Muncie, 1999; Newburn, 1998; Rutherford, 2000; Scraton, 2004; Sim, 2000). Most influential were Tony Blair, appointed shadow Home Secretary in 1992 and elected Party leader in 1994, and Jack Straw, who took over Blair's position as shadow Home Secretary in 1994.

The punitive nature of Blair and Straw's statements on crime control was demonstrated in the introduction to chapter three. However, as emphasised in section 3.1, unlike the Conservative Party at the time, the Labour Party's endorsement of authoritarian crime control should not be dismissed as rhetoric. First, after suffering a fourth consecutive defeat at the general election in 1992, abandonment of the influence of the egalitarian left was treated as paramount to the future of the Labour Party (Brownlee, 1998; Dunbar and Langdon, 1998; Palmer, 1997; Rutherford, 2000). Second, the goal of the emerging 'New Labour' Party was not limited to claiming the centre ground of politics. It was of a radical turnaround in the political foundations of the Labour Party that would take it away from its social democratic origins, and lead it to adopt moral communitarianism as its underlying ideology (Etzioni, 1997). Blair and Straw had not been politicians in the 1960s, when the egalitarian left had risen to prominence in the party. Blair, for example, made it clear that he saw the 1960s as a time when personal responsibility was lost and the difference between right and wrong was blurred (Rutherford, 2000). Within a year of Blair taking office as the leader of the Labour Party, moral communitarianism had been cemented into the Labour Party's constitution. The previous Clause 4, which had read, "[t]o secure for all the workers by hand or by brain the full fruits of their industry and the most equitable distribution thereof that may be possible upon the basis of the common ownership of the means of production, distribution and exchange, and the best obtainable system of popular administration and control of each industry of service" was replaced by a new one that read:

The Labour Party is a democratic socialist party. It believes that by the strength of our common endeavour we achieve more than we achieve alone, so as to create for each of us the means to realise our true potential and for all of us a community in which power, wealth and opportunity are in the hands of the many, not the few. Where the rights we enjoy reflect the duties we owe. And where we live together, freely, in a spirit of solidarity, tolerance and respect. (labour.org.uk/aboutlabour)

Moreover, as highlighted in section 3.1, Blair and Straw's interpretation of moral communitarianism differed little to those that described themselves as neoconservative communitarians (Faulkner, 2000; Rutherford, 2000). Appeal to the 'third-way' communitarian emphasis on the rights of individuals to collective support alongside the rights of the collective majority to a civil environment, and on the informal social controls of geographical communities, was drowned out by the neoconservative emphasis on being intolerant of any behaviour considered to be anti-social and a symptom of a lack of control, and quick resort to legal intervention. Shortly after being appointed Shadow Home Secretary, for instance, Blair wrote, "[i]t's a bargain – we give opportunity, we demand responsibility. There is no excuse for crime. None" (the Sun, 3 March 1993, quoted in Rutherford, 2000: 36). When asked which criminologists that had most influenced him, Jack Straw did not list a single person from the critical left (Rutherford, 2000).

The influence of the neoconservative approach to crime control on the Labour Party was patently laid out in proposals to introduce a community safety order, which unlike the injunctions that were to be introduced under the Housing Act 1996, would be available to protect homeowners (Home Office, 1997a; Hunter and Bretherton, 1998). The advantage that legal orders had over criminal prosecution was explained in the following terms:

Every citizen, every family has the right to a quiet life – a right to go about their lawful business without harassment, interference or criminal behaviour by their neighbours. But across Britain there are thousands of people whose lives are made a misery by the people next door, down the street or on the floor above or below. Their behaviour may not just be unneighbourly but intolerable and outrageous. A gang of youths, a criminal family, a group intent on racial harassment, or a lone drug user may act so selfishly as effectively to terrorise a neighbourhood. Law-abiding residents may be the victims of burglaries, thefts from and of vehicles, and intimidation in the form of threats, abuse, assaults, loud music or the use of aggressive dogs. The neighbours may often be at their wits' end, and so often are the police. To get the cases to court hard information within the rules of criminal evidence is required. But witnesses – other neighbours – are often intimidated into silence, and even when the cases get to court, the charges and the punishment rarely fit the crime [...] The proposals in this paper are tough and are designed to be. But, in our judgement, they are proportionate... (Labour Party, 1995: 1 and 2)

The boundary between neoconservative support for quick resort to law to retain sovereign control over disorderly areas and 'third-way' insistence that law be used only as a last resort had clearly been crossed. In expressing overwhelming support for the right of geographical communities not to tolerate civil nuisances as well as crime, and in proposing law enforcement to combat it, the Labour Party had also clearly breached the three areas of potential overlap between 'third-way' and neoconservative interpretations of communitarianism identified in section 2.3.5, concerning the balance between the rights of the individual and the rights of the community, formal and informal social controls, and due process and crime control. First, the proposed power was designed to make individuals responsible for their anti-social behaviour, with no corresponding obligation placed on the communities to provide individuals with the social stability that they need to prevent them from acting anti-socially in the first place. Second, the proposed power was designed to make individuals criminally responsible for their anti-social behaviour, and moreover not only as a result of anti-social behaviour being a problem in its own right, but also due to anti-social behaviour being a precursor to serious crime. The paper concluded that anti-social behaviour "can only get worse if those perpetrating such behaviour feel immune from the full vigour of the law" (1995: 8). Finally, the proposed orders would be available both as alternatives to criminal prosecution and where the behaviour was not prohibited under criminal law (1995: 9). Further, not only would it not be necessary for the behaviour complained of to be proven beyond reasonable doubt when the order was applied for, but unlike the Housing Act injunction it would not be necessary for the action to be brought by someone who had been a victim of it, allowing the police and local authorities to bring action as professional witnesses (Home Office, 1997a; Hunter and Bretherton, 1998).

Any illusion that the Labour Party was merely playing to the particularly punitive climate of the mid 1990s was quickly dispelled when the party won the general election of 1997. In his first major speech as Prime Minister, Blair repeated the party's pledge to moral communitarianism: "[t]he basis of this modern civic society is an ethic of mutual responsibility or duty. It is something for something. A society where we play by the rules. You only take out if you put in. That's the bargain" (quoted in Drakeford and Vanstone, 2000: 376). Blair and Straw's neoconservative interpretation of the problem of crime control was also reiterated, Blair for instance

writing that the criminal justice system is, “critical to the third way. It was essential for Labour to break free from the view that social considerations weakened personal responsibility for crime and disorder. Hence my call for a government that was ‘tough on crime and tough on the causes of crime’. New Labour is adopting this approach in government – electronic tagging of criminals and tough new laws against racial harassment; a £250 million crime prevention programme while imposing new sanctions on disorderly conduct” (quoted in Rutherford, 2000: 37).

With the change of government, cracks also began to appear in the insistence of the Home Office that legal intervention should be focused on serious crime, and that the ‘partnership approach’ was essentially a non-legal approach to crime control. The work of Sheradon Morris on the relevance of legal orders to crime control has already been noted (see section 4.2.1). The broader nature of this potential switch in Home Office policy on crime control was also reflected in papers on policing (Jordan, 1998) and the criminal justice system (Moxon, 1998). While criticising community policing as a whole for failing in its aim to involve the public in controlling their own environments, Jordan (1998) gave support to ‘zero-tolerance’ policing as a short-term means of dealing with anti-social behaviour. Prior to discussing sentencing, Moxon (1998) looked at the role of the police as the gatekeepers of the criminal justice system and the deterrent potential of police warnings and cautions. The author was most explicit on the issue of informal warnings, and made indirect reference to the ‘broken windows’ thesis:

[Informal warnings] are the lowest level of police action, and are sometimes used where the need for any police intervention is borderline. They have assumed more prominence recently, as incidents which the police might previously have overlooked may now result in low-level action as part of a ‘zero tolerance’ strategy... In the zero tolerance context informal warnings are one strand in a wider strategy which is designed to demonstrate to would-be offenders that even low-level misbehaviour will not be tolerated, thereby preventing escalation into more serious crime. (Moxon, 1998: 86)

The final nail in the coffin of the, by then, twenty-year-old established Home Office policy that crime prevention partnerships had emerged in response to a failure of the criminal justice system to control crime came with a paper on the contribution of the police to crime prevention partnerships (Hough and Tilley, 1998). The paper was

significant in a number of ways. Not only did it refer to law in the context of anti-social behaviour as well as serious crime, but it also included the use of legal orders alongside criminal law enforcement, and like Jordan (1998) referred to the term 'zero-tolerance' policing. Moreover, while the paper started off by questioning the ability of the criminal justice system to deter crime and explicitly recognised crime prevention as a distinct area of criminal policy separate to criminal justice, it nevertheless went on to promote "enforcement" as a third category of crime prevention alongside social and situational crime prevention. It was explained, "[t]here is evidence in support of the view that the policing of disorder can be part and parcel of the prevention of crime" (1998: 3). The authors had produced the paper in conjunction with a report by Her Majesty's Inspectorate of the Constabulary (HMIC, 1997), which likewise promoted the term 'zero-tolerance' policing, but quoted examples of intelligence-led policing of serious crime in support. The authors of the Home Office paper also focused heavily on serious crime in the examples they gave. Notwithstanding this, the very fact that the Home Office had made reference to crime prevention partnerships controlling anti-social behaviour through law lay in direct contrast to the vision of crime prevention that the Morgan working group had been informed by (see section 4.1.3).

4.3.2. 'Sidestepping Morgan'

In the short-term, however, it was far from clear that these developments in crime prevention thinking at the Home Office would be reflected in the approach that the Labour government would take to implementing the Morgan Report. While the Government made no attempt to rule law enforcement out of the equation, it did not actively promote it either. In September 1997, for example, the Home Office ran a workshop entitled What Works in Community Safety. The report on the workshop (Home Office, 1997e) remained silent on the direction that the Government envisaged that crime prevention partnerships should take. References were made to the subject matters dealt with in the workshop, none of which included legal intervention, but no analysis was made of the successes or failures of the workshop. Similar silence was to be found in a consultation document produced on the proposed Crime and Disorder Bill in the same month as the workshop (Home Office, 1997b), which focused on the

technicalities of inter-agency cooperation. No literature was uncovered during the course of this doctoral thesis that treated the new government's failure to set the parameters of crime prevention as a cause for concern. Indeed, the editors of a consortium of articles written by academics and pressure group leaders published shortly after the Crime and Disorder Bill was presented to Parliament went so far as to congratulate the Government on its proposals to finally implement the Morgan Report (Marlow and Pitts, 1998). Only three of the twenty articles contained in the collection made any reference to the 'enforcement approach' to crime control, none of which did so in order to express concern that legal intervention might have a serious role to play in crime prevention partnerships. The first of these articles, written by NACRO's representative on the Morgan working group covered in section 4.1.2 (Edwards, 1998), mentioned the use of criminal law enforcement and legal orders in order to stress how the 'enforcement approach' differed from the 'partnership approach'. The second of the articles, written by an academic who had conducted research into the Priority Estates Project of the Department of the Environment covered in section 4.1.2 (Hope, 1998) focused on the proposed community safety order, but expressed confidence that it would be used as an absolute measure of last resort. The last article, written by one of the supporters of the 'crisis of sovereignty' thesis covered in section 2.1.1 (Young, 1998c), focused on 'zero tolerance' criminal law enforcement, but made no reference to crime prevention partnerships at all.

This silence did not continue once the Crime and Disorder Act had been passed. Three documents were of particular relevance. The first (Home Office, 1999) provided guidance to crime prevention partnerships on implementation of the Act. Like Home Office (1997b), it focused on the technicalities of inter-agency cooperation. It went into far more detail, however, and gave numerous examples of such cooperation, including information exchange for criminal law enforcement and the serving and enforcement of legal orders (paras. 5.9 and 5.10). In the introduction to the document the Home Office stressed that it was not up to the Government to dictate how partnerships interpreted the term crime prevention, explaining, "[w]ithin reason, nothing is ruled out and nothing is ruled in" (para. 1.43). Nevertheless, the Home Office immediately went on to stress the availability of extended prison sentences for racially motivated crime (para. 1.44) and a need for measures to be taken to protect witnesses to crime so as to encourage the public to report instances of

anti-social behaviour (para. 1.45). These measures included anti-social behaviour orders and Housing Act injunctions.

The other two documents went further still. The first (Home Office, 1998a) provided guidance on the use of the new anti-social behaviour order. Two aspects of the document stood out. First was the overwhelming emphasis put on minor crime and civil nuisances in the examples given of conduct the orders would be suitable for:

where there is persistent unruly behaviour by a small group of individuals on a housing estate or other local area, who may dominate others and use minor damage to property and fear of retaliation, possibly at unsociable hours, as a means of intimidating other people;

where there are families whose anti-social behaviour, when challenged, leads to verbal abuse, vandalism, threats and graffiti, sometimes using children as the vehicle for action against neighbouring families;

where there is persistent abusive behaviour towards elderly people or towards mentally ill or disabled people causing them fear and distress;

where there is serious and persistent bullying of children on an organised basis in public recreation grounds or on the way to school or within the school grounds if normal school disciplinary procedures do not stop the behaviour;

where there is persistent racial harassment or homophobic behaviour;

where there is persistent anti-social behaviour as a result of drugs or alcohol misuse. (Home Office, 1998a: para. 3.19)

Second, the order was not described as a measure of last resort. In contrast to the previous proposal for the a community safety order, and in contrast to draft guidance that had been produced just a few months earlier (Home office, 1998c), the anti-social behaviour order was promoted as a “vital measure” in the Government’s vision of crime prevention, due to the need to prevent anti-social behaviour escalating into serious crime (para. 2.6). It was stressed that in many cases anti-social behaviour orders should be a measure of first resort (ibid.).

The second document to exhibit signs of the influence of the neoconservative interpretation of crime control was a manual produced for controlling crime in residential areas (Crime Concern, 1998). The role that legal intervention should play in the work of crime prevention partnerships was explored in detail. Eight pages were devoted to the issue, under the heading Restoring Law and Order. In the introduction to the section, it was explained:

Occasionally, levels of crime and disorder are so high that regeneration is not possible until the situation has been brought back under control... Even where law and order have completely broken down in a neighbourhood, it is crucial for the police to work with landlords and community organisations to tackle problems such as persistent offending, anti-social residents and witness intimidation. (Crime Concern, 1998: 44)

The manual recommended the use of both legal orders and criminal law enforcement, and recommended criminal law enforcement as a means of tackling both minor and serious crime. On the role of criminal law enforcement, it was explained:

If crime gets out of control, then vigorous police enforcement measures may be called for to 'reclaim the streets', restore public confidence and protect people's lives and property. High profile police patrols should target problem locations in sufficient strength to deter criminal activity. (Crime Concern, 1998: 45)

Injunctions were recommended, "where residents are feeling seriously intimidated... [and] to curb the activities of tenants who breach the terms and conditions of their tenancy" (1998: 47). Reference was made to the use of evictions and injunctions by London Borough of Hackney (see section 4.2.1). Anti-social behaviour orders were recommended where the behaviour complained of had been committed against an owner-occupier, in which case it has already been noted (in section 4.3.1), Housing Act injunctions were not available.

Once order had been restored to the area, the manual suggested that the emphasis on criminal law enforcement should lessen. However, it should not be dropped altogether:

Law enforcement... is a first stage tactic to stabilise a neighbourhood and create an ordered environment in which more preventative work is likely to succeed. In the longer-term, the police may wish to develop a 'problem-orientated' approach to policing high crime neighbourhoods. This will involve not just apprehending offenders, but developing a clear understanding of the root problems facing a neighbourhood and acting jointly with residents and other agencies to tackle them. (Crime Concern, 1998: 50)

Like the documents analysed on the estate projects of NACRO and the Department of the Environment (see section 4.1.2), primary emphasis was put on the informal social controls of geographical communities:

Residents play an important part in 'setting the tone' of a neighbourhood. Where crime and disorder are rife, law-abiding citizens may lose confidence and retreat to their homes. Yet ultimately, anti-social behaviour cannot be 'policed out' by the authorities acting alone and will depend on the collective expression of opinion about the standards of behaviour acceptable to the majority of residents. As the problems of the estate are tackled and brought under control, it is essential to find ways of drawing in and involving residents in setting and upholding new standards. (Crime Concern, 1998: 62)

Nevertheless, in contrast to the estate projects, it was assumed that law would continue to play an active part in support. It was explained, "[e]nforcement through informal local networks can sometimes be as successful as legal action... [However, when] all else fails, legal action should be pursued determinedly" (Crime Concern, 1998: 63).

To conclude this section, the driving force behind the emergence of crime prevention partnerships in 1970s and 1980s may have been loss of faith in the criminal justice system, but by the late 1990s the danger that crime prevention would become an extension of the criminal justice system was apparent in central government crime prevention policy. Crime prevention was clearly being promoted as a means of earlier and more intensive intervention into the lives of the marginalised. Not only did law, and in particular legal orders, lie at the centre of the Government's approach, but the target was almost exclusively conventional crime. No references were encountered to the right of different communities to set different boundaries between acceptable and non-acceptable behaviour, and while crime prevention partnerships were required to consult groups representing the particular concerns of women, youths and minority

ethnic groups in writing (listed in appendix two), no mention was made of consulting groups representing those that have been at the receiving end of authoritarian crime control. There was also plenty to suggest that earlier resort to law lay at the heart of the Labour government's vision of crime control. Even if it is possible to dismiss Blair and Straw's public statements on anti-social behaviour as punitive rhetoric, the same cannot be said of the government policy and research documents that surrounded implementation of the Morgan Report. No contradictions were found across any of the documents that suggested this might be the case.

4.4. Youth Justice

This chapter concludes with analysis of the influence of neoconservative communitarianism on youth justice. So far the chapter has focused on the effects of structural and political pressure for early (spatial) intervention into the 'criminal decline' of disorderly areas. In section 2.2.2 it was noted that parallel pressures to intervene earlier into the 'criminal careers' of disorderly people is reflected in a recent restoration of faith in the ability of the criminal justice system to correct the behaviour of youth offenders, by confronting them with the consequences of their actions and teaching them how to control themselves. The story of increasing resort to authoritarian crime control is not complete without reference to this development. Nor is the 'turn to the local' in crime control. It is no coincidence that crime prevention partnerships are proliferating in the western world at the same time as youth justice systems are being overhauled, or that in England and Wales both developments have been given recent statutory recognition, under the Crime and Disorder Act. Youth justice was included in the crime prevention strategies of all the crime prevention partnerships studied during the first stage of fieldwork research conducted for this doctoral thesis (see section 5.2.4).

The first central government document analysed to demonstrate influence of moral communitarian support for earlier intervention into 'criminal careers' was the White Paper Crime, Justice and Protecting the Public (Home Office, 1990). While the White Paper was concerned with promoting just deserts and incapacitation to the heart of

sentencing, at the expense of rehabilitation (see section 4.1.1), it did not rule out a need for correctional controls altogether. Rather, it shifted the focus of correction away from dealing with underlying causes of crime towards the moral communitarian emphasis on holding crime back. In its promotion of community penalties, for example, the White Paper stated, “[i]mprisonment makes it more difficult for offenders to compensate their victims and allows them to evade their responsibilities” (para. 1.12), while, “community sentences might prevent re-offending and allow for reintegration of the offender into the community” (para. 7.3). Elsewhere the White Paper spoke of community sentences allowing for “reparation to the victim” and “reform of the offender” (para. 2.9). Reparation would be given to the community through the offender doing unpaid work, and reform through a strengthening of the offender’s links to the community (paras. 4.4 and 7.12): Community sentences would not follow the old paradigm of rehabilitation that “imposed controls on them” (para. 2.6), but would aim to show the offender the errors of their ways, and teach him or her “self discipline and motivation” (ibid.). It was explained:

Many offenders have little understanding of the effect of their actions on others. Compensation and community service can bring home to offenders the effect of their behaviour on other people. The probation service tries to make offenders face up to what they have done, to give them a greater sense of responsibility and help them resist pressures from others to take part in crime. (Home Office, 1990a: para. 2.6)

The moral communitarian emphasis on responsibility and ‘self-regulation’ was repeated in the context of youth crime. Here emphasis was put on the importance of parental responsibility:

Crime prevention begins at home... parents can, and should, help them to develop as responsible, law-abiding citizens [...] When effective family control is lacking, children are more likely to grow up without self-discipline and a concern for others. They are more likely to commit crimes. Loving authority is crucial in a child’s development [...] The strength of parents’ influence varies with their children’s age... What is needed are arrangements which allow parents’ diminishing responsibility for their children’s behaviour as they grow older to be balanced by placing increasing responsibility on the young people themselves. (Home Office, 1990a: paras. 8.1-8.3)

The White Paper went on to recommend that courts should be more stringent in ordering parents to pay fines, compensation orders and court costs on behalf of their convicted children in order to “bring home to them the reality of the consequences of their children’s behaviour and the implications for their own actions” (para. 8.8). Finally, it was announced that judges would be expected to increase the use of their power to bind parents over to prevent their children from re-offending (para. 8.9).

The emphasis put on criminalising the parents of youth offenders stood in contrast to the rest of the White Paper. As noted in section 4.1.1, the underlying rationale behind the White Paper was to reduce reliance on law enforcement and punishment in crime control. However, this policy of later legal intervention into ‘criminal careers’ came under increasing attack in the mid 1990s. The two most significant government publications on youth crime of the period were the Home Office study *Young People and Crime* (Graham and Bowling, 1995) and the Audit Commission report *Misspent Youth* (Audit Commission, 1996a). In typical moral communitarian fashion, both publications ignored any link between deprivation and crime, treating them instead as two symptoms of inadequate socialisation. In the light of an extensive self-report survey, the Home Office study for instance, boldly asserted that any relationship between social class and offending disappeared once the influence of parenting and education were accounted for. Families, schools and communities, both publications emphasised, were potent forms of social control that should be harnessed to the criminal justice system. The Audit Commission report went on to discuss the role of youth services, housing departments and post-school employment training schemes. Only when the subject of substance abuse was raised did the report drop its insistence that the problem of crime was a problem of disorder. It was concluded:

Understanding right and wrong is a major determinant of behaviour. When asked why they don’t steal, most young people said ‘because it is wrong’. Learning to be responsible is an important part of growing up and ceasing to be engaged in antisocial behaviour... Preventing youth crime is the responsibility of a wide range of agencies and individuals. Parents have the first and most important role in ensuring that their children grow up to respect authority and to be concerned about the wellbeing of others. Public agencies... can help them in this task [...] The criminal justice system and other support services should be component parts of a system for enforcing authority and providing positive opportunities. In this way, the cycle of

antisocial behaviour can be broken and young people helped to achieve their potential and play a full part in society. (Audit Commission, 1996a: paras. 148 and 150)

The Labour government continued this moral communitarian approach to youth justice. Like its proposals on crime prevention partnerships, the Labour Party's vision of youth justice was clearly stronger informed by neoconservative than 'third-way' interpretations of moral communitarianism (Muncie, 2002a; Newburn, 1998; Piper, 1999; Pitts, 2001). Shortly after the general election of 1997, the Home Office announced sweeping reforms to the youth justice system in the White Paper *No More Excuses* (Home Office, 1997c). In the introduction to the White Paper, Home Secretary Jack Straw gave unequivocal support for the need for earlier legal intervention to make offenders face up to their social responsibility not to interfere with the rights of others before they get set in their ways:

Today's young offenders can too easily become tomorrow's hardened criminals. As a society we do ourselves no favours by failing to break the link between juvenile crime and disorder and the serial burglar of the future. For too long we have assumed that that young offenders will grow out of their offending if left to themselves... An excuse culture has developed within the youth justice system. It excuses themselves for their inefficiency, and too often excuses the young offenders before it, implying that they cannot help their behaviour because of their social circumstances. Rarely are they confronted with their behaviour and helped to take more personal responsibility for their actions. The system allows them to go on wrecking their own lives as well as disrupting their families and communities... All those working in the youth justice system will have a principal aim – to prevent offending... [through] nipping offending in the bud, to prevent crime from becoming a way of life for so many young people. (Home Office, 1997c: 2-3)

The findings of Graham and Bowling (1995) and Audit Commission (1996a) were given substantial coverage. "A life of crime", the White Paper started in distinctive moral communitarian manner, denies youths "the opportunity to develop into fully contributing members of society" (Home Office, 1997c: 3). Emphasis was likewise put on a need to control the behaviour of offenders rather than provide for their social welfare. "Concerns about the welfare of the young person", the White Paper claimed, "have too often been seen as in conflict with the aims of protecting the public, punishing offenders and preventing offending" (para. 2.1). "The Government", it continued, "does not accept that there is any conflict between protecting the welfare

of a young offender and preventing that child from offending again. Preventing offending promotes the welfare of the individual young offender and protects the public” (para. 2.2).

Intervention was required from as early as possible in people’s ‘criminal careers’ “to halt their offending before it escalates” (para. 1.13). Youth crime would be tackled through the setting up of multi-agency youth offending teams. The objective of the teams would be to prevent offending through: “the swift administration of justice...; confronting young offenders with the consequences of their offending...; encouraging reparation...; reinforcing the responsibilities of parents; and helping young offenders to tackle problems associated with their offending and to develop a sense of personal responsibility” (para. 2.9). The significance of the reference to helping young offenders to tackle problems associated with their offending should again be accentuated. The White Paper did refer to a number of positivist-based welfare and treatment programmes, but its essential vision was undoubtedly a moral communitarian and moreover a neoconservative one of correcting people through making them responsible, morally and legally, for the consequences of their behaviour. The White Paper’s overriding preference for correcting anti-social behaviour through focusing on the foreground aspects of crime was explained in the following punitive terms:

To respond effectively to youth crime, we must stop making excuses for children who offend. Of course there are social, economic and family factors which affect the likelihood and the nature of youth crime. But understanding this helps us to comprehend, not to condone, youth crime. As they develop, children must bear an increasing responsibility for their actions, just as the responsibility of parents gradually declines but does not disappear – as their children approach adulthood. (Home Office, 1997c: para. 4.1)

“Swift administration of justice” applied both to plans for quicker processing of persistent youth offenders through the criminal justice system (para. 7.17) and to plans to introduce a reprimand and final warning scheme, the latter of which would result in a statutory duty for the police to refer offenders to youth offending teams the second time they were arrested and to charge them upon their third arrest (para. 5.12). These plans, as Brownlee puts it, presented, “clear evidence of a shift away from Labour’s earlier ideological commitment to non-stigmatizing, non-punitive responses

to offending behaviour towards an approach more firmly rooted in notions of deterrence through punishment” (1998: 315). The objective of quicker processing of persistent youth offenders was laid out in the introduction to the White Paper: “[d]elays in the youth justice system can frustrate and anger victims and give young offenders the impression they can offend with impunity” (1997: 4). The objective of the proposed reprimand and final warning scheme was explained in a consultation document that preceded the White Paper (Home Office, 1997d) in almost identical wording.

“Confronting the offenders with the consequences of their offending” and “helping youth offenders develop a sense of personal responsibility” would be achieved through: giving youth courts the power to allow the names of convicted young offenders to be released to the public (para. 4.2); abolishing the legal presumption that 10-13 year-olds do not have the necessary understanding of the consequences of their actions to be held criminally liable (para. 4.5); mentoring (para. 8.14); the introduction of anti-social behaviour, sex offender and child safety orders (para. 4.11); the introduction of curfew schemes for under 10s; and restorative justice schemes, in which offenders would be subject to group conference meetings with their victim and volunteers from their local community, and be expected to give reparation to the victim such as an apology, monetary compensation, and repair of any physical damage they had caused (para. 4.13). Restorative justice would be facilitated through: the final warning scheme; the introduction of a new reparation order (para. 4.14) and an action plan order (para. 4.16); and the inclusion of reparation as a requirement of existing supervision orders (para. 4.15).

The final strand of the strategy, parental responsibility, would be reinforced through the introduction of a parenting order “designed to help and support parents to control the behaviour of their children” (1997c, para. 4.11). The White Paper quoted research that claimed training parents in how to negotiate with their children through “sticking to clear rules and rewarding good behaviour” would halve the offending rate of youth offenders (para. 4.8). Parenting orders would be made available when a parent had been convicted of failing to get one of their children to school or when one of their children had been made the subject of an anti-social behaviour order, sex offender order, or child safety order (para. 4.11).

The proposals were all implemented in the Crime and Disorder Act and (in the case of the reprimand and final warning scheme) the Youth Justice and Criminal Evidence Act 1999. The police, local authorities, probation service and health authorities were given a statutory duty to set up youth offending teams alongside crime prevention partnerships. The most striking feature of the reform of the youth justice system was the unequivocal support that it gave to early intervention into 'criminal careers'. It was, however, its relationship to 'the turn to the local' in crime control that made the reforms of particular relevance to this thesis. Developments in the youth justice system of England and Wales, like developments in crime prevention partnerships, are progressing as a result of partnership between the police and other government and non-government organisations. The emergence of crime prevention partnerships to deal with the spatial management of crime has, in other words, been just the first strand of the dispersing of responsibility for crime control from the state. The second strand has been partnership in correcting the behaviour of youths that have been arrested for minor crime. The links between the two strategies were formally recognised in guidance provided on the Crime and Disorder Act. The Home Office guidance produced on implementation of the Morgan Report (see section 4.3.2), for instance, recommended that those setting up crime prevention partnerships should include youth offending teams among their partners (Home Office, 1999: paras. 1.24 and 1.35), though this message was not repeated in guidance produced by the Local Government Association (NACRO and Local Government Association, 1999). The relationship between youth offending teams and crime prevention partnerships was also recognised in *No More Excuses* (Home Office, 1997c: para. 8.8), the consultation document that preceded it (Home Office, 1997d: 3), guidance later produced for the setting up of youth offending teams (Home Office, 1998b: paras. 16-25), and in the central government guidance on the policing of anti-social behaviour discussed in the section 4.3.2 (Crime Concern, 1998: 11). Cooperation between crime prevention partnerships and youth offending teams was moreover required when parenting orders are served alongside anti-social behaviour orders (Home Office, 1998b: para. 4.11; and later, Home Office, 2003a: 22-24).

The relationship between developments in youth justice and the 'turn to the local', as noted in section 2.2.2, is to be found primarily in the growing use in western youth

justice systems of mentoring, parent training and restorative justice, which in theory at least, rely on offenders correcting themselves, with the aid of acquaintances rather than professionals. Mentoring received scant attention in *No More Excuses*, which is not surprising considering the relative unobtrusiveness of its methodology in comparison to parent training and restorative justice, and the underlying punitive nature of the White Paper. Parent training and restorative justice, on the other hand, were emphasised throughout. Here the neoconservative interpretation to the dispersal of crime control to the public was clear to see. First and foremost, parent training and restorative justice were promoted in highly punitive language (cf. Hill and Wright, 2003). Indeed, when the parenting order was originally proposed (in Labour Party, 1996a) the neoconservative language of 'tough love' behaviour control was already clear (McLaughlin, 2002; Newburn, 1998). Restorative justice, on the other hand, had been introduced to the criminal justice system of England and Wales in 1995 as an alternative to prosecution by the police (Dignan, 1999; Muncie, 1999). However, now, just a year later, it was being proposed that restorative justice be used within a system designed to make sure that offenders would be prosecuted rather than cautioned.

Second, no faith was shown in the right of families to set standards of acceptable behaviour. The state was to retain full control of the direction that correctional practices should take. No mention was made of local populations being consulted on the issue. Guidance later produced on parenting orders (Home Office, 2000), for example, was explicit on the need for state experts to define the types of behaviour a parent might be required to enforce, and included a list of examples of the types of behaviour youth offending team officers might choose from (para. 5.7 – cf. Home Office et al., 2004: para. 2.9). Parents, in other words, were to be trained to enforce state-defined standards of order.

Finally, little faith was shown in the ability of communities to enforce the standards set either. The need for state intervention was primarily premised in a need to enlist the population in aiding the state, and not *visa versa*. In the case of restorative justice, emphasis was put on the participation of the victim and wider local community, but not associates of the offender.

4.5. Implications

When it came to the control of conventional crime, early legal intervention was not a questionable objective in the political discourse and policy guidance surrounding implementation of the Crime and Disorder Act in England and Wales. As Drakeford and Vanstone put it, “[t]he cheats and frauds of the benefits system, the neighbours-from-hell... and the persistent burglars and muggers... represent the point at which the administration has shown itself willing to employ directly criminal justice sanctions to deal with the social problems which [the undeserving poor] bring in their wake” (2000: 377). In this chapter it has been seen that on the balance between the rights of individuals and minorities and the rights of the collective majority, and between formal and informal social controls, on the whole national crime prevention policy sat on the neoconservative side of the moral communitarian fence, emphasising not only responsibility, but criminal responsibility for anti-social behaviour, and moreover edging closer and closer towards a presumption of criminal responsibility for anti-social behaviour (see section 2.3.5). Emphasis was put on social liability rather than social duty, on responsibility for supporting the state in the control of anti-social behaviour, and on removing the legal obstacles that stand in the way of the effective control of anti-social behaviour. Government policy on the ‘turn to the local’ in crime control demonstrated stacks of prospect for a ‘widening of the net’ of social control against the marginalised, and was premised on a vision of crime control in which the criminal justice system played a major role.

It has been seen that it is as much with the depth of change to the youth justice system of England and Wales as with implementation of the Morgan Report that any pretence in national crime prevention policy that the ‘turn to the local’ remained a non-legal approach to crime control was lost. While crime prevention partnerships allowed for earlier and more intensive intervention into the lives of the marginalised as a whole, reform to the youth justice system allowed for earlier and more intensive intervention into the lives of individual offenders. Anti-social behaviour was presented as an indicator of the start of both the ‘criminal decline’ of areas and the ‘criminal careers’ of the people that frequent or reside within them. As emphasised throughout chapter two, despite the broad movement towards ‘governing at a distance’ in post-industrial

western societies, there is growing political, economic and social need for law enforcement, both in the interests of retaining sovereign control over territory, and as means of deterring and denouncing crime. These observations are returned to in section 6.2.

Policing Anti-Social Behaviour in London

This chapter presents the findings of the second phase of empirical research conducted during the course of this thesis. It assesses a total of twenty-six crime prevention policies, twenty-three covering London boroughs, and three more localised crime prevention policies within the borough strategy in City of Westminster. Like the empirical research on national crime prevention policies (analysed in chapter four), the object of the research on local policies was to explore the potential for crime prevention partnerships in England and Wales to become institutions of authoritarian crime control. This was likewise addressed through investigating whether structural and political pressure on the local to become a site of earlier and more intensive intervention into the lives of the marginalised is reflected in crime prevention policies. The research question addressed during empirical research was examined in section 3.2. It was explained that the research was designed to address whether the weaknesses in the model of crime control adopted in moral communitarian literature on crime control are reflected in national and local crime prevention policies. Six weaknesses were identified from the literature review. To repeat the summary of the research question given in the introduction to chapter four, these related to the emphasis that moral communitarianism puts on controlling conventional rather than non-conventional crime, controlling anti-social behaviour as well as serious crime, managing offenders as well as supporting offenders and dealing with their motivations for crime, managing crime back through law enforcement as well as physical and social security, and enforcing civil and public as well as criminal laws; and doubt that crime prevention partnerships are sufficiently localised to allow 'top down' pressures to be resisted 'on the ground'.

In chapter four it was seen that the potential for the local to become a site of authoritarian crime control came to the fore in guidance produced by the Government on implementing the Crime and Disorder Act 1998. As explained in section 3.2, the

object of extending the empirical research from national crime prevention policies to local crime prevention policies was to allow for a vertical study of the effect of structural and political trends in crime control on crime prevention. The point was made that while those forming policies for local partnerships are likely to be influenced by national crime prevention policies as well as macro ideologies, at the same time they make decisions affecting the particular areas they work and live in, and so are likely to be influenced by their interpretation of local needs as well as the needs of society as a whole. Furthermore, in comparison to national crime prevention policy making, there is a greater chance that the voices of youths, marginalised communities, and practitioners that work 'on the ground' and interact with local youths and marginalised communities on a day to day basis will be heard.

The empirical research on local crime prevention policy was conducted in three stages. These are outlined in sections 3.2 and 3.3.2. To summarise the key points that were made about the methods used to obtain empirical data. The first and latter stages of research, conducted in January 1998 and April 1999, involved postal surveys of London boroughs. Information was requested on formal cooperation between local authority departments and the police in crime prevention in their borough, and any related crime audits and documents on consultation with the public. The documents that were received as a result of the surveys of London boroughs are listed in appendix one. In the first survey, documents were acquired from nine authorities. A further thirteen boroughs indicated that they did not have crime prevention policies. Twelve local authorities did not reply. All of the nine authorities that were involved in crime prevention partnerships included copies of their crime prevention policies. Five boroughs also provided crime audits. Five boroughs also provided information on public consultation, though insufficient data was provided on the types of organisations or individuals that had been consulted to allow for any meaningful conclusions to be made. The documents that were received during this survey are analysed in section 5.1. In the second survey, documents were received from twenty-one of the thirty-three London boroughs. All but three included copies of crime audits and public consultation documents as well as their crime prevention policies. These documents are analysed in section 5.2. As will be seen, the quantity of documents received during the second survey allowed for detailed analysis of all aspects of the research question. Not only was it possible to draw conclusions on the approach to

crime prevention taken by twenty-one partnerships, but these partnerships covered local authority areas with a wide range of political and socio-demographic features. For example, thirteen of the partnerships were in boroughs controlled by the Labour Party, six controlled by the Conservative Party, and one by the Liberal Democrat Party. Population figures recorded in the 1991 census ranged from 154,000 (Kensington and Chelsea) to 331,000 (Croydon), while minority ethnic populations ranged from five percent (Bromley) to forty-five percent (Brent), and levels of unemployment ranged from six percent (Bexley) to twenty percent (Hackney). Finally, crime figures recorded by the Metropolitan Police in 1995/6 ranged from 75 per 100,000 residents (Barnet) to 384 (Westminster).

The second stage of the research, conducted between July 1998 and April 1999, involved fieldwork in Westminster. The fieldwork focused on: collecting crime prevention documents from organisations represented on groups (the steering groups) formulating policies for the partnership's borough strategy and for three pilot projects covering a police sector and two housing estates; observations of steering group meetings, public consultation events, and meetings of individual organisations represented on the groups; and interviews with individual practitioners and residents that had attended meetings. The object of analysing the borough crime prevention strategy was two-fold: to provide a detailed illustration of what the future of the 'turn to the local' in crime control might entail if it moves in an authoritarian direction, and to serve as an aid to interpreting the data obtained from other partnerships in London, and during fieldwork on the three pilot projects in Westminster.

5.1. Crime Prevention in the Mid 1990s

The first point that needs to be made concerning the first survey of crime prevention partnerships in London is that the majority of the documents expressed holistic visions of crime control. Four partnerships (Brent; Croydon; Haringey; Harrow) made no reference whatsoever to criminal law enforcement or legal orders, while two other partnerships mentioned them only in the context of prostitution (Tower Hamlets) or racial harassment (Sutton; Tower Hamlets). Moreover, the documents of these six

boroughs were broadly humanitarian in emphasis. In their discussion of youth crime, for example, focus was put as much on children's vulnerability as potential victims as on their vulnerability to becoming involved in crime, and as much emphasis was put on correctional controls as spatial controls, including welfare-orientated correctional controls such as education and training. Of the six partnerships, three provided definitions of the parameters of 'community safety', none of which referred to law enforcement:

Community safety incorporates physical measures to reduce the opportunity to commit crime, and social measures to reduce the causes of crime. (Haringey)

We use the term "community safety" as being concerned with: addressing the causes of crime and criminal behaviour; understanding and reducing the fear of crime; improving physical security and reducing the opportunities for crime; supporting victims of crime; working with perpetrators of crime to prevent further crimes. (Croydon)

The strategic group will develop strategies aimed at providing a balanced portfolio of community safety initiatives, some short-term, some long-term, including both social and situational measures... (Harrow)

One surprising finding was that five of these six partnerships (Croydon; Haringey; Harrow; Sutton; Tower Hamlets) focused almost exclusively on serious crime. Terms such as anti-social behaviour, disorder, nuisance, incivility and 'quality of life crimes' were not mentioned, and while the term harassment was encountered in several of the documents, it was not used outside the context of racially motivated crime. One of the partnerships (Sutton) used the term 'zero tolerance', but in the context of domestic violence rather than anti-social behaviour. This use of the term 'zero tolerance' reflected its original use by local authorities in Scotland in the early 1990s (see e.g. the Guardian, 25 October 1994).

The apparent rejection by these partnerships of the moral communitarian emphasis on 'defining anti-social behaviour up' as a problem of crime was reflected in an absence of reference to the 'third-way' emphasis on the informal social controls of geographical communities. This was also the case with the sixth of the partnerships not to advocate law enforcement (Brent). Most interesting of all, the partnership did

so despite implicit reference to the purported link between anti-social behaviour and serious crime. It was explained that it was important to focus on anti-social behaviour in order to maintain “an attractive and orderly environment”, as:

... the physical appearance of a neighbourhood can affect the behaviour of people in that neighbourhood e.g. if an area is covered in graffiti, abandoned cars, fly posters and rubbish, then this will encourage further deterioration of the area and create a climate of neglect and fear among residents.

However, despite referring to the fear of crime, the partnership went on to restrict its analysis of the means of achieving an attractive and orderly environment to physical security, including rapid clean-up of graffiti, removal of abandoned cars, and repair of damaged property by housing and environmental health departments, and “neighbourhood pride clean ups” by the public. The partnership’s interpretation of the ‘broken windows’ thesis was, in other words, limited to its most basic point: that poorly maintained physical environments send out the message that an area is not worth caring for. This interpretation of the ‘broken windows’ thesis formed the basis of the original experiment that Wilson and Kelling (1982) based their analysis of the link between anti-social behaviour and serious crime on, in which a car was left apparently abandoned to see whether it would eventually be vandalised (see section 2.3.4). The experiment had been designed to test the link between crime and the spatial regulation of potential enticements to crime, and not the link later investigated by Wilson and Kelling between crime and the spatial regulation of potential offenders. In section 4.1.2 it was explained that it is the latter, offender-orientated interpretation of the thesis that lies at the heart of the potential for crime prevention partnerships to become authoritarian institutions of crime control.

As emphasised in section 3.3.3, in the absence of further empirical research it is not possible to conclude that the six partnerships were influenced by an awareness of the weaknesses of the model of crime prevention that had been developed through the Home Office and the estate projects of NACRO and the Department of the Environment in the 1980s (see sections 4.1.1 and 4.1.2). Nonetheless, the observation that the strategies of six of the nine partnerships analysed did not include law enforcement in their analysis of disorder control, and that five did not even promote a

need to control anti-social behaviour at all, stood in complete contrast to each and every post-Morgan national crime prevention document reviewed for chapter four (see sections 4.2 and 4.3).

The approach taken by two of the three partnerships that gave space for an authoritarian approach to crime control (Bexley; Hackney; Lewisham) was equally surprising. Two (Hackney and Lewisham) identified law enforcement as the primary response to anti-social behaviour. Both based their approach on the ‘broken windows’ thesis, Hackney, for example, explaining:

Anti-social behaviour is not necessarily a contravention of the law, but is behaviour which is outside ‘commonly held standards’... These problems are not simply annoying but can affect the quality of life, add to the general fear of crime or can lead to threatening situations between neighbours. Research has indicated links between anti-social behaviour and levels of residential crime. Visible signs of neighbourhood deterioration have a negative effect on perceptions of safety, affect people’s relationships with one another and can create an environment where crime can thrive.

In true moral communitarian fashion, the partnership went on to explain that law enforcement was needed to “restore a sense of belonging and control” to the public. The partnership did not promote criminal law enforcement. Instead, it gave pride of place to the ability of the housing department to evict “troublemakers”.

Lewisham was less explicit on the purported connection between unchecked anti-social behaviour and serious crime, but was just as clear on the need to resort to law in residential areas with high levels of “disorder and antisocial behaviour”:

... we will investigate strategies for taking effective action against the perpetrators of minor crime and persistent nuisance. This will be a long-term piece of work, but we hope to be able to generate some measurable reductions in both antisocial and criminal behaviour in residential areas quite rapidly using a combination of both police and council powers.

The crime prevention documents of Hackney and Lewisham therefore stood in sharp contrast to those of Brent, Croydon, Haringey, Harrow, Sutton and Tower Hamlets. The potential for the local to become a site of authoritarian crime control was clearly

evident in the vision of crime prevention was laid out by the two partnerships. Not only did their crime prevention documents 'define anti-social behaviour up' as a problem of crime, but they prioritised law enforcement over physical and social security as the most appropriate means of responding to anti-social behaviour.

5.2. Implementing the Crime and Disorder Act

In the second survey of London boroughs, five partnerships (Camden, Lewisham, Merton, Wandsworth and Westminster) put law enforcement on a par with physical and social security. Four partnerships (Camden; Merton; Wandsworth; Westminster) stood out as promoting criminal law enforcement as well as legal orders. Of the other partnerships, nine (Barnet; Bromley; Hammersmith and Fulham; Harrow; Hillingdon; Kensington and Chelsea; Newham; Richmond; Tower Hamlets) focused on physical and social security, but nonetheless emphasised that law enforcement should play a role in the control of anti-social behaviour. Seven partnerships (Brent; Enfield; Greenwich; Haringey; Hounslow; Redbridge; Southwark) did not promote criminal law enforcement or legal orders in the context of anti-social behaviour beyond the limited context of racial harassment. Enfield and Greenwich stood out as the only partnerships not to promote law enforcement as a means of controlling anti-social behaviour at all. Finally, in contrast to the decision of fourteen of the twenty-one partnerships to promote law enforcement in the context of conventional anti-social behaviour, only three partnerships (Hillingdon; Hounslow; Tower Hamlets) included mediation schemes.

Only six partnerships gave definitions of 'community safety'. Of these, four referred directly or indirectly to law enforcement, two of which came from the partnerships that had put most emphasis on law:

Our definition of community safety is and always will be broad. We see it including all action which protects citizens from the criminal or anti-social behaviour of others and enables them to pursue and obtain the fullest benefits from their lives without the fear or hindrance of crime and disorder. (Camden)

Our long-term plan of action, is based on tackling the underlying causes of crime such as deprivation and poor life chances, family breakdown, truancy and social exclusion. But it also includes, in the shorter term, taking firm and effective action to deal with those who commit crime and introducing measures to improve security, such as the use of CCTV cameras. (Lewisham)

The other two definitions of community safety came from partnerships that had given law enforcement a secondary role in crime prevention:

The objectives contain a strategy mix embracing enforcement, both situational and social crime prevention, and support of the criminal justice system. (Kensington and Chelsea)

The approach adopted is derived from audit conclusions that a strategy aimed at substantive crime reduction must aim to put in place an integrated programme which balances short term crime reduction with longer term prevention aimed at addressing the underlying causes of crime and disorder in local communities... action to improve the management and policing of the built environment, work to prevent re-offending and longer term investment... (Southwark)

The following review of the content of the documents obtained from the partnerships is divided into six sections. The first, The Problem of Disorder, is concerned with the representation of crime in the audits. The next two sections, The Problem of Disorder Control and Early Intervention into Criminal Areas, explore the relevance of law enforcement to the partnerships' visions of crime control, as presented in the audits and also in the strategies eventually formed. The fourth section, Early Intervention into Criminal Careers, explores the relevance of the (authoritarian) control of individual offenders to the partnerships' visions of crime control. It focuses on the approach partnerships took to implementing the provisions in the Crime and Disorder Act on the setting up of youth offending teams, and the proposed introduction of the reprimand and final warning scheme in the Youth Justice and Criminal Evidence Bill. The fifth section, Policing Anti-social Behaviour in Westminster, presents the findings of the first aspect of the fieldwork conducted during the course of this doctoral thesis. The last section, 'Preaching to the Converted', deals with the approach that the partnerships took to consultation with local residents.

5.2.1. The Problem of Disorder

Two points need to be made concerning the representation of crime in the audits produced by the partnerships. First is the overwhelming emphasis put on conventional crime. There were a couple of exceptions to this. Levels of racial harassment were given by many partnerships, most from official statistics, but some from complaints to housing departments. Further, many partnerships provided data on levels of domestic violence from official statistics. However, few went on to analyse what was being done about racial harassment and domestic violence. Moreover, in the case of domestic violence, none gave figures from complaints to social service departments or to voluntary support groups. As Saraga (2001) stresses, the extent of domestic violence is notoriously underestimated in official statistics. Of more importance still, no data was provided on white-collar crime by any of the partnerships. Nor did a single partnership provide data on complaints of excessive or discriminatory use of power by government institutions. With little exception, the problem of crime was presented as a problem of conventional crime.

Second is the representation of the nature of the problem of conventional crime by the partnerships. All based their vision of crime control on the moral communitarian view that anti-social behaviour should be 'defined up' as a problem of crime. This was evident in a number of characteristics again common to the audits of the partnerships as a whole, regardless of the emphasis they put on law enforcement. First, most partnerships divided 999 calls between those that related to serious crime and those that related to anti-social behaviour, emphasising the moral communitarian view that the problem of crime is a problem of disorder. Second, levels of fear of crime were quoted from the latest annual residents survey conducted by the Association of Local Government to cover their borough, this time emphasising the moral communitarian view that fear of crime is as important an area of concern as crime itself. Third, police statistics were generally broken down between adult and youth offenders, emphasising the moral communitarian view that the problem of crime is largely a problem of youth. Finally, rates of truancy and exclusion were quoted alongside levels of youth deprivation, emphasising the neoconservative communitarian view that anti-social behaviour and deprivation are both symptoms of inadequate socialisation.

Aside from these similarities, there were significant differences in the way that the partnerships presented the problem of crime in their boroughs that corresponded to the extent that they promoted law enforcement for the purpose of controlling anti-social behaviour. For instance, each of the seven least authoritarian partnerships gave equal weight to youth victimisation as youth crime. Hounslow, for example, included the results of a victimisation survey of 600 school children. Of equal significance, none of the seven partnerships provided data on complaints of anti-social behaviour to housing or environmental health departments. Furthermore, while all of the partnerships emphasised the effect of fear of crime on people's quality of life, none did so in the context of anti-social behaviour.

The danger of the 'partnership approach' resulting in the local becoming a site of authoritarian crime control was clear to see in the audits of the five most authoritarian partnerships, however. For example, three (Camden; Westminster; Wandsworth) quoted data from numerous sources to highlight the effect of anti-social behaviour on people's quality of life. Westminster, for instance, quoted figures on the number of noise complaints received by its environmental health department, the number of reports of illegal street trading for which prosecution had been recommended, and "incidences of anti-social behaviour" recorded by park managers. Wandsworth gave figures on bye-law infractions and the incidences of graffiti, litter, fly posting and abandoned cars that had been dealt with. Unlike Westminster, Wandsworth did not provide figures on complaints of anti-social behaviour to its housing or environmental health department, but stressed that protocols for collecting such data needed to be developed. Merton did not provide any statistics on anti-social behaviour, but emphasised that youth crime and disorder was more of a problem in the borough than in London as a whole.

5.2.2. The Problem of Disorder Control

The punitive presentation of crime in the audits produced by Camden, Lewisham, Merton, Westminster and Wandsworth was equalled by the authoritarian presentation of crime control in the crime prevention strategies that followed. Here, four aspects of the documents analysed are of particular importance to the potential for the

'partnership approach' to become an extension of the 'enforcement approach' of the criminal justice system: the lack of precedence given to dealing with the underlying causes of anti-social behaviour, the emphasis put on public reporting of anti-social behaviour, the apparent focus on delivering the 'enforcement approach' to crime control through highly localised partnerships, and the emphasis put on resorting to legal orders as well as (or more often instead of) criminal law enforcement.

The first issue concerns the emphasis put on holding back anti-social behaviour. This related not only to the relative priority given to physical security and law enforcement over social work, but also the types of social work that were advanced. When social work was promoted in the context of anti-social behaviour, more emphasis was put on managing offenders rather than dealing with the underlying causes of their anti-social behaviour. With the exception of supporting residents' groups and neighbourhood watch groups (covered in a moment), discussion of the role of social workers centred almost exclusively on the issue of youth disorder. Typical initiatives included the provision of summer leisure schemes, the use of outreach youth workers, citizenship programmes in schools, and the reduction of truancy and exclusions from school. On the whole, the more authoritarian partnerships put less emphasis on social work as a whole, and where they did include social work, they were less likely to include initiatives designed to deal with the underlying causes of crime alongside initiatives designed to keep potential offenders away from criminal temptations and under supervision, mirroring the findings on the pre Crime and Disorder Act partnerships studied. Three of the five most authoritarian partnerships failed to include social work in their discussion of anti-social behaviour at all outside the context of residents' and neighbourhood watch groups. Of the two that did, one (Lewisham) only referred to existing central government schemes operating in the borough that aimed to increase educational and employment opportunities.

Second, all of the partnerships referred to public involvement in crime control, and consistent with the emphasis put on the spatial control of anti-social behaviour, all but three partnerships referred to collective action by geographical communities through residents or neighbourhood watch groups. Seven partnerships (Bromley; Hammersmith and Fulham; Kensington and Chelsea; Lewisham; Richmond; Wandsworth; Westminster) emphasised a need to encourage the public to report

incidences of anti-social behaviour to the police and local authority housing departments, while another three (Brent; Hounslow; Redbridge) did so in the specific context of racial harassment. Five (Bromley; Lewisham; Merton; Wandsworth, Westminster) went on to include provisions for witness protection. Westminster gave most detail on this 'eyes and ears' approach:

There are 1,642 police officers in Westminster. We are exploring ways to strengthen this number by using council officers as additional eyes and ears on the street to report crime and nuisance problems. The council employs 5,451 people, so this could make a big difference. However, the figure is small when the number of residents living in Westminster is considered – 212,300. For every police officer there are 129 residents, who can all help by reporting crime and nuisance problems...

Wandsworth likewise stressed the role that neighbourhood watch could play in the "reporting of graffiti and vandalism". The community safety officer at Wandsworth boasted that the borough was the only one in London with local authority support for neighbourhood watch schemes, and that the partnership aimed to have 1000 schemes in operation by the end of 1998 (field notes, 30 April 1997).

Indeed, more partnerships promoted the neoconservative emphasis on recruiting the population as the 'eyes and ears' of state social control than the 'third-way' emphasis on recruiting the population as the 'oars' of the state. Only four (Bromley; Hillingdon; Hounslow; Southwark) referred to direct public involvement in offender-orientated crime control. The influence of the 'third-way' communitarian vision of non-authoritarian crime control was evident among these four partnerships. Hillingdon, for instance, wrote of the need to "reduce crime and disorder [in public areas], utilising measures including re-design and treatment of the physical environment, bringing it more under the control of residents". Detail was not given on how residents might control their spatial environments, however. Bromley, Hounslow and Southwark were more specific, and devoted whole sections of their crime prevention strategies to the issue, under the headings Strengthening Communities (Southwark), Strengthening Local Communities (Bromley) and Increasing Community Involvement and Reducing the Fear of Crime (Hounslow). Like Hillingdon, the three partnerships emphasised the need to embolden the public by building up residents' groups. Each focused primarily

on the role that neighbourhood watch plays in informal social control. Bromley was most specific:

Local communities and the people who live in them have a major part to play in keeping their localities safe and free from anti-social behaviour. Neighbourhood watch enables local people to get together and keep their neighbourhoods safe.

None were among the five most authoritarian partnerships. It was not surprising that Camden, Lewisham, Merton, Westminster and Wandsworth did not promote the informal social controls of geographical communities. As emphasised in section 2.3.5, the neoconservative vision of crime control expresses little faith in the right or ability of the public to set and enforce standards of acceptable behaviour. That just four of the other partnerships did not go on to do so was unexpected, however. Like the silence on the issue in pre Crime and Disorder Act strategies, it was possible that partnerships were aware of the weaknesses of the 'third-way' communitarian model of crime control. However, it was not possible to come to any concrete conclusion with the data to hand. Just as important as the absence of reference to the informal social controls of geographical communities was the failure of partnerships to provide detail on the role that residents and neighbourhood watch groups were to play in crime control, in other words the absence of detail on what else, other than acting as the 'eyes and ears' of the state, residents' and neighbourhood watch groups were being encouraged to do. Enfield was the only partnership to emphasise the role that geographical communities play in crime control, stressing the need to "empower the community" to take responsibility for its physical environment. This would be achieved through the setting up of "resident teams" to clean up graffiti and repair vandalised property. It was explained, "[c]rime is just one among a host of inter-related problems that impact quality of life issues. We are committed to working with local people to address specific local crime problems, nuisance and other factors that combine to make areas 'unattractive', and affect 'quality of life'".

The influence of moral communitarian interpretations of crime control on the majority of the partnerships studied was also apparent in the second issue focused on in this section. Six partnerships (Bromley; Enfield; Greenwich; Lewisham; Merton; Westminster) included more localised crime prevention strategies within their

borough strategies. Three (Lewisham; Merton; Westminster) were among the five most authoritarian partnerships, but two (Enfield; Greenwich) were among the seven partnerships not to promote an authoritarian approach to crime control at all. Critically, Lewisham, Merton and Westminster promoted law enforcement in equal measure as their borough strategies. This had not been anticipated by the review of national crime prevention policy. Although the Government had provided guidance on implementation of the Crime and Disorder Act that promoted resort to law on disorderly housing estates (see section 4.3.2), law enforcement had only played a minor role in the estate projects of NACRO and the Department of the Environment in the 1980s (see section 4.1.2). In the discussion of the estate projects, the point was made that while crime prevention partnerships are more likely to become sites for the realisation of just and inclusive criminal policy the more localised they are, it remains imperative that they are run by institutions with non-authoritarian visions of crime control. What had not been anticipated was that localised strategies might be just as authoritarian as borough ones.

The significance of this failure to find an inverse pattern between the inclusion of localised crime prevention initiatives partnerships and authoritarian crime control was reinforced by two other factors. The first was that two of the three partnerships to include strategies as localised as individual housing estates (Lewisham; Westminster) were also among the most authoritarian of boroughs. Second was that these two partnerships appeared to have chosen to include localised crime prevention strategies as a consequence of their decision to take an authoritarian approach to crime control. The partnership at Lewisham explained:

...victims of anti-social behaviour in residential areas told us they wanted more action taken against offenders... Our Housing and Disorder Groups will provide a forum for decision making between partners in respect of obtaining Anti-Social Behaviour Orders, Child Curfews, Child Safety Orders, Parenting Orders and other legislation... Victim surveys and victim support groups will be used to encourage reporting of incidents, enable the gathering of evidence against persistent perpetrators and to provide support to isolated victims so that they feel able to go to court... We will target those estates with the worst problems.

The partnership at Westminster was less explicit. Unlike other boroughs, Westminster planned to produce localised strategies covering the whole of the borough as well as

targeted housing estates. This has already been explained (see section 3.2). The part of the document that introduced the proposal explained only that “[e]ach area of Westminster experiences different crime and nuisance problems”. The link between local strategies and law enforcement was made clear in the part of the strategy that dealt with anti-social behaviour in residential areas. Law enforcement would focus on tackling “crime and nuisance problems... identified by the local community safety plans”. This message was reinforced when the partnership explained its support for an ‘eyes and ears’ approach to crime control. The extract from the proposals quoted earlier in this section finished with the words “...and by participating in Neighbourhood Watch schemes and local community safety plans”.

The last point that needs to be focused on concerning the emphasis that partnerships put on authoritarian crime control is the priority given to legal orders over criminal law enforcement. As noted in section 5.2, only four partnerships (Camden; Merton; Wandsworth; Westminster) mentioned the police power of arrest in the context of anti-social behaviour, compared to nineteen that included the use of legal orders. Moreover, little attention was given to criminal law enforcement in comparison to legal orders. Merton referred to criminal law enforcement in the specific context of youth disorder (covered in section 5.2.4), while Camden only made a brief reference to “the arrest and detection of perpetrators [of anti-social behaviour]”. Westminster’s reference to criminal law enforcement was only made in the specific context of advertising sexual services in telephone boxes. Finally, the only clear reference to criminal law enforcement in the context of anti-social behaviour made by Wandsworth was an “enforcement strategy to prevent aggressive cycling on footpaths”. It also promised a “campaign to crack down on traders using the highway to display vehicles for sale, registered keepers of abandoned vehicles and owners of untaxed vehicles”. Such commercial activities are, in theory, criminal offences, but as noted in section 4.2.1, may also attract abatement notices available under the Environmental Protection Act 1990 and the Town and Country Planning Act 1990. To repeat a point made in section 2.2, it is the use of legal orders as weapons of crime control rather than criminal law that poses most danger to the egalitarian vision of the ‘turn to the local’ in crime control. Not only does the incorporating of legal orders into criminal policy bring with it the resources of

institutions not traditionally associated with the criminal justice system, but it allows for the punishment of behaviour not traditionally covered by criminal law, and under evidential procedures that traditionally fall below those required by the criminal courts.

While it is important to get a feel for the range of legal orders promoted, it is not necessary to go into depth on which targets they were advanced for at every borough. Most focused on injunctions, evictions and anti-social behaviour orders, though a number included the use of abatement notices, and several partnerships also included separate sections on the use of legal orders to deal with racial harassment, reflecting the approach taken by the estate projects of the 1980s run by NACRO (see section 4.1.2). Wandsworth and Westminster took the most extensive approaches. Westminster referred to using abatement notices, injunctions and possession orders against council tenants. Wandsworth promised, among other things, the maintenance of a “vigorous, high-profile approach to tackling noise nuisance, making full use of publicity through the media”, to “further develop eviction procedures, including the use of anti-social behaviour orders, for tenants convicted of drug dealing and/or involved in anti-social behaviour”, and to “review existing approach to tackling abandoned vehicles to explore whether further powers are available, particularly with regard to being able to pursue registered keepers for the cost of removal and disposal”.

5.2.3. Early Intervention into Disorderly Areas

Three more issues remain to be dealt with in order to fully explore the potential that the research on individual crime prevention partnerships in London revealed for the local to become a site of authoritarian crime control. The first two concern the extent partnerships based their promotion of (primarily civil and public) law enforcement with the need for early intervention in mind. This section explores the extent that law enforcement was promoted under the ‘broken windows’ thesis. It serves as a continuation of the issues for analysis identified in the introduction to section 5.2.2. The chapter then moves on to explore whether law enforcement was also promoted as

a means of controlling individual offenders. The final section looks at the means that the partnerships used to consult the public on their audits of crime and crime control.

Of the five most authoritarian partnerships, two (Merton; Wandsworth) made direct or indirect reference to the 'broken windows' thesis. Merton's was short and indirect. It stated the claims made under the thesis that there is a link between anti-social behaviour and fear of serious crime, and that areas with high levels of anti-social behaviour tend to also be areas of high rates of serious crime, but it did not explain how fear of crime is purported to reduce the ability of the public to control their spatial environments, or how unchecked anti-social behaviour is purported to result in areas 'spiralling into criminal decline'. Wandsworth's adherence to the 'broken windows' thesis was clearer. On the issue of the fear of crime, particular alarm was expressed on begging and drinking in public:

While the numbers of those involved is relatively small, [begging and drinking in public] give rise to a fear of crime on the part of the general public... [They] are thought to give an unquantifiable perception on the part of visitors that these areas are unsafe or "going downhill"... There is a need to address the issues both to achieve a reduction in fear of crime and to enhance the attractiveness of the locations concerned.

And on the link between anti-social behaviour and serious crime, it was explained:

Quality of life crime problems in local areas may be associated with, or lead on to, threats or crimes of violence. There is work to be done to ensure that [these concerns] are picked up at an early stage by all agencies that could be in a position to take action.

Camden, Westminster and Lewisham, on the other hand, treated serious crime and anti-social behaviour as different areas of concern. Anti-social behaviour was not referred to in the context of serious crime, and serious crime was not referred to in the context of anti-social behaviour. Westminster mentioned the link between fear of anti-social behaviour and serious crime, but only to stress that anti-social behaviour gave people the perception that serious crime was higher in the area that it actually was.

Three of the other nineteen partnerships to give some space in their crime prevention strategies for law enforcement (Hillingdon; Hounslow; Richmond) demonstrated that they had done so with the ‘broken windows’ thesis in mind:

Neglected and vandalised areas can allow a fear of crime to develop, which discourages people from venturing out with confidence. Frequent gatherings of noisy and unruly groups can also be intimidating. If allowed to persist unchecked, these elements result in a climate where criminal behaviour occurs routinely and communities endure a poor quality of life. (Hillingdon)

Disorder and nuisance affects the quality of life of the people of Hounslow and contributes to crime and the fear of crime. (Hounslow)

There are a number of actions, which, while not criminal, if not curbed, can engender an environment where crime can flourish. Anti social behaviour, such as vandalism and nuisance can become threatening and escalate into crime, as well as leading to deterioration in the fabric of the local environment, giving greater opportunities for crime and increasing the fear of crime. (Richmond)

Finally, one other partnership (Newham) mentioned the issue of fear of serious crime in the context of focusing law enforcement on anti-social behaviour, but like Westminster did so in order to make the point that anti-social behaviour gave a false impression of levels of serious crime:

In many aspects, anti-social behaviour and nuisance strongly influence perceptions of the scale of crime problems in residential areas more than the more serious types of crime because of its “visibility” – particularly in relation to criminal damage, groups of disruptive young people hanging about and anti-social neighbours.

In total, then, five partnerships based their vision of authoritarian crime control on a need to prevent disorderly areas becoming areas with high levels of serious crime, two of which were among the most authoritarian, but one of which (Hounslow) was among the least authoritarian. These indirect references to the ‘broken windows’ thesis were not unexpected, considering the fact that the thesis had been at the heart of both the estate projects of the 1980s (see section 4.1.2), much local government advice on the development of crime prevention partnerships in the mid 1990s (see section 4.2.1), and central government guidance on implementation of the Crime and

Disorder Act (see section 4.3.2). Nevertheless, they gave further weight to the strength of the conclusion that on the whole the crime prevention partnerships studied in London were showing dangerous signs of moving towards the neoconservative emphasis on early law enforcement, to facilitate and supplement the informal social controls of the public before areas become so disorderly that residents lose control of them altogether.

5.2.4. Early Intervention into 'Criminal Careers'

The last aspect of the crime prevention strategies relevant to the potential for 'the partnership approach' extending rather than acting as an alternative to the 'enforcement approach' of the criminal justice system is the extent that law enforcement was promoted in the context of intervening early into the 'criminal careers' of individual offenders.

All of the partnerships included central government plans to intervene earlier into the 'criminal careers' of youth offenders in their crime prevention strategies. As noted in section 4.4, this was the result of the police and local authorities being given a joint statutory obligation under the Crime and Disorder Act 1998 to set up youth offending teams as well as crime prevention partnerships. The object of introducing youth offending teams was to administer an incoming reprimand and final warning scheme, under which the right of the police to repeatedly caution youth offenders was to be replaced with a system which would subject youths to voluntary supervision upon their second arrest, and to swift prosecution and obligatory supervision upon their third arrest if they pleaded guilty and were given a community penalty.

In section 3.3.3 it was pointed out that it was not always possible to draw concrete conclusions from the documents studied. In a few cases, the partnership did little more than state that they would be implementing the youth justice provisions of the Crime and Disorder Act. In other cases, detail was given on what the reforms were designed to achieve, but this was mostly paraphrased and at times directly quoted from the White Paper that had proposed the legal and policy changes (Home Office, 1997c), or else from central government guidance on the setting up of youth offending

teams that was subsequently produced (e.g. Home Office, 1998b). Of importance was that all but one of the partnerships that conclusions could be drawn from (Enfield, returned to in section 5.2.7) demonstrated support for the central government message that youth offenders needed to be prosecuted earlier in their criminal careers in order to ‘nip their criminal careers in the bud’. This included the five most authoritarian partnerships. Merton was clearest, explaining, “[t]here are public concerns about [youth] involvement in disorder and anti-social behaviour. We are more likely to be successful in diverting young people from crime than adults, and the benefits will be longer-lasting”. As noted in section 5.2.2, Merton went on take the radical step of promoting increased resort to criminal law enforcement in the context of minor youth crime. It promised to take “swift and effective enforcement action against young offenders”, through “intelligence-led policing operations”.

The final point of note is the recognition of the Government’s focus on managing youth offenders rather than dealing with the underlying issues that led them to offend in the first place. Most partnerships did not describe the work of youth offending teams, but of those that did, reference was made to restorative justice, mentoring and parent training, though not to cognitive behavioural therapy. Westminster, for example, wrote that it would “use reparation so that young offenders understand the consequences of their actions, [and] involve parents and carers in taking responsibility for their children’s offending”. This, of course, was not unexpected considering the lack of emphasis that the partnerships had likewise put on offenders’ welfare in the context of crime prevention.

5.2.5. Policing Anti-Social Behaviour in Westminster

Before looking at the approach that the partnerships took to public consultation, it is useful to pause for a moment to take a more detailed look at the approach to controlling anti-social behaviour taken by Westminster. It has already been explained that the extended research on the borough strategy at Westminster served two purposes. The first was to illustrate what the ‘turn to the local’ in crime control is likely to entail if, as the review of national crime prevention policy warned that it has the potential of doing, it results in the legal powers of local authorities being

incorporated into criminal policy. The second purpose was to enable the researcher to gain a deeper understanding of inter-agency cooperation in crime control and the culture of the different organisations involved. This served as a useful aid to interpreting the data obtained on the other crime prevention partnerships in London, and also the data obtained through fieldwork on the police sector and estate partnerships in Westminster.

To summarise the main findings of the second survey of London boroughs so far, the potential for the local to become a site of authoritarian crime control was evident in the crime prevention documents of fourteen of the twenty-one partnerships reviewed. The audits were predominantly concerned with conventional crime, and 'defined anti-social behaviour up' as a problem of crime. The crime prevention strategies were more concerned with managing anti-social behaviour as dealing with its underlying causes, included law enforcement as well as physical and social security, and focused on the serving of legal orders by local authorities as well as the use of criminal law enforcement by the police. On the role to be played by geographical communities, the strategies were more concerned with the public reporting anti-social behaviour than becoming involved in managing anti-social behaviour themselves. Furthermore, the emphasis put on law enforcement did not diminish when the partnerships turned their attention to crime prevention in individual council wards or on individual housing estates. Of particular significance, five of the strategies based their vision of authoritarian crime control on the claim made in the 'broken windows' thesis that high levels of anti-social behaviour is a strong indicator that an area will in the future have high levels of serious crime. Finally, just one of the partnerships questioned the wisdom of central government plans to introduce a reprimand and final warning scheme to enable earlier entry into the criminal careers of individual youth offenders. The overall picture was one of a moral communitarian approach to crime control, at times edging dangerously towards the neoconservative vision of authoritarian crime control.

It has also been seen that Westminster shared most of the moral communitarian traits of the average crime prevention partnership in London studied, and generally exceeded them. Like most of the other partnerships, it focused on managing conventional crime and disorder, and like a number emphasised a need to encourage the public to report anti-social behaviour to the police and local authority housing, and

included provisions for witness protection. It also included the police power of arrest alongside legal orders, and included police sector and estate strategies, which it intended would take as authoritarian an approach to crime control as the borough strategy. This section explores these points in more detail, and introduces further aspects of the partnership's neoconservative approach to crime control that were not apparent in its audit and strategy.

In April 1998 City of Westminster Policy and Resources Committee met to discuss the local authority's approach to implementing the Crime and Disorder Act. Its existing crime prevention strategy, written in 1994, had identified three aims: "reducing fear of crime, designing out crime... and preventing criminality through education and diversion" (City of Westminster Director of Policy and Regeneration, 1998a: para. 5.1). The chief executive's department announced to the committee that managers from each local authority department had met with the police and had agreed a new two-point joint objective to:

Reduce crime, disorder, nuisance, and the resulting fear that people experience... [and develop] practical actions and enforcement measures which concentrate on local concerns. (City of Westminster Director of Policy and Regeneration, 1998c: para. 7.3.)

The report went on to discuss cooperation between the police and local authority under three headings: Enforcement, Designing out Crime, and Youth Offender Teams. On the need for law enforcement, it was explained:

Both the police and the council have powers to enforce against forms of crime, disorder and nuisance. By working together, these powers can be used more effectively and make best use of resources available [...] The police will be closely involved in working with the council to share data and intelligence relevant to enforcement activity... (City of Westminster Director of Policy and Regeneration, 1998c: paras. 7.15 and 7.17.)

Furthermore, the emphasis of the new approach would be anti-social behaviour rather than serious crime. It was explained:

It is important to note that the approach being developed for community safety planning is explicitly seeking to address many of the nuisance and enforcement issues that are sometimes not seen as 'crime'. It is clear that residents and businesses do not make this distinction, and that the impact of nuisance and disorder are major contributors to fear of crime [...]

Community safety planning will therefore provide an opportunity for the council to develop joint action with the Police to address nuisance and disorder issues. (City of Westminster Director of Policy and Regeneration, 1998c: paras. 6.4 and 6.5)

Besides the emphasis put on anti-social behaviour and law enforcement, two further aspects of the research question taken into this doctoral thesis can be read into these words. First, emphasis was put on the right to set the boundaries of acceptable behaviour that fell below the standards set under criminal law. Second, this right was said to exist not only because of the right for the public to enjoy the environment they live in, but also because of the fear of more serious crime that anti-social behaviour reminds people of their vulnerability too. In this chapter it has been seen that these two aspects of the moral communitarian vision of crime control were apparent in a number of the other crime prevention strategies in London, but that unlike Westminster, most had stood gone on to make the claim from the 'broken windows thesis' that unchecked anti-social behaviour not only causes fear of serious crime, but that fear of serious crime weakens the informal social controls of geographical communities that prevent anti-social behaviour from escalating into serious crime.

The final aspect of the proposals of relevance to the research question was the emphasis that the report put on tailoring crime prevention to the needs of different areas within Westminster. These proposals were outlined in City of Westminster Director of Policy and Regeneration (1998c), but only one observation was made that added to those made on the published borough strategy in section 5.2.2. This is returned to in a moment.

A Community Protection Sub-Committee was set up by the council to oversee implementation of the Crime and Disorder Act. In its first report to the committee (City of Westminster Director of Policy and Regeneration, 1998b), the chief executive's department explained that "waging war on crime and nuisance" had become one of the council's five "corporate aims". The report focused on cooperation between the police and local authority in law enforcement. Emphasis was put squarely on the incoming anti-social behaviour order.

Indeed, the weight that the partnership attached to law enforcement was reflected in all the other documents acquired during fieldwork. Unlike the partnership's crime

prevention strategy (covered in section 5.2.2), the documents generally put equal emphasis on criminal law enforcement as the use of legal orders. In its first report on the progress of law enforcement within the crime prevention strategy, for example, the chief executive's department informed the Community Protection Sub-Committee:

High visibility Police and Council enforcement operations were conducted along the Edgware Road to deter illegal street trading, windscreen washers, carding, night café infringements, begging and short term letting. (City of Westminster Director of Policy and Communications, 1999d: para. 3.2)

The committee was also informed that in the previous three months, thirty-five criminal prosecutions had commenced against 'carders' and that eleven injunctions had been obtained. In the previous month, ninety-nine abatement notices and sixty fixed penalty notices had been served in response to noise nuisance, following the setting up of a twenty-four-hour response team, and breach proceedings were being considered in five cases. Criminal prosecution or injunctions were also being considered for a further twenty-nine 'carders' and a company for fly tipping. Finally, the partnership was considering applying for an anti-social behaviour order in the case of a 'squeegee merchant' and prosecuting twelve others under criminal laws (City of Westminster Director of Policy and Communications, 1999d).

This mixture of legal orders and criminal law enforcement was duplicated in the two meetings of the Community Protection Sub-Committee observed during fieldwork, and in all the documents obtained both during fieldwork and through contact retained with the three police and community consultative groups in the borough after the fieldwork ended. In a later progress report on law enforcement produced by the chief executive's department, for example, it was reported:

Joint action is now taking place on a programmed basis with Police and Council officers working together on targeted enforcement blitzes. The first of these took place on 8 December focusing on aggressive begging and nuisance in hot spot areas. Illegal street traders were targeted later in December... Further blitzes took place later in January to tackle prostitutes' cards, squeegee merchants and aggressive begging and a full programme for

2000 is being developed. (City of Westminster Director of Policy and Communications, 2000b: para. 4.1)

This time the report went on to explain that a total of thirty-four 'carders' were considered for criminal prosecution in 1999, and that the partnership was considering applying for injunctions for six 'carders'. 238 street traders were being considered for criminal prosecution, and contempt proceedings had commenced against two that had breached injunctions. Nineteen abatement notices had been served against companies for fly posting. Finally, three 'squeegee merchants' had been successfully prosecuted, while the cases against nine others had been dropped, as they were under ten years old. Like the previous enforcement update, the document did not give any detail on the operation against begging. However, included with the document was a letter written by the head of the Central London Police Division explaining that twenty-two arrests had been made (letter dated 23 December 1999).

Two further points need to be made about the partnership's approach to law enforcement. First, most of the examples of law enforcement uncovered related to anti-social behaviour in commercial rather than residential areas, and commercial rather than leisure activity. It has already been seen that this aspect of Westminster's 'enforcement approach' received little attention in its published crime prevention strategy, and that Wandsworth was the only other partnership studied in London to mention law enforcement in the context of commerce (see section 5.2.2). However, this did not necessarily indicate that other London boroughs might also have, like Westminster, decided not to mention areas of law enforcement in their published strategies. The partnership in Westminster covered the centre of London, which has five times as many people entering it for work or pleasure each day than it has residents (City of Westminster, 1998a).

Second was the absence of reference to law enforcement in the context of residential disorder other than the use of abatement notices in the progress reports to the Community Protection Sub-Committee. This was not a pattern repeated elsewhere. It has been seen that the use of injunctions and eviction orders against council tenants was highlighted in the crime prevention strategy (see section 5.2.2). Other documents produced by the chief executive's department made similar references (e.g. City of

Westminster Director of Policy and Communications, 1999g). Furthermore, the partnership drew up a protocol on applying for anti-social behaviour orders (see City of Westminster Director of Policy and Communications, 1999f), and was introducing a covert mobile CCTV system to provide evidence for the application and enforcement of civil orders on housing estates (see City of Westminster Director of Policy and Communications, 1999b, 1999e and 2000a).

Guidance had also been recently drawn up for housing officers on how to deal with complaints of residential disorder in general (City of Westminster Housing Department, 1998g) and youth disorder in particular (City of Westminster Housing Department, 1998a). The guidance was accompanied by individual documents on, among other legal issues, cooperation with the environmental health department in the use of abatement notices to deal with noise (City of Westminster Housing Department, 1998e), Housing Act injunctions (City of Westminster Housing Department, 1998d), possession orders (City of Westminster Housing Department, 1998d), professional witnesses (City of Westminster Housing Department, 1998k), hearsay evidence (City of Westminster Housing Department, 1998i), exchanging information on disorderly residents with the police (City of Westminster Housing Department, 1998c), and the use of the incoming covert mobile CCTV system (City of Westminster Housing Department, 1998h). In the case of injunctions, the following three examples of past action were presented:

In October 1997 Maida Vale obtained Westminster's first injunction with a power of arrest using new powers under section 152 of the Housing Act 1996. The case involved the ex-boyfriend of a tenant who had threatened to kill other residents and burn the block down. The team were called out by residents to a serious disturbance and were able to witness for themselves these events. On the basis of this the team obtained an interim injunction to keep the ex-boyfriend away from the estate. The date for the full hearing was arranged in mid October. Two days before the hearing the ex-boyfriend was spotted on the estate by a member of the estate team. He reiterated his threats and was asked to leave. He returned later and was again seen by residents threatening and being abusive. An injunction was granted by the judge with a power of arrest.

In November 1997 Bayswater obtained an injunction – again under section 152 – with the power of arrest against a resident living in a converted Victorian house who had threatened another resident in the same house. The action was taken very swiftly – the day after the

incident had occurred – with the victim giving evidence of what had happened. The team were also able to use evidence from the police of their involvement.

In May 1997 Grosvenor Estate Office obtained an “undertaking” from a tenant not to cause “any discomfort, inconvenience, nuisance or annoyance” to his neighbours by using “abusive or threatening language and / or behaviour”. The tenant agreed to be bound by the undertaking until full trial of the matter. To date – November 1997 – the tenant has kept to the terms of the undertaking. (City of Westminster Housing Department, 1997f: 7-8)

The data was obtained following interview with the author of the documents, who ‘played up’ the future use of legal orders:

Six injunctions were obtained last financial year [1998/9], compared to none the year before. Two were Housing Act injunctions that included the power of arrest... As a result of the Housing Act, all tenants are now put on a one-year probationary period... an intelligence support unit was set up last year for covert surveillance... The new anti-social behaviour order is available for anyone over ten, but Housing Act injunctions are only suitable for people over eighteen. The Community Protection Sub-Committee approved a protocol written for the use of anti-social behaviour orders on the 31st of March and we have been looking at cases where they might be appropriate since the 1st of April. (Field notes, 21 April 1999)

However, on closer inspection it was not so clear that the housing department shared the same enthusiasm for law enforcement as the chief executive’s department. On the whole, the advice given to housing officers was far from punitive, promoting law enforcement only when informal resolution of residential disputes had failed. For example, the document instructing officers how to deal with a complaint of anti-social behaviour started off with the words, “[e]veryone has the right to enjoy life in their own way providing they do not cause a nuisance to other residents. Some people may respond to simply being reminded that they have caused a nuisance. On the other hand a good neighbour should understand the different lifestyles of others” (City of Westminster Housing Department, 1998g: para. 2). The document on possession orders started off with the words “[y]ou should only consider possession proceedings when all other avenues have been explored” (City of Westminster Housing Department, 1997d: para. 1). Possession proceedings, it was insisted, were to be treated only as a last resort, and injunctions were to be considered as an emergency

measure when a dispute had escalated to the point where violence had been used or threatened, or as a precursor or alternative to eviction. The document on the use of professional mediators made it clear that mediation should be used prior to legal action in all cases of non-racial harassment and any complaint that did not concern criminal offences (City of Westminster Housing Department, 1998j). Just one of the documents contradicted the non-authoritarian message of the documents taken as a whole. The document on youth disorder (City of Westminster Housing Department, 1998a) looked at criminal law enforcement, evictions, and the incoming anti-social behaviour order before looking at non-legal measures. It was a factual rather than a policy document, however, and did not go beyond advising officers on the options that were currently available to them and would become available under the Crime and Disorder Act.

The tentative conclusion that legal orders were, on the whole, regarded by the housing department as a measure of absolute last resort was supported by interview with the head of the department, who did not refer to them at all (field notes, 18 April 1999). It was also supported by other documents acquired during fieldwork. For example, a seven-page summary of the department's performance in 1997/8 (City of Westminster Housing department, 1998l) made no reference to anti-social behaviour, let alone legal orders. The lack of concern shown to anti-social behaviour was also reflected in the department's business plan for 1998/9 (City of Westminster, 1998b), which included a section on anti-social behaviour, but did not set any policy on the means that should be used to deal with it. A pilot project that had been set up to look at the use of covert surveillance and professional witnesses was mentioned, but so too was a pilot project looking at the possibility of mediation services being made available on individual housing estates. The housing department set a total "nuisance budget" of £200,000, compared to a "security budget" totalling £1.65m. Finally, and most significantly, the emphasis put on delivering the partnership's 'enforcement approach' through localised strategies on police sectors and housing estates in Westminster's published borough strategy was not repeated in the document. Nor, indeed, was it repeated in any documents obtained during fieldwork on the borough strategy. When the published borough strategy was re-assessed it was noted that the head of the housing department was identified as the lead officer in the section on the police

sector and estate strategies, while an officer from the chief executive's department was identified as the lead officer in the section on residential disorder.

In the absence of evidence to the contrary, it could not therefore be concluded that the depth of enthusiasm for law enforcement expressed by the author of the policy advice to housing officers should be taken as representing the vision of the housing department as a whole. It may even be the case that the views she expressed had been influenced by the exceptional nature of the interview. This was the only interview during fieldwork to specifically address the issue of law enforcement. As emphasised in section 3.3.3, it was possible that the interview had been contaminated by the research participant's expectations of what the interviewer wanted to hear.

The final issue that needs to be dealt with in this section is Westminster's approach to youth justice. Westminster was chosen as a national pilot for youth offending teams, and had set up its team in October 1998, six months before most other district councils and metropolitan boroughs had a statutory duty to do so. The most important documents obtained during fieldwork were its youth justice plans 1999/2000 and 2000/1 (City of Westminster, 1999a and 1999b), and a progress report to the Community Protection Sub-Committee made a year after the youth offending team was set up (City of Westminster Director of Social and Community Services, 1999). Westminster was not one of the partnerships to explore the introduction of the reprimand and final warning scheme in detail its crime prevention strategy (see section 5.2.4). However, the documents acquired during fieldwork were unequivocal in their understanding and support for the authoritarian nature of the central government reforms. The objectives of introducing youth offending teams were described as being to allow for earlier supervision of offenders (City of Westminster Director of Social and Community Services, 1999), but also "to reduce crime and the fear of crime and their social and economic costs... [through] challenging [youths'] offending and addressing any other area of their life felt to be a risk factor", and "to dispense justice fairly and efficiently and to promote confidence in the rule of law" (City of Westminster, 1999b: para. 3.1).

The fieldwork on the borough strategy at Westminster provided a vivid illustration of what the 'turn to the local' in crime control could entail if legal orders become a

feature of crime prevention. The borough's 'enforcement approach' to commercial disorder was more developed than its 'enforcement approach' to residential disorder, but there was plenty of evidence that those at the top of the hierarchy had every intention of developing the latter as well.

5.2.6. 'Preaching to the Converted'

The last issue that needs to be dealt with concerning the crime prevention strategies in London is the approach that partnerships took to public consultation. There was much evidence of extensive consultation. First, most of the partnerships referred to sending copies of their audits to non-government as well as government organisations. In addition, five partnerships (Hounslow; Merton; Newham; Sutton; Wandsworth) held open public meetings. A sixth partnership (Camden) used a citizen's panel made up of 1,500 residents, while another (Hammersmith and Fulham) was in the process of setting a citizen's panel up. Most significant of all, focus group meetings were used by eleven partnerships (Camden; Enfield; Haringey; Hounslow; Kensington and Chelsea; Lewisham; Merton; Newham; Redbridge; Sutton; Wandsworth), while another (again, Hammersmith and Fulham) was planning to do so in the future. Haringey's approach appeared to be the most extensive. Meetings were held with ten groups, including young people, black people, refugees, lesbians and gay men, and residents from two areas with high crime rates. Further detail on the approach to consultation taken by the crime prevention partnerships in London is provided in appendix two.

The significance of focus groups was demonstrated by the experience of Kensington and Chelsea. The main concerns raised by the audit were presented to the groups, who were then left to discuss their own experiences without direction from project coordinators. One was held at a youth club. Among the participants, police harassment was a larger concern than being victims of crime. Rather than increasing law enforcement, the youths suggested increased emphasis on providing facilities to keep youths off the estate walkways during the late evening and at the weekends. Similar concerns came out of meetings held with children at a children's home and a school. Further, a meeting held with residents of Moroccan descent identified racial

harassment by the police and confrontation between the police and young people to be of equal concern to conventional crime and disorder. Again, discussion of possible solutions did not centre on law enforcement, but on leisure facilities, education and welfare support. Finally, a meeting was held with four females in contact with Chelsea Women's Aid. Here, discussion centred on the response of the police, council and health authority to domestic violence.

However, these findings were countered by the fact that just four of the other partnerships to use focus group meetings (Hounslow; Kensington and Chelsea; Lewisham; Redbridge) included meetings with youths. These partnerships did not include any of the five that subsequently produced the most authoritarian strategies. Furthermore, besides Kensington and Chelsea, detail was provided by just five partnerships (Bromley; Hammersmith and Fulham; Harrow; Lewisham; Redbridge) on the concerns that had been raised during the process of consultation. Of these five partnerships, four indicated that consultation had helped shape the strategies subsequently produced, though in the case of Lewisham this only extended to the partnership's decision on which areas to focus crime prevention initiatives on, and in the case of Redbridge to the less than convincing decision to add street crime and disorder to its list of priorities. The general lack of detail raised serious question over the extent that the views expressed during consultation were taken into account. Two other factors add weight to this conclusion. The first comes when the visions of crime control presented in the audits are compared with those presented in the strategies. Nineteen partnerships provided information on both their audits and strategies. Of these, no significant differences of approach were found between the two documents of any of the boroughs. Second, just five of the twenty partnerships that provided copies of their strategies referred to consultation with the public continuing once the strategies had been implemented. Of these, four did not plan to look beyond existing police and community consultative groups.

The fieldwork that was conducted on the borough strategy at Westminster certainly did not raise grounds for optimism. No oral consultation was conducted. Of around 700 government and non-government organisations sent copies of the audit, less than one in seven replied (City of Westminster Director of Policy and Communications, 1999a), though as shown in appendix two, boroughs that contacted a wider range of

groups had even smaller response rates. Of more importance, the non-government organisations contacted did not include youth groups. Nor did they include minority ethnic groups, which represented twenty-three percent of the local population (City of Westminster, 1998a). A summary of the audit was made available in libraries with a comment sheet for return (City of Westminster Director of Policy and Regeneration, 1998b), and a summary of the crime prevention strategy was distributed to all households once it had been finalised in April 1999 (Westminster Director of Policy and Communications, 1999b). The importance of the need for the partnership to do so was highlighted in the youth victimisation and attitude survey written during fieldwork for use by the youth offending team at a youth conference held during the same period that the consultation process on the crime prevention strategy was being carried out (see section 3.3.2). The conference was attended by just under 100 youths, from which 55 questionnaires were successfully completed. Just 20 of 59 respondents answered that they would “feel a lot or quite a lot safer if more people were arrested”, while 48 answered that they would “feel a lot or quite a lot safer if there were more for young people to do”. The survey had relied on youths turning up to the conference, which was less likely to include those that had had negative contact with the police. It can only be assumed that the figures would otherwise have contrasted even more with the official consultation.

Nor were grounds for optimism raised through the fieldwork that was being conducted on the pilot projects at Westminster (see section 5.3). One of the objectives of the pilot projects was to explore ways to consult “hard to reach groups” (City of Westminster Director of Policy and Regeneration, 1998b). Despite the use of questionnaires and meetings with local residents, interviews revealed deep cynicism from practitioners and residents alike. Most residents criticised the partnerships for not taking account of their views. Many practitioners criticised the partnerships for failing to consult individuals and groups that the police and local authority were not already used to consulting on other aspects of their work. The police officer most closely involved in the police sector project went so far as to describe the consultation as “preaching to the converted” (field notes, 22 January 1999). The interviews are returned to in more detail in sections 5.3.1 and 5.3.2. While it could not be concluded that other partnerships that put emphasis on authoritarian crime control were, like Westminster, guilty of ‘preaching to the converted’, nothing indicated that

consultation had any effect on the vision of those that were steering the partnership arrangements. No evidence, in other words, had been found to question that it was the usual ('top down') order that was being promoted.

5.2.7. Concluding Comments

Like the approach to crime prevention taken by the nine partnerships analysed as a result of the first survey of London boroughs (see section 5.1), analysis of the visions of crime control among the twenty-one partnerships that documents were obtained from in the second survey of London boroughs did little to challenge the pessimistic view of crime prevention taken into the research project (see section 3.3.1). Two particular aspects of the review of crime prevention in London served to emphasise just how dangerous it is for critical criminologists to lend their support to the development of local crime prevention partnerships. First was the finding that only two partnerships (Enfield; Southwark) directly questioned the merits of authoritarian crime control. As noted in section 5.2.4, the criticism levied by Enfield was made in the context of the reforms to the youth justice system. It warned that early penal intervention would merely exacerbate the problem of youth crime, as youths would be labelled as troublemakers too early in their (potential) 'criminal careers'. The focus on intervention through the criminal justice system, the partnership continued, would make it difficult for practitioners to build up trust with youth offenders. Southwark warned of the negative effect that 'zero tolerance' policing might have on relations between the police and the public. Neither Enfield nor Southwark extended this critique to legal orders, however. Nor did Southwark appear to see any contradiction in criticising the call for increased resort to criminal law enforcement, yet commending the reforms to the youth justice system:

Underpinning the new approach to dealing with youth offending is the need to nip offending in the bud before young people get heavily involved in crime.

Second was the finding that three of the six partnerships to promote crime prevention initiatives on individual wards or social housing estates within their borough-wide strategies were among the partnerships to put most attention on targeting law enforcement at anti-social behaviour, and that two, including Westminster, appeared

to have done so as a result of their support for law enforcement. This finding naturally had important implications for the fieldwork conducted on the pilot projects at Westminster, to which this chapter now turns.

5.3. Targeted Disorder Control in Westminster

The last part of this chapter presents the findings of the second phase of fieldwork conducted at Westminster on the police sector (Westbourne, Paddington) and the two housing estates (Lisson Green, St. John's Wood, and Churchill Gardens, Pimlico). These, as explained in section 3.2, would serve as pilot projects for the development of police sector and estate strategies across the borough. The first phase of the fieldwork, on the borough strategy, covered an area that the 1991 census recorded as having a residential population of 195,000. The 1991 census recorded Westbourne Police Sector as having a population of just under 30,000. At the time the fieldwork was conducted Lisson Green contained around 1,500 homes; Churchill Gardens contained around 1,700 homes.

The data acquired on the larger of the pilot projects, on the police sector, is reviewed before the data acquired on the pilot projects on the two estates. The progress of the individual projects is broadly reviewed in chronological order, starting with approach taken to auditing crime and crime control, before moving onto the approach taken to consultation, and finishing with the strategies subsequently formed.

5.3.1. Policing Westbourne

Steering the Project

The pilot project on Westbourne Police Sector was ultimately steered by the group set up to oversee implementation of the Crime and Disorder Act in the borough as a whole (see section 3.2). The steering group met in the chief executive's department in the local authority civic centre, and included the heads of most local authority departments alongside representatives from the police and chief executive's

department. Other than the police sector inspector, local practitioners from Westbourne were not present at any of the four meetings observed during fieldwork. Nor were representatives from the probation service or the health service, both of who were required under the Crime and Disorder Act to cooperate in district council strategies (see section 4.1.3). The project was therefore steered from the top and by a group that did not include two of the key institutions involved in social work. If the project were to develop in isolation from the authoritarian emphasis of the developing borough strategy and the chief executive's intention to deliver its 'enforcement approach' partly through police sector strategies, resistance would have to come through informal channels.

Auditing Crime and Crime Control

The audit for the police sector project (City of Westminster, 1998c) was researched and compiled in the chief executive's department. Unsurprisingly, it reflected the emphasis of the borough strategy on managing conventional anti-social behaviour rather than dealing with its underlying causes, and on managing conventional anti-social behaviour through physical security and law enforcement more than social work. Information was provided on social issues such as homelessness, health, education and unemployment, but was presented without reference to the work of government or non-government organisations that dealt with them, and was omitted from a summary of the audit used for public consultation (City of Westminster, 1998d). Legal orders featured throughout the remainder of the audit. Most notable was a section entitled Nuisance and Anti-social Behaviour, in which data was quoted from victimisation surveys and complaints to local authority departments to emphasise fear of crime and perceptions of anti-social behaviour and to predict actual levels of anti-social behaviour. No mention was made of mediation or social services. Emphasis was instead put on the use of introductory tenancies and possession orders. Injunctions were promoted in a separate section devoted to prostitution to deal with advertising in phone boxes, while abatement notices and fixed penalty notices were promoted to deal with noise and street traders caught operating without a license in a section entitled Westminster City Council Enforcement Action in the Area. Although noise was said to be a minor problem in the area, it was announced that households had been leafleted to encourage them to report incidences of excess noise to the local

authority. Criminal law enforcement was also promoted in the latter section, but limited to the specific contexts of kerb crawling, shoplifting and the use of stop and search to deal with drug possession. The section on youth crime, on the other hand, did not refer to law enforcement, criminal, civil or public. The section stood out in sharp contrast to the rest of the audit, both in the full text and summary. Emphasis was put on leisure schemes, employment opportunities and health services.

This negative interpretation of the audit as a whole was shared by a number of practitioners interviewed during fieldwork that were involved in the project. Two interviewees were critical of the failure of the audit to look beyond conventional crime. The first was a manager of a voluntary organisation for homeless refugee families. The audit, she said, had given no sense of the problems faced by the large number of families living in temporary accommodation in the area. One thing that particularly disappointed her was that figures on the age and ethnicity of local residents had been based on census data, which only included those with a permanent address in the area (field notes, 21 January 1999). The second was a community liaison manager from the health authority, who stressed the lack of attention given to domestic violence, racially motivated crime and drug and alcohol addiction, all of which were prevalent in the area (field notes, 27 January 1999). Other criticism from practitioners involved in the project focused on the punitive nature of the audit. Strongest criticism came from a senior practitioner at the youth offending team, who questioned the way youths had been portrayed in the audit, explaining that the section on youth crime did not disguise the fact that the section on residential disorder also focused on youths. He then turned his attention to the treatment of youth across the local authority as a whole, accusing the council of being more interested in finding short-term solutions to anti-social behaviour than finding ways to solve it in the long term. The language the council used to describe anti-social behaviour was “not holistic”, he said, and there was a general feeling that the council ran “a two-tier system that was anti youth” and “was not interested in their views” (field notes, 29 January 1999).

The most important point for current purposes, however, was not the punitive nature of the audit. This was expected, considering the ‘top down’ nature of the project. What was important was the anguish local practitioners expressed at the direction in

which the chief executive's department had made it clear it wanted to take the project. It appeared that if the project had been steered by local practitioners, the audit would have been more holistic.

Public Consultation

Public consultation officially took the form of a one-day open event held in a local primary school. To advertise the event, leaflets were posted door to door, posters displayed in public places, and an advert paid for in a local newspaper. Around eighty people attended, including twenty-four local practitioners. Residents were mainly drawn from the local police and community consultative group, the sector working group, and the chairs of a number of residents' panels and neighbourhood watch groups. Several elderly people also attended. Just two of the residents were from minority ethnic groups, however, despite minority ethnic groups making up twenty-four percent of the local population (City of Westminster, 1998c). None appeared to be below the age of thirty (field notes, 18 July 1998).

The absence of youth and minority voices did not go unnoticed among interviewees. For example, as noted in section 5.2.6, the sector inspector described his experience of the event as "preaching to the converted". He added that those who attended were all from groups with whom the police and local authority already had established relationships (field notes, 22 January 1999). Nevertheless, the fact that the event had failed to attract individuals and groups that the council was not already in contact with was treated as inevitable by interviewees. Indeed, the fact that more 'active citizens' had turned up than was usually the case was treated as a success in itself. Examples included a youth worker, who wrote "[t]he event was extremely useful as it offered the opportunity for local people and professional groups to 'network' on very important issues and themes" (letter undated), and the chair of the sector working group:

The consultation day was very successful as it brought in new people, but consultation is needed on a wider basis. Public meetings are not for this. We should go to them, for example, homeless families. The problem is time. (Field notes, 16 September 1998)

In the minutes of a meeting of a working group set up to oversee implementation of the project (covered in a moment), the project leader wrote that personal contact might have attracted more members of the public, but that some groups would never want to attend such an event. However, when interviewed she accepted, “youths were missing... ethnic groups were also missing. Therefore I can’t say with confidence that their concerns were covered” (field notes, 18 January 1999). In a report to the Community Protection Sub-Committee the project coordinator presented a highly distorted picture of the event, emphasising, for example, that an interpreter had been recruited for the event, and claiming that “approximately 75 people, representing nearly all sectors of the local community, participated in discussions” (City of Westminster Chief Executive’s Department, 1998: 3). Nevertheless, she acknowledged the need to approach “hard to reach groups” in the report, and recommended that for the other sector plans a copy of the audit should be sent to all interested groups along with a questionnaire.

At the event, rooms were set aside for the discussion of separate topics, which participants were invited to ‘drift’ in and out of. The topics for discussion were chosen at the beginning of the event. The following topics were forwarded for discussion by practitioners: Youth Facilities; Street CCTV Systems; Displacement of Crime; Alcohol and Drug Abuse; Relations between the Public and the Police and Council; Rehabilitation of Offenders; Women as Victims; Licensing Hours; and Fear of Crime. The following topics were forwarded for discussion by members of the public: Noise, Security on Estates, Public Drinking, Prostitution, Police Foot Patrols; and Cycling on the Pavement. Naturally, practitioners focused their time on the discussion groups that concerned their own area of work. Considering the social make-up of members of the public involved, the subjects that residents prioritised came as no surprise. Nor did the fact that they congregated in these groups. The result was a two-tier system of discussions, one side made up of practitioners discussing issues of social welfare and physical security and swapping contact details, and the other made up of residents complaining that the police and council were not available or not prepared to ‘clamp down’ on anti-social behaviour. It was possible to spend a short time in each of the rooms, and to make notes on the recommendations made by the chairs of each discussion topic, which were displayed for the last hour of the event

(field notes, 18 July 1998). The recommendations were later written up by the pilot project leader.

The most important issue to come out of the discussion groups forwarded by practitioners was the absence of reference to law enforcement among thirty-two recommendations made. The only exception was a need to fine people “for alarms left unattended”. Legal enforcement featured in the discussions of a number of topics forwarded by residents, however. Discussion of cycling on the pavement, for example, hardly went beyond the technical issue of which authorities had the strongest legal powers during the time it was observed. Among the twelve recommendations recorded by the project leader were: “[o]n the spot fines; fixed penalties; parking attendants with power to stop; registered cycles – with certificate – with bye-law;... education of cyclists with enforcement of current laws;... legislation; enforcement by police and local authority; judiciary information...”. Of seven recommendations made by the group that discussed prostitution, one was to “[p]ursue action to prosecute card ‘placers’ with larger fines or prison sentences”. Finally, the second of two recommendations for estate security was “[z]ero tolerance considered as police policy”.

The Working Group

Before conclusions are made on the approach to public consultation taken on the police sector, it is necessary to turn to observations made of a local working group that was set up to advise and help steer the project. The terms of reference of the group were “to act as a line of communication between sections of the community”, “to plan and run community-wide consultation”, “to offer views on the identified actions which emerge from consultation”, and “to suggest appropriate methods of ensuring implementation and monitoring of the final action plan”. Membership of the group included local practitioners, religious leaders, chairs of local residents’ panels and neighbourhood watch groups, and members of the police sector working group and Paddington and Marylebone Police and Community Consultative Group. The vast majority of local residents that attended the steering group meetings observed during fieldwork came from the sector working group.

Two points were of particular note regarding the working group. First was the professional and social make-up of those that attended meetings. Aside from the project leader, the sector inspector and a housing officer were present at each of the three meetings observed during fieldwork, but no health workers, probation officers or environmental health officers. Youth workers were present at just one of the meetings, and the manager of the voluntary organisation for homeless refugee families at another. Among the public, not a single attendee appeared to be under forty. Further, all attendees were white, and only one appeared to be foreign, in spite of the fact that half of the local population was born abroad (City of Westminster, 1998c). The failure of the group, like the consultation event, to include youth and minority ethnic voices spurred the sector inspector to take action over the make-up of the sector working group. At a meeting of the sector working group attended during fieldwork, he announced that the group needed to re-write its terms of reference, explaining:

There are 220 ethnic groups in London and 105 in Paddington. Therefore we need to open out. we also need to include youths. The community safety plan will ask searching questions. We will need others involved to answer these questions. We might also need other agencies to get involved... [Unlike us] other sectors run their working group as public meetings. Now we must review the progress of [the pilot project], so change is needed... This area was chosen for the pilot project due to the diversity of the area... (Field notes, 16 September 1998)

The chair of the sector working group added, “we have existed for five years, but have only had odd appearances [from minority ethnic groups] on particular issues”.

During interview the project manager admitted that no attempt had been made to contact minority ethnic groups. Nor had she thought of contacting minority religious groups (field notes, 18 January 1999). However, neither she nor the vast majority of residents involved in the group perceived the lack of minority ethnic participation to be a problem. The chairperson of the police and community consultative group, for example, explained that public apathy with local issues was a real problem, but:

The project working group was as representative as we could get considering that the members were all volunteers. As the sector working group, to expect it to have been

representative of the local population was to live in 'cloud-cuckoo land'. (Field notes, 5 February 1999)

Another member of the police and community consultative group wrote that the project as a whole "was very useful in bringing a much wider selection of people representing a far larger strata of residents" (letter undated). The impression given was that most involved in the project had little idea if the priorities of minority ethnic residents would differ from their own. For example, two members of a local residents' association confessed that their group had no contact with non-white people on their estate (field notes, 11 January 1999). The most outspoken person on the working group, an ex-army officer neighbourhood watch coordinator, used his interview to criticise the council for taking money from other local authorities to take on responsibility for housing homeless asylum seekers, emphasising that the council had recently taken over a local 450 room hotel in the area for this purpose (field notes, 13 January 1999). The only local residents involved in the group to question the social make-up of the group were two representatives from local churches. One referred to a "feeling that more local groups should have been represented". The other was more forceful, referring to the group as "artificial, contrived and unrepresentative" (letters undated). More criticism was encountered among practitioners, however. The criticism of the representative from the health authority was strongest. She described discussion at the working group meetings as bordering on blatant racism (field notes, 27 January 1999).

The professional and social make-up of the group was broadly reflected in the issues focused on during the three working group meetings observed. Outreach youth services were discussed at the meeting attended by youth workers (field notes, 14 September 1998), and homelessness and drug addiction services at the meeting attended by the manager of the voluntary organisation for homeless refugee families (field notes, 3 August 1998). Otherwise, social service provision was not discussed at any of the meetings. By far the biggest issue of concern to arise at the meetings was a perceived need among residents, like that expressed at the consultation event, for more legal powers to deal with cycling on the pavement. The following is an extract from a conversation between residents over the issue:

[Sector inspector] The Home Office have promised a new law for cycling on the pavement: fixed penalty notices... At present the police must prove dangerous riding. Fixed penalty notices would change the attitude of the police towards cycling on the pavement. At the moment it's a waste of time to arrest people for it as it doesn't result in prosecution.

[First resident] How about local authority officers? Or parking attendants?

[Second resident] Parking attendants don't have the powers. Fining them doesn't work as their addresses can't be checked. The police could check their addresses if they could arrest them. Can't they confiscate their bikes? [...]

[Third resident] The Crown Prosecution said at a meeting that the judiciary don't want to know. They need to be informed about the problem. (Field notes, 3 August 1998)

At the following meeting, the sector inspector again explained that fixed penalty notices would be available by the end of the year, and promised that the police would mount operations against cycling on the pavement (field notes, 18 August 1998). When the issue was returned to in the third meeting observed, the last of the working group, the sector inspector explained that the fixed penalty scheme would be an improvement on the current situation, as magistrates limited the number of summonses the police could issue if penalties were not paid (field notes, 14 September 1999). Interestingly, the only other example of anti-social behaviour to be discussed at any length at the meetings was at the meeting attended by youth workers, which addressed the issue of elderly people being afraid of youths 'hanging out'. The chair and sector inspector brought up the issues of noise and racial harassment at two of the meetings, but neither subject attracted debate (field notes, 18 August and 14 September 1998).

The last point that needs to be made about the working group is the lack of decision-making power given to the group, as reflected in its terms of reference, but also by the project being coordinated by a practitioner from the chief executive's department (see section 3.2), and the failure of the project to be backed by extra financial or human resources. When interviewees were asked for their views on the strategy that was eventually produced (covered in a moment), most emphasised that nothing new had emerged from the project. The chairperson of the police and community consultative group was most critical, emphasising that the chief executive's department "was

criticised for editing out what it didn't want to hear" (field notes, 5 February 1999). The sector inspector rather cynically explained, "[t]hose at the top will decide whether to implement the strategy" (field notes, 22 January 1999). The estates manager dwelled longest on the issue:

The plan has some things in it that have already been done or agreed upon. These were not outcomes of the project... many concerns were also dropped as unachievable, for example, CCTV on local estates. It would be better to have included them all and admitted they could not be achieved. It would also have been better to admit which objectives were not new ones... for example, the setting up of the youth project and the provision of a new youth worker, although association with the group helped me gain an extra £15,000 for the set up costs... The concerns were watered down to those that were broadly achievable without indicating who had responsibility for them. Consider environmental design. This was an example of an objective that we will not be able to prove wasn't done... The plan also mentions support for housing schemes under threat, but this won't help as there isn't any money available. (Field notes, 1 February 1999)

A similar depth of concern was expressed by the manager of the voluntary organisation for homeless refugee families:

At the working group it felt like a lot of decisions had already been made, though this was inevitable due to the timescale of the project... the project hasn't generated much action. It has only flagged up what's already going on. It triggered some things off, for residents associations, for example, but nothing regarding us. It could have achieved more, but it would have needed more money. (Field notes, 21 January 1999)

Overall, the fieldwork on the working group resulted in two important sets of data. The first, following on from observations made on the audit and the consultation event, was that local practitioners did not share the authoritarian vision of crime control of the chief executive's department. Indeed, law enforcement was not brought up by local practitioners in any of the interviews either. Of most significance, this included the sector inspector (field notes, 22 January 1999) and the manager of the estates in the area (field notes, 1 February 1999). The data suggested that the working group would have been broader based and more holistic in its approach to crime control if it had been coordinated and chaired by local practitioners.

The second set of data concerned the issue of consultation, and in particular the depth of apathy that practitioners expressed over the possibility of spreading public consultation beyond those that they were already in contact with. As noted in section 5.2.6, the views of residents at the consultation event and on the working group were not ultimately taken into account. The project may have been local enough for practitioner resistance to structural, national and, in the case of Westminster, local political trends to surface, but not it seemed for public resistance. Considering the authoritarian nature of the borough strategy, it could be reasonably concluded that a crime prevention partnership covering areas the size of a police sector is unlikely to become an institution of authoritarian crime control so long as it is steered by local practitioners, but it could not be concluded that such a partnership would not come under pressure from local residents to do otherwise, or that local residents would not have a stronger voice than those in Westbourne. Perhaps broad consultation would help to counter this danger. The youth questionnaire conducted during fieldwork on the borough strategy suggested this would be so, as did the review of consultation at other London boroughs (see section 5.2.6). Yet, at Westbourne only three of the practitioners interviewed, the youth offending team worker, the health worker and the manager of the voluntary organisation for homeless refugee families, emphasised that consultation should and moreover could have been more proactive. The latter of these interviewees made the point that professional consultants could have been employed (field notes, 21 January 1999). As has also been emphasised in this chapter, the empirical research conducted during the course of this doctoral thesis suggested that such efforts might be the exception and not the norm (see section 5.2.5).

The Crime Prevention Strategy

The crime prevention strategy was written by the steering group at the chief executive's department. With the exception of racial harassment the group chose not to refer to anti-social behaviour or law enforcement at any point of the strategy. Most surprising was that this included sections on the two issues that local residents had demanded that the partnership took an authoritarian line to, cycling on the pavement and estate security. This did not mean that the strategy was holistic. For example, as the manager of the voluntary organisation for homeless refugee families emphasised, "the project was not particularly relevant to homeless people" (field notes, 21 January

1999). Nor did it touch upon issues of white-collar crime. Finally, racial harassment was not included in the first draft of the strategy. The project leader explained that it was added only after it had been brought to her attention by Westminster Racial Equality Forum (field notes, 18 January 1999). Indeed, it was later discovered from the representative from the health authority that the director of the council's race equality forum had made a formal complaint on the project as a whole (field notes, 27 January 1999).

These points aside, the crime prevention strategy did not comply with the neo-conservative vision of crime control. However, it was not possible to draw concrete conclusions as to why the vision of crime prevention that the partnership displayed in its borough strategy (see section 5.2.5) was not ultimately reflected in the police sector project. The fieldwork indicated that that the project was sufficiently localised that resistance to 'top down' pressures would inevitably arise, but it far from clear that local practitioners had had much influence over the outcome of the project. Three particular variables encountered during fieldwork prevented such conclusions from being made. First, other than the sector inspector, local practitioners were not involved on the steering group that finalised the crime prevention strategy. Second, most of the local practitioners interviewed that were critical of the chief executive's department chose to stay away from the working group meetings. Local practitioners were likely put off from attending the working group by the terms of reference of the group and the lack of resources available for the project, but their absence cast further doubt on the view that they had had a hand in shaping the strategy that emerged. At no point during the fieldwork was evidence encountered of local practitioners influencing the project 'behind the scenes'.

The third variable was the sector inspector, whose non-authoritarian vision of crime prevention shone through the whole project. Several examples of the particularly holistic view that the sector inspector took into the project have been cited in this section. The most important example observed during fieldwork was at the third meeting observed of the steering group, where the objectives of the strategy were finalised. At the beginning of the meeting the sector inspector set the tone for the rest of the discussion by emphasising that in contrast to the findings of the audit, "a public attitude survey on the sector showed concern about anti-social behaviour to be

relatively low". Unlike the previous two steering group meetings observed and moreover the three working group meetings observed on the police sector, he dominated discussion, at the expense of the official chair, the project leader of the police sector project. The only time the possibility of law enforcement entered discussion was in the context of drug dealing, which he dismissed, explaining, "[d]rug dealing is an enforcement question, not a prevention one" (field notes, 8 September 1998). The sector inspector had clearly played an important role in the outcome of the project. In the absence of evidence that other local practitioners involved in the project had likewise had a hand in shaping the crime prevention strategy, it could only be concluded that the authoritarian vision of crime control of the chief executive's department had been resisted due to the particular views and influence of one local practitioner.

5.3.2. Policing Churchill Gardens and Lisson Green

The last section of this chapter looks at the question whether crime prevention partnerships have an even better chance of operating in isolation to structural and political trends if they are focused on yet smaller geographical areas than a police sector. One of the interviewees involved in the police sector project (the sector inspector) expressed support for the proposed future alignment of police sectors with local authority wards, which would result in future crime prevention strategies covering areas of around 10,000 people (field notes, 22 January 1999). As noted in section 4.1.3, one of the central recommendations of the Morgan Report was that the police and local authorities be given a statutory duty to produce ward as well as borough strategies. It was not possible to analyse ward strategies at Westminster. However, the opportunity to conduct fieldwork on the housing projects was better still, as the projects were focused on areas with populations of around 5,000.

Steering the Projects

Like the police sector project, working groups were set up on the estates, but unlike the police sector project these groups were officially given the task to formulate the resultant crime prevention policies. The terms of reference of the two groups were the

same, to: “develop the plan in accordance with the community safety proposals of the Crime and Disorder Bill and based on an audit of local crime issues; develop the plan in full consultation with as wide a representation of the community as possible; ensure that the plan contains long and short term targets for the reduction of crime and disorder which are manageable and achievable and include clearly identified responsibilities, resources and time scales against each target; [and] monitor progress of the plan from its commencement and ensure that the agreed targets are met” .

The steering groups were predominantly made up of local practitioners, though (as noted in section 3.2) both were led by a project manager from the central housing department. Besides the project manager, the group for the Lisson Green project involved two local housing officers, two youth workers, the manager of a local health centre, an officer from an estate action team operating on the estate, and three police officers (two local officers and one divisional commander). The group for the Churchill Gardens project was led by the same person from the central housing department. It likewise involved two local housing officers, along with two local police inspectors, a second officer from the central housing department, an officer from the chief executive’s department, and the chairperson of the residents’ association on the estate. A number of issues discussed in section 5.2.5 were relevant to the direction that the projects might take. First, fieldwork in the housing department suggested that the project leader was likely to steer the projects away from law enforcement. The significance of the inclusion of the second central housing officer at Churchill Gardens was less clear, as she was the author of the policy documents advising how housing officers on their response to complaints of residential disorder, which included the use of legal orders. The inclusion of the officer from the chief executive’s department at Churchill Gardens was more interesting still, due to the chief executive department’s intention to deliver its ‘enforcement approach’ through estate as well as police sector strategies, but also due to the fact that he was involved in writing documents on the potential use of a covert mobile CCTV system to provide evidence for the application and enforcement of civil orders on housing estates.

The last issue regarding the make up of the steering groups that needs to be highlighted was the lack of participation of residents. The coordinator of the projects admitted that no residents participated in steering group meetings on Lisson Green. At

Churchill Gardens, however, in addition to the chair of the residents' association, nine local residents attended steering group meetings at some stage of the project on Churchill Gardens, including according to the project leader, three youths (field notes, 27 January 1999). This point is returned to in the conclusion to this section.

As demonstrated in the following paragraphs, no punitive attitudes to anti-social behaviour were encountered among local practitioners involved in the steering groups on either estate. The same was the case with local resident that participated on the group on Churchill Gardens or residents involved in public consultation. Examples are highlighted over the following pages. The non-authoritarian vision of crime prevention shared by local practitioners served to confirm the findings on the police sector project. The more important finding was that of local residents. This point is returned to at the end of the section.

Auditing Crime and Crime Control

In the description of the two sites chosen for the pilot projects, the project manager emphasised the anti-social behaviour of local youths on the estates:

Churchill Gardens Estate is a self contained housing estate... [containing] 1,692 homes... There are residents associations representing both tenants and lessees which are very active on the estate and the main concerns are youth nuisance and access to blocks.

Lisson Green Estate is a self contained housing estate... Its 27 blocks, completed in 1973, contain 1,466 homes. An £49m Estate Action programme of improvements to the estate is underway which includes aspects of redesign to tackle crime. There is an active residents' association and the Estate Action programme has necessitated establishing other forums for resident consultation. There is a significant tension between residents and youth on the estate and, although crime tends to be restricted to vandalism and motor crime, there have always some instances of crime against the person. (City of Westminster Housing Department, 1998b: 1-2)

As expected, however, the housing department indicated that it had no intention to steer the pilot projects towards law enforcement. The document went on to identify fourteen possible objectives of the crime prevention strategies by the local authority and the police and, of which only one made indirect reference to law ("acting on

tenancy agreement breaches”). The majority of the objectives related to physical security. Five (“increased youth provision”; “school visits [by the police]”; “mediation service”; “support for Neighbourhood Watch”; “removal of rubbish and graffiti”) were welfare orientated, albeit with a moral communitarian emphasis on holding crime back rather than dealing with its underlying causes.

Unlike the police sector project, however, an outside institution, the Safe Neighbourhoods Unit, was commissioned to conduct the audits. As noted in section 4.1.2, in the 1980s the Safe Neighbourhoods Unit was at the centre of the estate projects run by NACRO, which had not taken an authoritarian approach to crime control. The non-authoritarian vision of crime control of NACRO in the 1980s was not reflected in either audit, however (Safe Neighbourhoods Unit, 1998a and 1998c). The audits focused on general perceptions of practitioners and residents on the two estates. Negative pictures were painted of both. The audit for Lisson Green reported, “the main issues appear to be: youth nuisance – groups of young people hanging about, not always causing nuisance but generating fear and concern; vandalism; noise nuisance; some drug problems, although mainly cannabis; alcohol abuse; motorbike crime, including riding on pavements etc.; street crime; car crime” (Safe Neighbourhoods Unit, 1998c: 3). The issues for concern on Churchill Gardens were identified as, “[y]outh nuisance – groups of young people hanging about on the estate and in blocks, causing minor damage, behaving anti-socially and intimidating residents; drug taking on the estate and in particular blocks and, to a lesser extent, drug dealing; noise nuisance, although to a lesser degree; property crime and violence are relatively minor problems; many problems are generated by a small number of families and their off-spring” (Safe Neighbourhoods Unit, 1998a: 2). The audit for Lisson Green also cited two previous surveys, the first conducted by a local drug project earlier in the year, and the second by Brunel University the year before. Both surveys had highlighted anti-social behaviour, in particular youths hanging about drinking, smoking cannabis or vandalising property, and the fear that such behaviour causes. The audit for Lisson Green recommended more activities be provided for youth, but that (in typical neoconservative language) residents also needed to be reassured that their concerns were being addressed, through restricted access to blocks within the estate and “visibly effective action against anti-social behaviour (if only for symbolic reasons)” (Safe Neighbourhoods Unit, 1998c: 7). The audit for Churchill

Gardens likewise recommended more activities for youth, but that “[i]t is important that effective action is taken in relation to a small number of families on the estate which generate most of the problems” (Safe Neighbourhoods Unit, 1998a: 4). The document went on to explain that this required more effort to protect witnesses, and greater support for the housing department from the police and the courts.

As emphasised in section 3.3.3, the impression given from the emphatic nature of the reports was that the Safe Neighbourhoods Unit had made up its mind to ‘define anti-social behaviour up’ as a problem of crime and promote law enforcement as a means of dealing with it whatever the results of interviews with local practitioners and residents, in other words that the Safe Neighbourhoods Unit was influenced by its own institutional culture, or else chose to tell the housing department what it thought it wanted to hear. This suspicion was confirmed at Churchill Gardens, where a number of letters were received from local police officers and residents during fieldwork. None expressed any concern over the issue of anti-social behaviour. Indeed, the only interviewee to mention anti-social behaviour, the secretary of the estate’s neighbourhood watch group, did so in criticism of and not support of the audit:

As far as the “Summary of findings, of the Crime Audit of Churchill Gardens Estate”, dated July 1998, I do not find it a rigorous report, and some of its wording is unfortunate... Churchill Gardens Estate is a generally safe environment with a low level of nuisance and petty criminal activity. It is one of the safest estates in the whole of London... I pointed out to [the project leader] that based on police statistics submitted at the Monthly meetings of the Neighbourhood watch, the figures for alleged crime incidents were lower this year than last. This is different from the view stated in the report. It seems to me that there was for some people, a desire or belief that Churchill Gardens Estate was a high crime area and that when looked into it was found (disappointingly?) not to be so... [For example, money that has been allocated for CCTV in a street parallel to the estate] could be better and more effectively spent on providing facilities for young people... Although knowing that petty crime / nuisance is caused by youths, the position is that the police will record these activities, rather than having an investment that would aim to prevent the incidents from happening the first place... [The local authority’s response] to the possible displacement of activity into the estate is that there should be more cameras – in the estate! (Letter dated 8 February 1999)

The same was the case with local practitioners and residents observed during an open-day consultation event. This is returned to in a moment.

The fieldwork at Lisson Green was less conclusive. Letters received from the divisional commander and one of the local police officers involved in the Lisson Green project were likewise silent on the issues of anti-social behaviour and law enforcement. An open-day consultation event was also observed on Lisson Green (also returned in a moment), where a conversation overheard between a local police officer and a local housing officer briefly turned to housing injunctions (field notes, 17 September 1997). Otherwise, no other discussion on law enforcement was recorded. Anti-social behaviour was found to be more of a concern than at Churchill Gardens during the remaining fieldwork, however, though not to the degree that it was portrayed in the audit. For example, the housing manager expressed support for the findings of the audit and regret at the lack of resources that were available to deal with anti-social behaviour, but did not explicitly refer to law enforcement (field notes, 5 February 1999). Similar support for the finding that anti-social behaviour was a problem on the estate was expressed at the steering group meeting observed, in which the findings of the audit were discussed. The emphasis that the audit had put on law enforcement was not mentioned, however, as demonstrated in the following summary of the notes that were taken:

[Auditor] Disorder is the problem. And soft drugs. And street crime... [A local drugs project] showed that there is a problem of kids hanging about, resulting in drug use and anti-social behaviour... though fear of anti-social behaviour is lower than the borough average... Thirty percent of people on the estate are under eighteen. Child density is the one indicator of anti-social behaviour since research began in the 70s. Government projects on housing the over the past ten years have been aimed at families. This has resulted in child density rising. Single person's accommodation is being wiped out in many boroughs.

[Project leader] Housing departments need to keep figures on age groups. The census is only every ten years.

[Auditor] And age ranges. For example, five year olds now will be ten years old in five years time. [...]

[Auditor] Demands for block security are linked to youths hanging out. It just moves the problem on. Youths therefore need to be given other things to do. [...]

[Estate action team officer] The safer cities project [in the area] has finished now. Crime prevention was a part of it, but it was undirected. [...]

[Project leader] The [crime prevention strategy] needs to be linked to plans on other estates locally as people always complain about kids from estates other than their own.

[Auditor] Youth projects should be short rather than long term. For example, skating parks take two years to build, and go out of fashion in the meanwhile. (Field notes, 2 September 1998)

The final piece of evidence that the audits exaggerated local practitioner and resident views on the problem of disorder on the estates, and in particular on Churchill Gardens Estate, comes from questionnaires posted to residents on the two estates. The survey did not confirm the findings of the initial audit of local perceptions of disorder. While youths 'hanging out' was identified as the biggest problem on both estates, just seventeen percent of respondents to the questionnaire on Lisson Green and ten percent of respondents on Churchill Gardens said that they "worried a lot about insulting and threatening behaviour on the estate". Moreover, just 172 responses were received at Churchill Gardens, and 100 at Lisson Green, representing response rates of just ten percent and seven percent respectively.

Consulting the Public

As contact between the chief executive's department and local residents pre-existed the pilot project at Westbourne through the sector working group, contact between the housing department and local residents pre-existed the estate projects through residents' panels. Housing services were contracted out by the council, and residents panels had an official role in monitoring performance targets. Under local authority rules, residents' panels could only be formed with the signatures of a minimum of twenty percent of residents on the estate concerned.

Local authority contact with residents' panels was supplemented by the questionnaires written by the Safe Neighbourhoods Unit, which included a section on priorities for

action. In the questionnaire, residents were asked to select up to six priorities from a list of fifteen, one of which was “tougher action against anti-social residents”. On Lisson Green, “tougher action against anti-social residents” was the fourth most popular choice; on Churchill Gardens it was the second (Safe Neighbourhoods Unit, 1998b and 1998d). The strength of the findings was tainted by the way the survey was conducted, however. Not only were residents asked to select six potential actions, but they were not asked to put them in order of preference either. Moreover, summaries of the main findings of the audits were included in the covering letters. Both letters identified “strong enforcement” against “a small number of residents [who] behave anti-socially” as one of the four (in the case of Churchill Gardens) or five (in the case of Lisson Green) main issues facing the estates.

The final element of public consultation on the estate projects, as already noted, was through open-day events. Unlike the police sector consultation event, the events were not structured. Consultation on Churchill Gardens took place over two days. A total of six residents attended on the first day, which was observed during fieldwork. Like the police sector event, these did not include youth or minority ethnic residents. All were elderly. Unlike the police sector event, however, law enforcement did not enter discussion. The main concern of local residents was a lack of youth facilities (field notes, 10 September 1998). The Lisson Green event was held on one day. Attendance was better, though it still numbered no more than two-dozen local residents. Youths and minority groups were again not represented, but one young man and several young women attended. The inclusion of young adults was the only part of the consultation process at all three pilot sites observed to succeed in obtaining the views of residents with direct knowledge of the concerns of local youths. Like Churchill Gardens, discussion at the event was anything but punitive. The following extract from the notes taken at the event covers a conversation overheard among local residents:

Four young mothers are arguing that local kids have nothing to do and nowhere to go. That they end up taking drugs. That the estate needs a community club where both parents and kids can go. There could be different activities for parents and kids. The kids would be supervised and safe. It would also be an opportunity for adults to get to know the kids on the

estate and their parents. This would lead to stronger control over kids overall. (Field notes, 17 September 1998)

One last point needs to be emphasised concerning public consultation on the estate projects. Like the police sector project, interviews with police and housing officers involved in the estate projects revealed disappointment, but otherwise little concern about the low turnout at the open-day events. For example, the director of the housing department emphasised the depth of contact that the department had with residents' associations, and that in light of this attendance at the open days had been sufficient (field notes, 18 April 1999). The leader of the two projects described the turnout as "modest". He highlighted the questionnaires, which he described as having had a "good response" (field notes, 27 January 1999). In a report on the projects written to the housing department's Operational Sub-Committee, he wrote, "[a]lthough attendance at the Open days was modest, the response to the questionnaires was excellent" (City of Westminster Acting Director of Housing, 1998: 2). This served to reinforce the conclusion made during the review of borough crime prevention strategies and fieldwork on the police sector project that a crime prevention partnership operating in an area where 'active citizens' take a punitive view to local problems of disorder will not necessarily counter the pressure that this will inevitably put on them by taking means to consult so called 'hard to reach' groups.

However, as has been demonstrated in this section, consultation on the two estates suggested that a crime prevention partnership operating at such a highly localised level and with such clearly defined boundaries as a housing estate is not actually likely to come under pressure from local residents to take an authoritarian line to anti-social behaviour. The impression given by research participants was that the views they expressed were informed by their understanding that decisions made by the partnerships would directly affect their acquaintances and neighbours. The opinions encountered among local residents during fieldwork on the estates projects stood in sharp contrast to those encountered during fieldwork on the police sector, where it was seen in section 5.3.1, the image of anti-social people portrayed by residents that participated on the steering group or in consultation in the project among residents reflected the one that informs national crime prevention policy: of 'outsiders' or

‘enemies within’, who pose threat to the quality of life of the established community (see section 2.1.3).

The Crime Prevention Strategies

Before the crime prevention strategies were concluded, the Safe Neighbourhoods Unit provided the housing department with a list of recommendations. The documents repeated the emphasis in the audits on taking legal action against certain residents on the estates. The report on Lisson Green explained:

Dealing with the nuisance and anti-social behaviour of a minority of residents is an issue here as it is on many similar estates. It is recognised that concerted action is needed on the part of Housing, the police and residents to tackle this... Meetings are being held involving housing, the police and solicitors to discuss the implication of the Anti-Social Behaviour Order provision in the 1998 Crime and Disorder Act... There is strong argument for establishing protocols with the police to ensure that there is an effective, collaborated approach to tackling the issue. (Safe Neighbourhoods Unit 1998d: 9)

The report on Churchill Gardens came to a similar conclusion. It repeated the words used in the audit:

It is important that effective action is taken in relation to the small number of families on the estate which generate most of the problems... A protocol needs to be agreed with the police... (Safe Neighbourhoods Unit 1998b: 7)

Included among the appendixes were examples of model protocols for information sharing between housing departments and the police.

At Churchill Gardens, the pressure put on the steering group by the safe Neighbourhoods Unit to take an authoritarian approach to crime control was resisted. The crime prevention strategy that was later produced included the use of abatement notices to deal with rubbish and excessive noise under the heading Nuisance, but made no reference to criminal law enforcement, evictions, injunctions or anti-social behaviour orders. The strategy produced for Lisson Green, on the other hand, promoted “covert surveillance against criminal activity leading to prosecution” under the heading Youth, and “covert surveillance against criminal activity and anti-social tenants leading to prosecution and/or eviction” under the heading Nuisance.

The fieldwork data did not provide a clear explanation why the partnership on Lisson Green chose to take such an authoritarian approach to crime control. It had only been possible to observe one steering group meeting, and to conduct an oral interview with one local practitioner involved in the project. The leader of the projects did not provide the same level of access to fieldwork as the leader of the police sector project. For example, the names and addresses of a number of potential interviewees were not made available until 15 January 1999, just four weeks before the policy-related reports were due to be provided to the chief executive's department (see section 3.3.4), at which point access to the three pilot projects would end.

Of the three players in the partnership (the housing department, local practitioner and local residents) the data indicated that local residents were the least likely source of the punitive nature of the strategy. This only left the housing department. Critically, the fieldwork did not uncover evidence that local practitioners outside the housing department had any influence over the project. No steering group meetings were referred to by the local police officer (letter undated), and the only time the estate manager referred to practitioners outside the housing department concerned the police, who she described as lacking commitment to the project (field notes, 5 February 1999). Finally, no local practitioners outside the housing department attended the one steering meeting observed during fieldwork. The absence of local practitioner involvement outside the housing department and police force has already been noted on Churchill Gardens. The data suggested that even where a crime prevention initiative is locally steered, the smaller the initiative is the less likely it will attract a broad range and number of practitioners. The fewer local organisations, and moreover the fewer parishioners actively involved in a crime prevention partnership, the less predictable its policies will be.

What appeared to make the difference on Churchill Gardens was local resident involvement. As was also noted earlier in this section, the steering group at Lisson Green did not involve any local resident participation. Moreover, although Lisson Green had a residents' association, indicating that it had some level of organised contact with the housing department, the letter received from one of the police officer involved in the project indicated that the residents' association did not have contact with the local police (letter undated). In contrast, it was noted that the steering group

at Churchill Gardens included a local resident among its membership and that nine other residents had attended at least one steering group meeting, including three youths. Five of the six adults that attended meetings replied to the letters sent during fieldwork. All but one expressed support for the outcome of the project. The fieldwork, in other words, suggested that the community at Churchill Gardens had stronger working relationships with local government authorities than the community at Lisson Green, and that it was this variable that explained the difference to the crime prevention strategies that were produced. The fieldwork indicated that a crime prevention project on a housing estate with clearly defined borders would potentially encounter a sufficiently strong enough sense of geographical community to steer it away from authoritarian crime control, but that the power that local residents are able to exercise is dependant on them having established an established links with local practitioners.

This, of course, is a conclusion that goes against the observations made on the housing department's contribution to the borough strategy, but it is the only one that the data allows. Furthermore, as noted in section 5.2.6, the conclusion drawn that the housing department did not share the chief executive department's vision of authoritarian crime control was tentative at best. The particular nature of the internal politics between the two departments (see section 3.3.4) prevented any concrete conclusions being made. It may be the case that, in the absence of local resident resistance, the housing department chose to tell the chief executive's department what it wanted to hear, and that the strategy was destined to never be implemented. Yet, it may equally be the case that the lack of resistance from residents allowed the housing department to do what it had intended all along. What it has been possible to demonstrate in this chapter is that 'top down' pressure to take an authoritarian approach to crime control is likely to be felt by crime prevention partnerships operating in large and small areas alike, but that resistance 'on the ground' is likely to be encountered in areas with residential populations of 30,000 or below, through practitioners on larger partnerships, but through residents on the smaller. However, the influence that local practitioners and residents are likely to have on the shaping of local crime prevention policies will vary from one partnership to another.

New Penal Boundaries

The very same intellectuals and reformers who had been the apostles of the new order now cast themselves as the prophets of doom... The benevolent-sounding decarceration package had turned out to be a monster in disguise, a Trojan horse. (Cohen, 1985: 37 and 38)

If the 'partnership approach' to crime prevention results in the local becoming a site of authoritarian crime control, which the empirical research conducted during the course of this doctoral thesis indicates that it has the potential of doing, Cohen's (1985) analysis of the failure of the proliferation of punishment in the community in the mid to late 20th Century to live up to the social democratic vision of progressive decentralised criminal policy will soon be replicated in criminological analysis of the proliferation of crime prevention partnerships. In section 3.3.1 it was emphasised that the researcher went into the empirical research in hope that the evidence would point to the contrary, if only, as van Swaaningen puts it, "because in the 1980s the critique of net widening led to 'Nothing works' defeatism and put an end to any restructuring potential that critical criminology may have had" (2002: 270). Having been brought up in inner city London in the 1980s, the author is only too aware of the negative effects that conventional crime and disorder can have on people's quality of life, yet at the same time the negative effects of the post-industrial economy on working class communities, and the defiance that those at the margins of the post-industrial economy, especially youths, show to legal authorities. Something needs to be done about anti-social behaviour, and the answer lies with local residents and local practitioners, but the author cannot lend support to the 'turn to the local' in crime control if it is to become an extension of the criminal justice system. Before exploring the implications of the theoretical and empirical research conducted during the course of this doctoral thesis, this chapter first turns to the question whether the national trends in crime prevention in the 1980s and 1990s identified in chapter four have continued into the 2000s.

6.1. The 'Enforcement Approach' Continues

6.1.1. *The Police Continue to Take a Back Seat*

The first point that needs to be emphasised is the continuing failure of the police to respond to the neoconservative call for a 'zero tolerance' approach to crime control. HMIC, for example, produced three reviews of policing policy in light of the Crime and Disorder Act 1998, covering the police contribution to crime prevention partnerships (HMIC, 1998), the policing of anti-social behaviour (HMIC, 1999), and implementation of the Crime and Disorder Act (HMIC, 2000), none of which made any reference to the term 'zero tolerance' policing, nor reference, direct or indirect, to the 'broken windows' thesis. The first two reviews stood out further for limiting their discussion of the role of criminal law enforcement to intelligence-led initiatives aimed at serious crime. The only exceptions were an indirect reference to short-term 'crackdowns' on anti-social behaviour (HMIC, 1998: para. 2.6), a statement of support for the new anti-social behaviour order (HMIC, 1999: para. 3.2.6), and references to cooperation with local authorities in gathering evidence for prosecuting people for minor crime (HMIC, 2000: para. 2.11), for the use of anti-social behaviour orders (*ibid.*: para. 5.9), and for the use of evictions (*ibid.*: para. 5.19). The references to legal intervention in the latter report were brief, and appeared isolated from the broad vision of crime prevention of HMIC. Before the measures were set out, HMIC referred to the recommendation of the report that social crime prevention be put on a par with situational crime prevention (see section 4.2.3). Unlike the Home Office, in other words, it did not include legal intervention as a third category of crime prevention (see section 4.3.2).

This apparent lack of enthusiasm for authoritarian criminal law enforcement among the police was confirmed in Home Office research on the contribution of the police to controlling anti-social behaviour. Two papers were published on the issue in the period surrounding implementation of the Crime and Disorder Act. The first (Leigh et al., 1998) was a comparative study of Cleveland and Leicestershire constabularies, the former of which is famous for its promotion of 'zero tolerance' policing. The second (Bland and Read, 2000) focused specifically on the contribution of law enforcement

to controlling anti-social behaviour. It compared the approach taken to policing anti-social behaviour by nine forces, again including Cleveland. Leigh et al. noted the emphasis put by Cleveland on authoritarian criminal law enforcement, but acknowledged that Cleveland was the only area in the country where such a neoconservative interpretation of community policing had been put in place. This was confirmed Bland and Read. Their findings are worth quoting in full:

Many, if not all, of the forces we visited, used street-level, direct policing methods to tackle aspects of anti-social behaviour. However, the approach adopted by the police to enforcement differed. In some cases, intervention against aspects of anti-social behaviour was described as an integral part of the force's policing style. In practice, what this entailed was the police taking action against individuals engaged in anti-social behaviour, rather than turning a 'blind-eye' to these activities.

For example, in a description of the policing approach employed in the Middlesborough Division of Cleveland Constabulary, the then Crime Manager suggested that his officers should 'confront, interact and assert' in the face of anti-social behaviour. Officers should make a point of directly tackling individual incidents of anti-social behaviour that they might have ignored in the past; littering for example, or members of the public urinating in the street. The officer claimed that as a result of encouraging officers to be positive, and to intervene at a low level, public confidence in the police would increase, general fear of crime diminish, and changes be effected in the public's behaviour. The aim was to provide a consistent response to these sorts of activities within the division.

There were, however, also examples where forces undertook direct enforcement against anti-social behaviour, but in a targeted manner, either in relation to an identified problem or in a specific location. Cleveland, for example, has adopted a problem-oriented policing (POP) approach throughout the force. A number of initiatives introduced under POP have involved targeting anti-social behaviour through the use of patrol and enforcement. Problems with youths congregating at a local school in Stockton were tackled by the local beat officer arranging for patrols, both by community beat officers (CBOs) and by shift officers, to attend the school and remove people from the school grounds. In Middlesborough, problems with prostitution in one particular part of the town were made a divisional target. (Bland and Read, 2000: 7-8)

Significantly, both papers gave as much attention to cooperation between the police and local authority housing departments in the use of legal orders as criminal law enforcement. Leigh et al. (1998), for instance, found as many incidences of

“disorder/theft” in Cleveland and Leicestershire to have resulted in notices to evict as in arrests, while Bland and Read (2000) ended the section of their report on criminal law enforcement by complaining about the lack of legal powers available to the police to deal with anti-social behaviour, before going on to give numerous examples of the use of legal orders by local authorities, including abatement notices, injunctions, anti-social behaviour orders and possession orders.

Cleveland was therefore the only police force in England and Wales in the 1990s to adopt a ‘zero-tolerance’ approach to crime control in the true neoconservative interpretation of the term. The emphasis among police forces on encouraging local authorities to take the lead in intervening legally into anti-social behaviour was more recently confirmed in another Home Office publication, Campbell’s (2002) study on the use of anti-social behaviour orders. Campbell quoted local authority disenchantment with a lack of police commitment to anti-social behaviour orders, and criticism by some parts of the police force of them being “a hammer to crack a nut”. The difference in attitude between local authorities and the police was evident in the lack of attention given to authoritarian policing in the police journal *Police Review*, which the current author analysed between January 1996 and March 2000 (see section 3.3.2). In comparison to the review of the housing journal *Housing Today*, conducted between November 1996 and March 2000 (see sections 3.3.2 and 4.2.1), there was a virtual absence of reference to coordinating the use of legal powers with local authorities or to the use of anti-social behaviour orders in discussion of the implications of the Crime and Disorder Act.

6.1.2. The Primacy of Legal Orders

On the other hand, the trend towards local authorities taking an authoritarian approach to crime control appears to have continued. Political pressure on them to do so has certainly built up from central government. First, the emphasis that the Home Office put on the use of legal orders in guidance surrounding the Crime and Disorder Act (see section 4.3.2) has been reflected in the reports on crime prevention of other central government institutions, for example by the Audit Commission (1999) and the Social Exclusion Unit (2000), the former of which, unlike HMIC (2000), followed the

line taken by the Home Office in identifying “enforcement” as a third approach to crime prevention alongside situational and social crime prevention (see section 4.3.1). There was, the Audit Commission commented, an overemphasis on situational crime prevention in partnership initiatives, which was at the expense of both enforcement and social crime prevention.

The authoritarian approach to crime control taken by the Home Office has also been embraced by the Local Government Association (see e.g. Local Government Association, 2002), and by local authorities across the country (see e.g. Housing Today, 12 July 1999, 30 March, 14 September and 26 October 2000, and 25 January 2001; Inside Housing, 18 June 1999). Moreover, guidelines produced for housing associations and other registered social landlords by the Housing Corporation, the National Housing Federation and the Chartered Institute of Housing all prioritise legal intervention over social and situational crime prevention (see Housing Corporation, 2001; National Housing Federation, 1999; Papps, 1998). At a workshop on residential disorder at a housing reform conference run by the Socio-Legal Studies Association and Society of Public Law Teachers at University of Westminster attended by the researcher in 2002, conversation revolved exclusively around the problems encountered trying to persuade judges that the use of legal orders was a proportionate response. Delegates were quick to defend the use of legal orders as a housing rather than criminal issue, yet no question was made of the need for them to be used in cooperation with the police (field notes, 15 May 2002). If anything can be taken as an indication that local authorities are becoming institutions of crime control, then it is the coordination of activities with criminal justice institutions. It would be artificial to treat the arrest of a youth vandalising a car as criminal policy, but the serving of an anti-social behaviour order or Housing Act injunction on them or the eviction of their family as housing policy. Finally, housing authorities have been at the forefront of promoting informal coercive initiatives such as reducing housing services to disorderly tenants (see e.g. Housing Today, 20 August 1998), and offering youths the opportunity to sign acceptable behaviour contracts as a first step before the authority resorts to seeking an anti-social behaviour order (see e.g. Housing Today, 27 April 2000). Both measures have again been promoted in a language of crime control, not housing management.

These are all developments that central government departments have been keen to encourage. Acceptable behaviour contracts, for example, were commended by Campbell (2002), DTLR (2002), Home Office (2003b and 2003c) and Local Government Association (2002), while in 1999 the Home Office's first Tilley Award (presented "for excellence in problem orientated policing and crime reduction") went to an initiative in which Housing Act injunctions had been obtained to deal with youths 'hanging out' on an estate (see Police Review, 8 October 1999). Central government recommendations for changes in housing law to deal with anti-social behaviour have included: the replacement of the local authority power to permanently exclude people from their housing registers with a new power allowing for temporary exclusion or reduced prioritisation (DETR, 2000b: para. 9.13), for local authorities to be given the power to reduce the housing benefits of disorderly tenants (DETR, 2000b: para. 5.4), for housing authorities to be given either a public law duty or a contractual duty to consider taking legal action when complaints are made of residential disorder (Law Commission, 2002: paras. 13.30 and 13.34), for the courts to be able reduce people's tenancy rights when they had breached an injunction or anti-social behaviour order (DTLR, 2002: para. 1.61), and for the courts be allowed to attach a power of arrest in breach of any injunction obtained by a social landlord "to prevent a breach of a nuisance term which amounted to serious housing related anti-social behaviour" (DETR, 2002b: para. 13.65). While it might be argued that the proposals of DETR and the Law Commission were made in the context of housing management, the same certainly cannot be said of DTLR, which presented its proposals within the context of the 'broken windows' thesis:

If action is not taken to help social landlords tackle anti-social behaviour effectively, then the lives of very many individuals and communities, particularly in deprived areas, will continue to be blighted. The problem is likely to worsen over time for the following reasons:

- Perpetrators and potential perpetrators will be emboldened and their behaviour is likely to worsen over time. Anti-social elements may be attracted in from outside the area if it is perceived that that landlord cannot or will not take tough action.
- Landlords who have tried to use their powers and failed, perhaps through inadequate preparation or lack of understanding of the most appropriate course of action to take, will be put off trying to use those powers in the future.

- Existing residents will not believe in the landlord's ability or willingness to tackle the problem. They may simply leave, or they may take the law into their own hands. Local businesses and providers of local services may become reluctant to operate in that area.
- Potential residents (as well as businesses and service providers) will not wish to move into the area.

A spiral of decline may be set up, as the reputation and conditions in an area decline, with very grave long-term consequences. In the long run, unchecked anti-social behaviour may even lead to wholesale demolition of an area. (DTLR, 2002: 62)

The recommendations of DETR, DTLR and the Law Commission (2002) culminated in the White Paper *Respect and Responsibility* (Home Office, 2003c). The White Paper made explicit reference to the 'broken windows' thesis (para. 1.8), before going on to promote strict enforcement of anti-social behaviour orders (para. 4.19), possession orders (para. 4.36) and injunctions (para. 4.39), and to introduce a number of proposals for the strengthening of legal orders, most of which are now contained in the Anti-Social Behaviour Act 2003. The most significant new proposals were a requirement on social landlords to publish summaries of their policies and procedures on dealing with anti-social behaviour (now contained in the Anti-Social Behaviour Act 2003, section 13), the extension of the power to apply for injunctions under the Housing Act 1996 from local authorities to housing action trusts and registered social landlords (now contained in the Anti-Social Behaviour Act 2003, section 13), and the introduction of a right for social landlords to demote tenancy agreements (now contained in the Anti-Social Behaviour Act 2003, sections 14 and 15). The White Paper made further recommendations concerning fixed penalty notices that had been introduced under the Criminal Justice and Police Act 2001, but were still being piloted. £80 fixed penalty notices were already available to the police to use against adults accused of "causing harassment, alarm or distress". It was recommended that chief constables be given the power to devolve the right to issue fixed penalty notices for anti-social behaviour beyond the police force (para. 5.8). This would mean them becoming available not only to local authority officers (see the *Guardian*, 29 October 2004), but also non-government officials such as private security guards (see the

Guardian, 13 March 2003). The notices would also become available to use against anyone over sixteen (para. 5.9), which was reduced to over tens by the time the Anti-Social Behaviour Act was passed. The White Paper is explored in more detail in section 6.2.

The neoconservative emphasis on liability rather than duty, on public responsibility for supporting the state in authoritarian crime control, and on removing the legal obstacles that stand in the way are also reflected in the Home Office Strategic Plan 2004-2008 (Home Office, 2004a), the most recent government proposals for reforms to the criminal justice system (Home Office, 2006a), and in recent Home Office policy documents on the Government's approach to anti-social behaviour (e.g. Home Office, 2003d and 2006b). Even if there were the space to do so here, it is not necessary to go through each of these documents or each of the measures introduced by the Government since the Crime and Disorder Act to tackle anti-social behaviour in detail. To provide a summary, among the numerous new measures are: the provision of resources to crime prevention partnerships for enforcement (totalling £11m in 2005/6); the use of anti-social behaviour orders to enable compulsory drug treatment for people who have not been convicted of a criminal offence; "nuisance neighbourhood hotlines"; "nuisance neighbourhood panels"; "anti-social behaviour courts"; "anti-social behaviour prosecutors"; the use of video links or screens when witnesses to anti-social behaviour are giving evidence in court; the inclusion of unsigned witness statements as admissible evidence; the fast-tracking of "anti-social behaviour proceedings"; and the extension of the local authority and police duty to consider the implications of their activities for the control of anti-social behaviour (contained under the Crime and Disorder Act) to the implications of their activities for the control of "anti-social and other behaviour adversely affecting the local environment" (recently given statutory status under the Clean Neighbourhoods and Environment Act 2005). Measures that the Government have proposed, but would need further legislation for, include a duty for local authorities to consider taking legal action when complaints of anti-social behaviour are made, and a power to 'close' any property where its occupants are accused of anti-social behaviour. If the Government's authoritarian approach to crime control could be dismissed as punitive rhetoric in the late 1990s, which the author certainly believed it could not (see section 4.3.2), then it would surely be naïve to dismiss it as punitive rhetoric now. Indeed, the

Government's approach to anti-social behaviour recently received strong endorsement by the House of Commons Home Affairs Committee (House of Commons Home Affairs Committee, 2005).

The use of anti-social behaviour orders is still not significantly high, but is on a rapid upward trend. Only 9,853 anti-social behaviour orders were obtained between their introduction on 1 April 1999 and 31 December 2005 (see crimereduction.gov.uk/asbos/asbos2.htm). Yet, 4,060 of these were obtained in 2005 alone (ibid.). The use of other legal orders as tools of crime control is also on the increase. For example, 1,614 injunctions and 822 possession orders were used in response to serious crime or anti-social behaviour in the period 1 October 2004 to 30 September 2005, compared to 946 injunctions and 654 possession orders in the previous twelve months (Home Office, 2006c). Finally, the police are making strong use of fixed penalty notices. For example, 64,007 were served for behaviour 'causing harassment, alarm or distress' in 2005 (see the Sunday Telegraph, 7 January 2007). In a Home Office study of the use of fixed penalty notices while they were being piloted between August 2002 and July 2003 (Halligan-Davis and Spicer, 2004), it was estimated that between twenty-five and fifty per cent of notices were issued in cases where the offender would not otherwise have been cautioned or charged.

If the average local authority is to follow the example of Manchester City Council or Westminster City Council, as central government is doing everything to encourage (see e.g. DETR, 2000a, and the Guardian, 1 September 2004), then these figures will continue to rise. Home Office (2003c) and Local Government Association (2002) quote Manchester as obtaining between 300 and 400 Housing Act injunctions a year, while Shelter quotes Manchester as having evicted 283 people for anti-social behaviour between 1995 and 2003 (see Guardian Society, 4 June 2003). Of the 4,060 anti-social behaviour orders granted by the courts in 2005, 433 were obtained by Manchester City Council (Pitt, 2006). If these figures were replicated around the country (based on relative size of residential population), there would have been over 40,000 anti-social behaviour served in England and Wales in 2005. Manchester also served 529 injunctions and forty-one possession orders with respect to crime and disorder in 2005 (ibid.). These figures would equate to over 50,000 injunctions nation wide. The same applies to the approach to authoritarian crime control being taken at

Westminster. The housing department at Westminster continues to emphasise that legal intervention should only be used as a matter of last resort (see City of Westminster Housing Department, n.d.), but nevertheless set up an anti-social behaviour unit in 2003 to coordinate the use of legal orders with the police (ibid.). In 2005 Westminster had thirty-three anti-social behaviour orders in place (City of Westminster, 2005). If these figures were replicated around the country, there would be close to 8,000 anti-social behaviour orders in operation in England and Wales.

6.1.3. Correcting the Anti-Social Behaviour of Youths

Finally, the trends towards earlier intervention into criminal careers (see section 4.4) has likewise continued. Again, for current purposes it is not necessary to go through the measures that have been introduced since the Crime and Disorder Act in detail. Five examples will suffice to demonstrate the point. The first four concern the focus put on parental responsibility. Under the Anti-Social Behaviour Act 2003 it became a statutory obligation for youth offending teams to consider asking parents to sign a parenting contract where a parenting order was not considered appropriate, and for the courts issuing an anti-social behaviour order to consider the need to issue a parenting order alongside. The courts were given a further statutory obligation to take refusal to sign a parenting contract or breach of the contract into account when deciding whether to issue a parenting order (for government guidance on the relationship between parenting contracts and parenting orders, see Home Office et al., 2004). 537 parenting orders and 1,296 parenting contracts were obtained in the period 1 October 2004 to 30 September 2005 (Home Office, 2006c). In Home Office (2006b) the Government recommended that this movement towards making it compulsory for parents to attend training sessions on how to discipline their children should be strengthened through the introduction of a right to reduce housing benefits for those that refuse. The last example of increasing focus on parental responsibility to be highlighted in this section is the introduction of parental compensation orders under the Serious Organised Crime and Police Act 2005. Like parenting orders, parental compensation orders can be applied for by local authorities. They require parents to compensate victims for theft and damage to property caused by children under ten years old.

The last example concerns the depth that the movement towards 'self regulation' (see section 2.1.1) has resulted in restored faith in the ability of the criminal justice system to rehabilitate youth offenders: referred by Pitts (2001) as the "new correctionalism". In 2000 the Government set up a national body, the Youth Justice Board, to oversee the changes to the youth justice system brought in by the Crime and Disorder Act and the Youth Justice and Criminal Evidence Act 1999. Four years on the new approach had been put into practice. As the following quotes from Youth Justice Board publications of the time demonstrate, the youth justice system was now fully geared towards the moral communitarian emphasis on correcting anti-social behaviour through treating people as responsible for the consequences of their actions, and the neoconservative insistence that offenders can be reformed through legal as well as correctional controls, both as a means of making correctional interventions compulsory, and as a means of reforming offenders through the simple experience of being punished. On the overall vision of the youth justice system, it was explained:

The new criminal justice system seeks to involve the community more in tackling youth crime. Communities suffer the effects of young people's offending behaviour as a group and as individual victims. New court orders and the increasing use of restorative justice techniques impress upon offenders the impact of their behaviour on other people and the consequences for themselves. (Youth Justice Board, 2001a: 9)

Persistent young offender cases are now consistently prioritised through the justice process... it confronts the young person with the consequences of their actions quickly and helps them to address their offending behaviour in a positive way. (PA Consulting Group, 2001: 1-2)

On the role to be played by families, the views of a number of parents were presented in Youth Justice Board (2001b), all of which stressed the importance of them being taught how to communicate with their children, and how to gain the confidence to exert a positive influence over them.

Finally, the views of youths involved that had succeeded in realising the errors of their ways were presented, including:

I think before I do stuff now. (Youth Justice Board, 2001b: 6)

It taught me what happens if I steal.... I haven't stolen since. Both give me a bit of respect I suppose, so my mum respects me now because I'm not stealing or mitching [truanting] or anything. (Youth Justice Board, 2001b: 9)

I know I am paying something back for what I've done. It has taught me not to do anything like that again. (Youth Justice Board, 2001b: 11)

6.2. A 'Mesh Thinning' of Crime Control

Cohen's analysis of the 'mesh thinning' effects of punishment in the community was applied to the early days of formal cooperation between the police and local authorities in the 1980s by Gordon (1987), cited in the introduction to this thesis. van Swaaningen applies the same question fifteen years later. In contrast to Gordon, who saw no potential benefits to such cooperation, van Swaaningen urges criminologists to fight for a "replacement discourse" that will allow them to tackle the "conceptual vagueness [that has] allowed the extreme right to hi-jack the term 'community safety' in a plea for zero-tolerance policing" (2002: 271).

The research conducted during the course of this thesis failed to find a strong foothold for such a replacement discourse to be put in place. First, in chapter two it was demonstrated that there is not only immediate political, but also structural pressure on crime prevention partnerships to become institutions of authoritarian crime control. Coleman and Sim write that social scientists who focus their analysis of the 'turn to the local' in government on the 'responsibilisation strategy' (see section 2.1.1) "have ignored the centrality of coercive aspects of power directed at dissenters from neoliberal rule" (2000: 634). While their point may be exaggerated, the link between the proliferation of crime prevention partnerships and the post-industrial need for more control of the marginalised has not been explored to the extent that the link between crime prevention partnerships and the post-industrial need for less intervention into the lives of the majority has. Observations on the link between the 'turn to the local' in government and the need to recruit the population into the 'oars' of government are stronger when they are applied to the governing of the compliant majority than when they are applied to the governing of the defiant minority. In the

case of the latter, there is an increasing rather than decreasing need for intervention into the lives of individuals, including legal intervention.

Second, in chapter two it was further demonstrated that the potential for the right to hijack the 'turn to the local' in crime control finds its roots in 'third way' as well as neoconservative communitarian visions of crime control. In chapter four and in this chapter it has been further demonstrated that those that threaten to hijack the 'turn to the local' in crime control are at the centre of national politics, and not at its right-wing margins. Not only has it been the Labour Party rather than the Conservative Party that has been at the centre of the movement towards authoritarian crime control in England and Wales, but the Labour Party has also done so through appeal to socialist rather than conservative values. When explaining the Government's recent decision to introduce yet more authoritarian legal measures to deal with anti-social behaviour (see section 6.1.2), Prime Minister Tony Blair, for example, insisted:

[The Labour government] inherited a system which was increasingly unable to deal with the problems it faced. Anti-social behaviour was becoming a very serious problem on some estates but the courts were too cumbersome a process to deal with it expeditiously... The choice was stark; either we accepted that nothing could be done... or we granted new powers to local authorities and the police. This was, and still is, the rationale for all the so-called summary powers that we have introduced. These powers have a strong philosophical justification, from within the Labour tradition. Social democratic thought was always the application of morality to political philosophy. One of the basic insights of the left, one of its distinguishing features, is to caution against too excessive an individualism. People must live together and one of the basic tasks of government is to facilitate this living together, to ensure that the many can live without fear of the few... Our critics, who usually do not live in the communities most affected by crime and anti-social behaviour, often describe these measures as overly punitive and a threat to basic legal principles... But this is not a debate between those that value liberty and those who do not. It is an argument about the very types of liberty that need to be protected given the changing nature of the crimes that violate them. And it is an attempt to protect the most fundamental liberty of all – freedom from harm by others. (Quoted in the Observer, 11 December 2005)

Next, the empirical research conducted on local crime prevention policies uncovered evidence in the late 1990s of crime prevention partnerships failing to resist structural and political pressure on them to become institutions of authoritarian crime control. In

chapter five it was demonstrated that three out of nine crime prevention partnerships analysed in 1998 were resorting to civil or public law orders in response to anti-social behaviour, and fourteen out of twenty-one partnerships analysed a year later in 1999. Of particular significance, it was demonstrated that two of the partnerships analysed in 1998 and five of the partnerships analysed in 1999 put law enforcement on a par with physical and social security. Empirical research that has since been conducted in the 2000s has likewise uncovered evidence that many crime prevention partnerships are turning to law at the expense of other interventions (see Burney, 2005). Burney highlights a survey of sixty-two partnerships (Nixon et al., 2003), in which all but two of the respondents identified the police as the main partner that dealt with complaints of anti-social behaviour. As Burney stresses, “[a]ny hope that [crime prevention partnerships] will transcend their crime and disorder reduction role to address wider ‘safety’ and social justice concerns seems fairly remote if they cannot even enrol the more socially-orientated public services in the cause of alleviating anti-social behaviour” (2005: 120).

Finally, in chapter five it was demonstrated that even when crime prevention partnerships operate at the most local of levels, there is no guarantee that they will operate at sufficient ‘arms length’ to macro ideologies and central and local state bureaucracies to steer the away from the neoconservative communitarian emphasis on making people criminal responsibility for anti-social behaviour. The fieldwork conducted on a police sector and two estate crime prevention projects in Westminster uncovered empirical evidence that ‘bottom up’ resistance to a district-level crime prevention partnership intent on resorting to law enforcement in the control of anti-social behaviour is likely to be encountered in areas with residential populations of 30,000 or below. The fieldwork on Churchill Gardens estate also uncovered empirical evidence in support of the view that “democratically accountable strategies of empowerment are not entirely utopian hopes” (Hughes, 1996: 28). However, as emphasised in the conclusion to section 5.3.2, when taken together, the fieldwork on the three pilot projects in Westminster indicated that the influence that local practitioners and residents are likely to have on the shaping of local crime prevention policies will vary from one partnership to another. The point remains that even the most localised of crime prevention partnerships still run the risk of becoming caught up in “the politics of enforcement” (see Jordan, 1996).

The last issue that needs to be dealt with concerns the choice of title for this concluding chapter. This relates to the consequence of the movement towards earlier and more intensive legal intervention into the lives of the minority for the rule of law, as defined under western liberal democratic social contract theory: that penal laws should be clearly defined, that those accused of breaking them should be presumed innocent, and that those found guilty should not be punished in excess of the harm they have caused.

First, it needs to be emphasised that the use of legal orders as weapons of crime control is an example of penal as well as spatial or correctional intervention. In this thesis it has been seen that injunctions and anti-social behaviour orders are being turned to by crime prevention partnerships in order to put restrictions on people's liberty. It has also been seen that, with the exception of possession orders, each of the legal orders attracts criminal penalties in breach proceedings. As far as the researcher is aware, figures on breach proceedings are not systematically collated by the courts, though in 2004 the Home Office released figures that revealed a breach rate of forty-two percent for anti-social behaviour orders issued between 1 June 2000 and 31 December 2003 (see Burney, 2005). Of these, fifty-five percent resulted in prison sentences (*ibid.*). Finally, it has been seen that legal orders are being promoted in national and local crime prevention policies as sovereign and juridical remedies, aimed at retaining control over areas that the state is in danger of losing control over, in terms of its monopoly over defining and maintaining the boundaries between acceptable and anti-social behaviour, and as means of deterring and denouncing anti-social behaviour. These messages were all reinforced, for instance, in the White Paper *Respect and Responsibility* (Home Office, 2003c). On the need for legal orders to enable the state to maintain sovereign control, and moreover the need for the boundaries of acceptable and unacceptable behaviour to be policed by the state, it was stressed:

Every society has to have rules and standards of behaviour. Those rules and standards have to be enforced. People who behave anti-socially should not be allowed to get away with any longer and we believe it is time for the community to take a stand [...] The role of individuals, families, communities and businesses is to get involved and take responsibility.

Parents are responsible for ensuring that their children attend school and are supported in their learning. Citizens have the responsibility for being part of the criminal justice system through jury service. Witnesses of crime have a responsibility to give evidence and a right to feel secure in doing so. Businesses must do the simple things like removing or paying for the removal of rubbish from outside their premises. And together we must support public services to tackle anti-social behaviour. (Home Office, 2003c: paras. 1.11 and 1.14)

Faith in the coercive potential of legal orders was demonstrated, for example, in the emphasis put on ‘naming and shaming’ those that have had legal orders applied on them: “[a]ppropriate publicity of action taken is a key part of any strategy to tackle anti-social behaviour. It provides reassurance to local residents that the authorities are taking action... Publicity of an order sends out a clear message that anti-social behaviour will not be tolerated” (para. 5.25). Finally, on the need to denounce anti-social behaviour, it was explained, “[i]t is important for communities to set the standards of behaviour by which they expect people to live. But if these standards are to be credible and respected, it must be clear to everyone that swift and effective action will be taken against unacceptable behaviour” (para. 5.1).

The use of legal orders as weapons of crime control challenges all three boundaries of western interpretations of the rule of law. The threat to the first aspect of the rule of law, that people are only punished for breaking clearly defined laws, lies in the broad definitions of anti-social behaviour used by the state. This has been noted in this thesis, for example, in the definitions of the behaviour required for the issuing of Housing Act injunctions (see section 4.2.1). A further example is the definition of behaviour required for the courts to issue an anti-social behaviour order under section 1 of the Crime and Disorder Act 1998: “that the person has acted... in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; and that such an order is necessary to protect persons in the local government area in which the harassment, alarm or distress was caused or was likely to be caused from further anti-social acts by him”. The other two aspects of the rule of law, the presumption of innocence and proportional punishment, have been stressed throughout this thesis. It has been seen that crime prevention partnerships are turning to civil and public law orders because they allow for both easier and earlier resort to law than is the case with criminal law: easier in the sense that there is less need to

provide evidence that the alleged behaviour has actually occurred, and earlier in the sense that they can be used against people who are deemed to be potential rather than actual offenders, or if they are not potential offenders themselves, that their behaviour has the potential to encourage others to commit crime.

Appendix one

Fieldwork Interviews and Observations

While the research question was being developed, interviews were held with the following community safety officers:

- Martin Davis, London Borough of Merton, 2 April 1997
- Robert Grieves, London Borough of Wandsworth, 30 April 1997

And interviews were held with the following researchers:

- Sheradon Morris, Home Office Crime Prevention Unit, 15 July 1997
- Scott Ballintyne, Institute of Public Policy Research, 26 June 1997

In addition, letters or emails were sent and received from the following from practitioners and researchers:

- Superintendent Ted Bellingham, Police Staff College, letters dated 27 March 1997 and 30 May 1997
- Acting Inspector J. Cracknell, Metropolitan Police Service, letter dated 18 March 1997
- Nigel Fielding, University of Surrey, letter dated 25 April 1996
- Assistant Superintendent John Fisher, Metropolitan Police Service, letter dated 25 March 1997
- Mike Hough, South Bank University, email sent 3 September 1997
- David Riley, DETR, letter dated 18 August 1997
- Frank Warburton, NACRO, letter dated 2 July 1997
- Mollie Weatheritt, Police Foundation, letters dated 11 March 1997 and 2 June 1997

- Chief Inspector John Wood, Devon and Cornwall Constabulary, letter dated 30 June 1997

In the first survey of local authorities in London (conducted in January 1998), the following documents were obtained:

- Bexley Strategy (1997/1998), audit and consultation
- Brent Strategy (1997/2000), audit and consultation
- Croydon Strategy (1998/1999)
- Hackney Strategy (1997), audit and consultation
- Haringey Strategy (1997)
- Harrow Strategy (1997/1999), audit and consultation
- Lewisham Strategy (1997/1998) and audit
- Sutton Strategy (1995/1997) and consultation
- Tower Hamlets Strategy (1997/1998)

Interviews were subsequently held with the community safety officer at the following boroughs:

- Ruth Clarke, City of Westminster, 24 June 1998
- Allistar Barron, Corporation of London, 5 May 1998
- Morevike Jameson, London Borough of Croydon, 2 June 1998
- Debbie Seaborn, London Borough of Hammersmith and Fulham, 17 June 1998
- Ian Pearce, London Borough of Harrow, 9 February 1998
- Gordon Falconer, London Borough of Sutton, 29 April 1998
- Nozmul Hussain, London Borough of Tower Hamlets, 8 March 1998

The following meetings and events were attended during fieldwork research at Westminster:

- Chief Executive's Department Policy Unit Management Working Group, 8 July 1998, 3 August 1998, 8 September 1998 and 9 December 1998
- Churchill Gardens Estate open day, 10 September 1998

- Lisson Green Community Safety Plan Working Group, 2 September 1998
- Lisson Green Estate open day, 17 September 1998
- Paddington and Marylebone Community Consultative Group, 8 September 1998 and 10 November 1998
- South Westminster Community Consultative Group, 4 May 1999
- Westbourne Police Sector Community Safety Plan Working Group, 3 August 1998, 18 August 1998 and 14 September 1998
- Westbourne Police Sector Working Group, 16 September 1998 and 4 November 1998
- Westbourne Police Sector public consultation day, 18 July 1998
- Westminster City Council Community Protection Sub-committee, 18 January 1998 and 30 March 1999
- Westminster City Council Education and Leisure Committee, 28 January 1999 and 2 March 1999
- Westminster City Council youth conference, 18 February 1999
- Westminster City Council Education and Leisure Youth Conference Working Group, 10 February 1999
- Westminster City Council Environment and Planning Committee, 30 March 1999
- Westminster City Council Housing Department Committee, 23 March 1999

And the following interviews were held:

Westminster City Council

- Environment and Planning Department: director
- Housing Department: director, two project managers, and three estate office managers
- Chief Executive's Department: project manager
- Youth Offending Team: senior practitioner

Other local government and non-government organisations

- Kensington, Chelsea and Westminster Health Authority: community liaison manager and drugs action team co-ordinator
- Bayswater Families Centre: manager

- Metropolitan Police: Westbourne Police Area Sector Inspector
- Safe Neighbourhood Unit: director

Public

- Neighbourhood Watch co-ordinator
- Paddington and Marylebone Police and Community Consultative Group: chairperson
- South East Bayswater Residents Association: chairperson
- Wessex Gardens Estate Residents Association: chairperson and two other members
- Westbourne Police Sector Working Group: chairperson
- Whiteley's Shopping Centre, Bayswater: manager

While the following research participants replied to postal questionnaires:

Westminster City Council

- Education and Leisure Department: outreach youth worker

Metropolitan Police

- Chief superintendent and two inspectors

Public

- Churchill Gardens Estate Residents Association: chairperson and four other members
- Churchill Gardens and Russell House Neighbourhood Watch: co-ordinator
- Paddington and Marylebone Police and Community Consultative Group: vice-chairperson
- Pimlico Police Sector Working Group: chairperson
- St Mary of the Angel Catholic Church: friar
- St Matthews Church: reverend
- Westminster Play Association: manager

Finally, in the second survey of local authorities in London (conducted in April 1999) the following documents were obtained:

- Barnet Strategy (1998/2001)
- Brent Strategy (1999/2002), audit and consultation
- Bromley Strategy (1999/2002), audit and consultation
- Camden Strategy (1999/2002), audit and consultation
- Enfield Strategy (1999/2002) and audit
- Greenwich Strategy (1999/2002), audit and consultation
- Hammersmith and Fulham Strategy (1999/2021), audit and consultation
- Haringey Strategy (1999/2002), audit and consultation
- Harrow Strategy (1999/2002), audit and consultation
- Hillingdon Strategy (1999/2002), audit and consultation
- Hounslow Strategy (1999/2002), audit and consultation
- Kensington and Chelsea Strategy (1999/2002), audit and consultation
- Lewisham Strategy (1999/2002), audit and consultation
- Merton Strategy (1999/2002), audit and consultation
- Newham Strategy (1999/2002), audit and consultation
- Redbridge Strategy (1999/2002), audit and consultation
- Richmond Upon Thames Strategy (1999/2002), audit and consultation
- Southwark Strategy (1999/2002), audit and consultation
- Sutton Strategy (1999/2002), audit and consultation
- Tower Hamlets Audit and consultation
- Wandsworth Strategy (1999/2002), audit and consultation

Public Consultation under the Crime and Disorder Act 1998

The Home Office Crime and Disorder Strategies (Prescribed Descriptions) Order 1998 listed the following organisations for consultation on the partnerships' audits:

National Health Service trusts.

Governing bodies of schools.

Proprietors of independent schools.

Governing bodies of institutions within the further education sector.

Social landlords.

Drug action teams.

Alcohol action teams.

Training and Enterprise Council.

Chamber of Commerce.

Voluntary organisations dealing with young people.

Crown Prosecution Service.

Court manager of crown courts.

Magistrates' court committees.

Neighbourhood watch co-ordinators.

Crime prevention panels.

Victim Support.

Rape Crisis Centres.

Transport providers.

British Transport Police.

Chief fire officers.

Local members of parliament and members of the European Parliament.

Women's groups.

Youth groups.

Elderly groups.

Racial Equality Council.

Physically and mentally handicapped groups.

Racial groups.

Homosexuals' groups.

Residents' groups.

Community leaders.

Religious groups.

Companies.

Retailing groups.

Trade unions.

Doctors.

National health service trusts.

Consultation in London

The following is a summary of the approach to consultation taken by the partnerships studied besides Westminster. The detail provided varies depending on the information obtained:

Brent circulated 10,000 summaries of its audit, included a questionnaire in a council magazine distributed to all households, and conducted an opinion survey of 1000 school children.

Bromley circulated 2,200 copies of its audit, and held telephone interviews with 154 businesses. It also included the questionnaire in a council newspaper. 399 responses were received to the questionnaire. The partnership had hoped to analyse opinion across ethnic groups and ages, but in the event only four responders were black or Asian, and only two were under 25.

Camden distributed 5,000 copies of its audit. 108 responses were received. Focus group meetings were also held with an undisclosed number of youths, minority ethnic

groups and business people. Finally, a pre-existing citizens panel of 1500 residents was consulted.

Enfield held publicity campaigns in local newspapers over three weeks, and held focus group meetings with an undisclosed number of “community” and “hard to reach” groups. No detail was given on distribution of its audit.

Greenwich distributed 7,000 summaries of its audit, translating it into five languages to target particular minority ethnic groups. 250 replies were received from residents, 31% of which from black or Asian people, but only 13% from people under 25. Differences in opinion between different age and cultural groups and between males and females were analysed.

Hammersmith and Fulham advertised a summary of its audit in local newspapers. It also distributed 1,400 leaflets, questionnaires and posters among local residents. Opportunity was given to respond to the questionnaire by telephone. No detail was given on distribution of its audit.

Haringey advertised a summary of the audit in local newspapers for three weeks, inviting comment on suggested priorities. Ten focus groups were also held with young men, young women, adult women, the elderly, African/African-Caribbean residents, refugees, other minority ethnic residents, lesbians and gay men, and two residents groups. No detail was given on distribution of its audit.

Hillingdon distributed over 500 copies of its audit. No other details were given.

Hounslow included a leaflet in a council newspaper delivered to each household with a summary of the audit and a freepost return slip. 250 replies were received. It also ran six public meetings and six focus group meetings with youths, minority ethnic groups and neighbourhood watch co-ordinators. No other detail was given on distribution of its audit.

Kensington and Chelsea held focus group sessions with youths, women and Moroccan residents.

Lewisham distributed 17,000 summaries of the audit, and advertised its availability in local newspapers and posters. Focus group meetings were also held with offenders, victims of disorder and young black men.

Merton published a summary of the audit in local newspapers, and printed 15,000 pamphlets for public distribution. Around 250 responses were received. An undisclosed number of public meetings were also held, and focus group meetings arranged with young people, the elderly and minority ethnic groups.

Newham distributed its report to over 3,000 local organisations, and leafleted a summary of the main audit findings to each household. Focus group meetings were also held with Asian women and victims of domestic violence. Finally, public meetings were held in six areas.

Redbridge distributed 2,200 copies of its audit, and received 102 replies. In addition, 19 focus group meetings were conducted with the elderly, youth, the disabled, gays and lesbians, ethnic minority groups, victims of domestic violence and drug users.

Richmond gave no detail on distribution of its audit. It received seventy responses.

Southwark gave no detail on distribution of its audit or the replies received.

Sutton held two public meetings and six focus group meetings. No detail was given on distribution of its audit.

Tower Hamlets commissioned London Guildhall University to design and conduct a survey of residents views. No detail was given on distribution of its audit.

Wandsworth distributed over 4,000 copies of its audit, and held focus group meetings with elderly people, women, minority ethnic groups and 250 neighbourhood watch co-ordinators. In addition, a public meeting was held.

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