

**CENTRE FOR CRIMINAL  
JUSTICE STUDIES**

**THIRD ANNUAL REPORT**

**1990-91**

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**INTRODUCTION**

The Centre for Criminal Justice Studies was provisionally established in 1987 and was formally approved by the University in March 1988. Its object, as set out in its Constitution (see Appendix 1), is the pursuit of research and study into all aspects of criminal justice systems. This remit, as undertaken by the Executive Committee (see Appendix 2), has in practice included the encouragement of postgraduate students and

research projects, and the arrangement of seminars and conferences. The Centre's members comprise both lawyers and non-lawyers, and its work is generously assisted by an Advisory Committee, which consists of academics and practitioners in relevant fields of experience (Appendix 2).

• ***Professor Clive Walker***

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## **THE WORK OF THE CENTRE**

### **A Research projects**

The following research projects are currently in progress.

**(a) Reporting of Crown Court proceedings and the Contempt of Court Act 1981.**

This project is funded by the Leverhulme Trust and is directed by Dr. Clive Walker with the assistance of Debra Brogarth and Ian Cram. The aim is to investigate the frequency and nature of orders under sections 4 and 11 of the Contempt of Court Act 1981 which in some way restrict or postpone the publication of Crown Court proceedings. A report has been prepared and arrangements are being made for publication.

**(b) A study of sentencing in the Leeds Magistrates' Courts: The treatment of ethnic minority and white offenders.**

Imogen Brown has researched into various aspects of the work of the magistrates in Leeds in association with Dr. Roy Hullin (Dept of Biochemistry). Part of the work is to be published in the British Journal of Criminology.

**(c) Leeds Young Adult Offenders Project.**

Ian Brownlee has conducted an evaluation study of the above which is funded by the National Children's Home and the West Yorkshire Probation Service. A preliminary report has been published (at [1990] Criminal Law Review p.852). A follow-up study is in preparation.

**(d) Pre-trial reviews in the Magistrates' Courts.**

The Home Office has agreed to fund research into the working of the above. The research is concentrating on procedures in the Bradford and Leeds Magistrates' Courts and has been in progress since January 1990. The grant-holders are Ian Brownlee, Peter Seago and Clive Walker. Much of the fieldwork is being carried out by a full-time research officer, Aogan Mulcahy.

**(e) The administration of legal aid in the Magistrates' Courts.**

This project, directed by Adrian Wood and John Beaumont (Leeds Polytechnic), is to be supported by E.S.R.C. funding and is to concentrate on four courts (Bristol, Coventry, Huddersfield and North Staffordshire) and the relevant Criminal Legal Aid Committees. The date for commencement is not yet fixed but is planned to be in early 1992.

**(f) Special Constabularies (various projects)**

Clare Leon is acting as consultant to the Home Office Research and Planning Unit in a project on "Wastage in Special Constabularies" which commenced in April 1991. She is also studying the role of special constables during the Second World War.

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## **B Postgraduate study**

***(a) Postgraduate research degree schemes.***

The Centre wishes to encourage applications from anyone wishing to pursue research into the criminal justice system. This subject may be taken to include, for example, the judiciary, the prosecution system, the police and policing authorities, the prison and probation services, criminology and penology, criminal law and terrorism. Any relevant research topic in these or related areas will be considered. A number of possible areas of research have been considered with our Advisers and can be suggested on request, but applicants are not precluded from devising their own proposals. Comparative studies will be considered. The work of students may be assisted by practitioners in our Advisory Committee or by other contacts in the field. Formal instructions in research methodology and joint supervisions in interdisciplinary subjects can be arranged. Scholarships may be available. The relevant degree schemes on offer (all by research and thesis only) are as follows:

- Master of Arts (M.A. (Legal Studies)) - one year full-time or two years part-time;
- Master of Laws (LL.M.) - two years full-time or three years part-time;
- Doctor of Philosophy (Ph.D) - three years full-time or four years part-time.

The entrance requirements common to all three schemes are that applicants must normally possess a good honours degree, but those with professional qualifications or substantial professional experience will be considered. The detailed ordinances and regulations governing the above degree schemes are set out in the prospectus of the Faculty of Law which is available on request.

*(b) Current postgraduate research students*

Ford, Lindy C., M.Sc, B.Sc. - Homelessness and persistent petty offenders (Ph.D., October 1988)

O'Gorman, Christopher, LL.B. - Rights in police custody (Ph.D., October 1989)

Acharya, Neena, LL.B. - the Police and Race Relations (M.A., January 1990, part-time).

Shanks, Rachel, LL.B - Freedom of movement in the U.K. and France and the prevention of terrorism with special reference to European Community law (M.A., October 1990).

Timms, Alan, B.A. - Investigative institutions and powers with regard to serious fraud in England and Wales (M.A., January 1991).

Harrison, Bronwyn, B.A. - The development of juvenile cautioning and its implications for police practice and procedure (M.A., February 1991).

Ghosh, Saumya, LL.B. - The law of evidence as existing in several common law jurisdictions: A comparative study (M.A., October 1991)

Pinkney, Ian, LL.B. - The taking of motor vehicles without consent (M.A., October 1991)

Okoye, Cyril, B.A., M.P.A. - Cross-cultural perspectives on the social disorganisation of prisons in Canada and the U.K. (Ph.D., October 1991) (provisional).

*(c) Postgraduate taught courses*

The Centre is in the process of submitting plans for Diploma and Master of Arts courses in Criminal Justice Studies. It is hoped that these studies will commence for part-time students in 1993-94 and for full-time students in 1994-95.

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## **C. Relevant papers and publications by members of the Centre during 1990/1**

*(a) Courts and court procedures*

Seago, Peter - A Guide for Magistrates (Lord Chancellor's Department, (1990)

Seago, Peter - The Mode of Trial Guidelines" (1991) The Magistrate

Seago, Peter - Paper circulated by the Judicial Studies Board on "Training in Ethnic awareness: guidance for magistrates' Courts" (1991)

Seago, Peter - various papers in connection with work on Judicial Studies Board's Magisterial Sub-committee on the Appraisal of Court Chairman and the Board's Ethnic Awareness Advisory Committee.

Wood, Adrian - Paper on "Principles and Philosophy of the Children Act 1989" to Peterborough Magistrates' Court Clerks (with Home Office) (Nov 1990)

Wood, Adrian - Paper on "Criminal/Civil Practice and Procedural Changes in 1990" to W. Yorks Court Clerks at Scarborough

Wood, Adrian - Children Act Training to Rochdale Social Services (March - April 1991)

Wood, Adrian - Children Act Training to W. Yorks Magistrates (April - June 1991)

Wood, Adrian - Two Children Act Training Weekends for the W. Anglia Regional Training Committee for Justices Clerks.

***(b) Criminal law***

Davies, Howard - Papers on "The criminal liability of companies" to M.B.A. students, Bradford University (October 1990 and April 1991), and to Nottingham Crown Prosecution Service (March 1991)

Hogan, Brian - (with J.C.Smith) Cases and Materials on Criminal Law (6th ed., 1990) (Butterworths)

Hogan, Brian - (with G.J. Bennett) "Criminal Law" in the [1990] All England Reports Review

Hogan, Brian - Paper on "Recent Developments in Criminal Law" to Judicial Studies Board (September 1990)

Hogan, Brian - Paper on "The Computer Misuse Act 1990" at Centre for Criminal Justice Conference, Leeds (November 1990)

Hogan, Brian - Paper on "Consent in Criminal Law" in Conference on Consent in Health Care, Leeds University (November 1990)

Hogan, Brian - Paper on "Recklessness in the Criminal Law" at City University (May 1990)

Hogan, Brian - Paper on "Non-fatal offences against the person", Continuing Education Conference, Luton (June 1990)

Hogan, Brian - Paper on "The Legal Status of the Embryo" at Second International Conference on Philosophical Ethics in Reproduction Medicine at Leeds University (April 1990)

Hogan, Brian - Paper on "Criminal Attempts" at Continuing Education Conference at Leeds (February 1991)

Seago, Peter - Paper on "Non fatal offences against the person" at Continuing Education Conference, Leeds University (Feb. 1991)

Seago, Peter - Paper on "Crimes of Violence" to Croyden, Bexley and Bromley Magistrates' Association (April 1991)

Wood, Adrian - Paper on "Preservation on Principles of Criminal Liability" to Magistrates at Scarborough (Feb 1991)

Wood, Adrian - European law updates (two) including Sunday trading, Leeds University (April 1991)

***(c) Criminology and penology***

Brownlee, Ian - "Targetting the Young Adult Offender: an evaluation project in Leeds [1990] Criminal Law Review 852

Brownlee, Ian - Paper on "Criminal sentencing and procedure" at Continuing Education Conference, Leeds (April 1991).

Ford, Lindy - Paper on "Homelessness and the persistent petty offender" at British Criminology Conference, York (July 1991)

Mulcahy, Aogan - Paper on "Media Coverage of the 1981 Irish Hunger Strike" in Chicago at the Annual Meeting of the Midwest Sociological Society.

Wood, Adrian - Criminal Sentencing update, Leeds University (April 1991)

***(d) Evidence***

Ockelton, Mark - (with J.D. Heydon) Evidence; Cases and Materials (Butterworths) (1991)

Ockelton, Mark - Paper on recent developments in criminal evidence at Continuing Education Conference, Leeds University (March 1991)

***(e) Policing and police powers***

Leon, Clare - "Special Constables - an historical view" in Special Edition Vol 1 Number 6 Summer 1987 5-8, reprinted in Journal of the Police History Society Number 5 1990 49-60

Leon, Clare - "The Mythical History of the Specials" in Liverpool Law Review Vol XI(2) [1989] 187-197

Leon, Clare - "The Special Constabulary" in Policing Vol 5 Winter 1989 265-286, reprinted in Light (ed.) Public and Private Provisions in Criminal Justice Bristol and Bath Centre for Criminal Justice, 1989

Leon, Clare - "The Specials - Help or Hindrance?" in Police Review 13th April 1990 752-753

Leon, Clare - A History of Special Constables (unpublished research report) Home Office, 1990

Leon, Clare - "Posses for Peace" in Special Beat Vol 1 No.1 January 1991 18-19

Leon, Clare - "Uniform trouble?" in Special Beat Vol 1 No.3 (forthcoming)

Leon, Clare - "Special Constables in Wartime" in Journal of the Police History Society (Forthcoming)

Leon, Clare - Book review - Gill and Mawby, "A Special Constable" (British Journal of Criminology, forthcoming)

Leon, Clare - Book review - Jefferson, The Case Against Paramilitary Policing (Northern Ireland Legal Quarterly, forthcoming)

Leon, Clare - Book review - Green, Police & Class Consciousness in the Miners Strike (Northern Ireland Legal Quarterly, forthcoming)

Leon, Clare - Paper on "From Dad's Army to Cinderella Service? The recruitment and deployment of Special Constables" to the British Criminology Conference, Bristol Polytechnic, July 1989

Leon, Clare - Paper on "Special Constables in the First and Second World Wars" to the Annual Conference of the Police History Society, Devon and Cornwall Police Headquarters, October 1990

Walker, Clive - (with Ian Cram) "DNA profiling and the law (1990) Criminal Law Review 479

Walker, Clive - "New developments in the prevention of terrorism" in J. Hayes and P. O'Higgins (eds.), Lessons from Northern Ireland (SLS) (1990)

Walker, Clive - "Police and Community in Northern Ireland" (1990) 40 Northern Ireland Legal Quarterly 105

Walker, Clive - Paper on "The Prevention of Terrorism Act and Miscarriages of Justice" at SPTL Criminal Law Sub Committee (1990)

Walker, Clive - Review: J.F. Murphy, State Support of International Terrorism (Winter XI Conflict Quarterly 82.

Walker, Clive - (with Ian Cram) "Confidentiality of bank accounts" (1991) 3 Law for Business 157.

Walker, Clive - "The role and powers of the Army in Northern Ireland" in B Hadfield (ed.), Northern Ireland: Politics and the Constitution (Open University Press, forthcoming)

Walker, Clive - Review: B. Dickson, Civil Liberties in Northern Ireland (Northern Ireland Legal Quarterly, forthcoming)

Walker, Clive - The Prevention of Terrorism in British Law (2nd ed., Manchester University Press) (forthcoming)

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## **D. Seminars, Conferences and Continuing Education**

The following events were arranged in conjunction the Centre:

(a) Training programme for visiting Indian Senior Police Officers, August 1990 (in association with West Yorkshire Constabulary).

(b) Conference on Computer Misuse, Leeds, November 1990

Speakers: Professors Brian Hogan, Mike Wells  
Chair: Dr Clive Walker

(c) Seminar on "The Sentencing of Ethnic Minority Offenders in the Leeds Magistrates' Courts" by Dr Imogen Brown (October 1990)

(d) Seminars by Sir Frederick Lawton on "The Future of the Professions" and "The role of the Court of Appeal, Criminal Division" (February 1991)

(e) Seminar by John Wadham (Legal Officer of Liberty) on "Miscarriages of Justice and the appeal procedure" (February 1991)

(f) Seminar by Professor David Maier-Katkin (State University of Pennsylvania) on "Post-parhim psychosis, infanticide and criminal responsibility" (March 1991)

(g) Recent developments in criminal law and practice - Continuing Education Courses, February, March, April 1991.

Speakers: Ian Brownlee, Mark Ockelton, Prof. Brian Hogan, Peter Seago, Adrian Wood

(h) Seminar by Manuel Perez (French Juge d'instruction) on French Criminal process (May 1991)

(i) Seminar by Tony Jefferson, Mary Seneviratne and Monica Walker (Sheffield University) on "Ethnic Minorities and the Criminal justice system" (May 1991)

(h) Seminar by Lindy Ford (Centre for Criminal Justice Studies) on "Homelessness and petty persistent offenders" (June 1991)

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## **APPENDIX 1**

### **CONSTITUTION OF THE CENTRE**

#### **Object of the Centre**

1. The object of the Centre shall be to develop, co-ordinate and pursue research and study into, and the dissemination of knowledge about, all aspects of criminal justice systems.

#### **Membership of the Centre**

2.1 Any members of the academic staff of the Department of Law may be a member of the Centre.

2.2 Other individuals may be appointed to membership of the Centre by the Council on the nomination of the Executive committee.

Membership of the University is not a prerequisite of appointment to membership of the Centre.

#### **Administration of the Centre**

3.1 The Centre shall be administered by a Director, a Deputy Director and an Executive Committee.

3.2 The Director and Deputy Director, who shall be appointed by the Council on the nomination of the Head of the Department of Law after consultation with members of the Centre, shall each normally hold office for a period of five years, and shall be eligible for immediate re-appointment.

3.3 The Director shall be responsible to the Executive Committee for the running of the Centre and the representation of its interests. The Director shall have regard to the views and recommendations of the Executive Committee and the Advisory Committee. The Director shall be assisted by a Deputy Director.

3.4 The Executive committee shall consist of the Director and the Deputy Director together with the Head of the Department of Law, and up to six others who shall be appointed by the Director, Deputy Director and head of the Department of Law and up to two of whom may be members of the teaching staff of the Department of Law.

3.5 The Executive Committee shall meet at least twice a year, with the Director acting as convenor. Special meetings may be held at the request of any member of the Executive Committee.

3.6 Minutes of the meetings of the Executive Committee shall be presented by the Director to the following meeting of the Department of Law.

3.7 There shall be an Advisory Committee appointed by the Executive Committee which shall formulate advice and recommendations and which shall consist of:

(i) all members of the Executive Committee;

(ii) up to three persons who shall be members of the teaching staff of the University of Leeds other than the Department of Law whose activities or interests have relevance to criminal justice studies;

(iii) up to twenty persons who shall be practitioners in criminal justice systems (or other appropriate persons).

3.8 The Advisory Committee shall meet once a year, with the Director acting as convenor. Special meetings may be held at the request of the Executive Committee.

#### **Amendment to the constitution**

4.1 This constitution may be amended by the Council (or any committee acting with authority delegated by the Council) on the recommendation of the Department of Law and the Executive Committee of the Centre.

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## **APPENDIX 2** **MEMBERSHIP OF THE CENTRE FOR** **CRIMINAL JUSTICE STUDIES**

### **1. Executive Committee**

#### **1. Executive Committee**

Dr C.P. Walker (Director)

Mr I.D. Brownlee (Deputy Director)

Professor N. Jepson

Professor B. Hogan

Mr P.J. Seago (ex officio, Head of Department of Law)

#### **2. Advisory Committee**

His Honour Judge G. Baker

Councillor T. Brennan (W. Yorks Police Authority)

Sir L. Byford (ex-Chief Inspector of Constabulary)

Chief Spt. T. Davey (Commandant, W. Yorks Police Training School)

Mr I. Dobkin (Barrister)

Mr W. Driscoll (Prison Service)

Dr D. Duckworth (Leeds University)

His Honour Judge Herrod  
E. Jenkins (Leeds University)  
Mr Justice Kennedy  
Mr G. Kenure (Probation Service)  
Peter D.G. McCormick (Solicitor)  
Mr P. Nobes (Chief Constable, West Yorkshire Police)  
Mr R. Otley (Chief Crown Prosecutor)  
Rt. Hon. M. Rees (M.P.)  
Mr C. Sampson (H.M. Inspector of Constabulary)  
Mr P. Whitehead (Clerk to Leeds Justices)

### **3. Research Officer**

Aogan Mulcahy

### **4. Research Students**

Neena Acharya (LL.B.)  
Lindy L. Ford (M.Sc., B.Sc.)  
Bronwyn Harrison (B.A.)  
Christopher O'Gorman (LL.B, Barrister)  
Rachel Shanks (LL.B)  
Alan Timms (B.A.)

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## **APPENDIX 3**

## **CENTRE PAPERS**

# **LEEDS YOUNG ADULT OFFENDERS PROJECT**

# **A SECOND EVALUATION REPORT**

## **INTRODUCTION**

1.1 This report summarises the findings of the second year of evaluation of the Leeds Young Adult Offenders Project. As with last year's report, the first evaluative section, (section two), deals with the outcome of referrals during the current research period. Then section three examines evidence relating to the Project's position in the tariff of punishments, in an attempt to discover how far the Project has been operating as a true replacement for custody. Section four deals with the issue of cost-effectiveness, while section five reports on the relative use of the Project by female and non-white offenders. In section six the report comments on patterns of use by the probation teams for which the Project is a resource. Although, once again, no full scale re-offending study has been possible, some examination of subsequent offending behaviour has been undertaken, and is reported in section seven. Finally, section eight contains a summary of the report findings together with some conclusions based upon them.

1.2 The second year of the Project's operation must be viewed in the context of a fall both in the rate of officially recorded offending by 17-20 year olds and in the rate of their incarceration, nationally.

During the year, too, the Government published its Criminal Justice proposals in a White Paper, Crime, Justice and Protecting the Public (Home Office, 1990a). This confirmed the Government's desire to see more convicted offenders being punished 'in the community' and it advocated a change in attitude among those who saw custodial penalties as the only 'real' punishment. The White Paper made it plain that the use of probation orders 'strengthened' by the addition of special requirements for attendance was an important part of the Government's strategy in this area. The coincidence of these circumstances (if indeed they are entirely coincidental) may be interpreted as creating a favourable climate for the operation of replacement schemes such as the Leeds Young Adult Offenders Project.

## **THE OUTCOME OF REFERRALS RECEIVED DURING YEAR TWO**

2.1 During the current research period (see Appendix A), the Project received 110 referrals in the target 17-20 year old age group. In addition, 17 offenders originally referred in the first research period were processed through the courts. the outcome of those referrals is shown in Table 1.

**Table 1**  
**Outcome of referrals as at 31 March 1991**

<i>Outcome</i>	<b>n</b>	<b>%</b>
Referral declined by Project	38	30%
Probation with Project	37	29%
Custody despite recommendation	35	28%
Other disposal	5	3%
Court date awaited	12	9%
<b>Total</b>	<b>127</b>	

2.2 Despite receiving more referrals in the second year the project accommodated seven fewer young offenders on probation orders with a requirement to attend (hereafter, 'project orders'), although, in addition, it worked with two offenders undertaking programmes voluntarily. Given that the 'custody despite recommendation' percentage was only slightly higher than last year, this shortfall may be largely attributable to the number of referrals that were declined during the second year (30% of all referrals as opposed to 18% in year one).

2.3 Of those referrals declined, 25 (66%) could not be accommodated because Project resources were fully committed at the time of referral. Statistical analysis of this group revealed no significant difference in terms of current offence, offending history, sentencing court or bail status between these twenty five declined referrals and those eventually given project orders. In fact, the declined group had a significantly higher median Risk of Custody score than did the Project group, (100 as opposed to 95, p-value 0.027, adjusted for ties). This would suggest that many, if not all, of this declined group would have been assessed as suitable for a project order recommendation had sufficient resources been available to allow their reception. It is not known how many, in fact, eventually received custodial sentences but for each

who did the possibility of diversion appears to have been withheld because of a lack of resources at the Project. The appointment of three additional workers during the second year should ameliorate this problem and may help to reverse the apparent downward trend in programmes undertaken.

2.4 Fifteen of those referred in year two had been referred to the Project previously, either in year one or earlier in year two. One of these young offenders was in fact re-referred three times in year two, following initial referral in year one. Of this total of 17 re-referrals, four were declined, (three because of their low risk of custody score, one because resources were over-committed). The outcome of re-referrals is shown in Table 2. Where re-referred offenders had previously been given a Project Order (n= 6) re-referral resulted in a second Project order in only two cases. Three of the others received immediate custodial sentences, one received a Community Service Order and in one case sentence was deferred. Conclusions drawn from such small numbers must be largely speculative, and any suspicion that the slight preference for custody over second Project represents a 'tariff acceleration' effect associated with the Project (c.f. Raynor 1988, p. 31) must be weighed against the fact that any re-referral represents a breach of the original probation order, a factor which may, of itself, incline the subsequent court toward a more punitive sentence.

**Table 2**  
**Outcome of re-referral during year two**

	<b>n</b>	<b>%</b>
Project Order	6	35%
Custody	5	29%
Deferred sentence	1	6%
CSO	1	6%
Declined	4	24%

n=17

## **DIVERSION FROM CUSTODY**

3.1 The difficulties of establishing conclusively from indirect evidence that a particular disposal is operating as a genuine replacement for custody are well documented, (Pease et al.,1975, 1977, Raynor 1988, Roberts 1989). Some indication of the tariff position of the project order can, however, be gleaned by an examination of the Risk of Custody scores of those referred to the Project (as assessed by their probation officer using the Cambridgeshire ROC scale, version three). The average ROC score for those receiving a project order in the research period was 89.7%, while for those going to custody despite a project recommendation it was 94.3% However, a comparison between the median values for the two groups (a more appropriate measure of difference in this instance, given the heavily skewed distribution of values recorded), revealed no statistically significant difference between the groups on this measure. Twenty seven (73%) of those receiving project orders had a ROC score exceeding 90% and 15 (41%) had ROC scores of 100%. Only one offender receiving

a project order had a ROC score of less than 70%. All of this points to the use of the project for high-tariff offenders.

3.2 Further indirect evidence of the Projects tariff position may be obtained by examining the outcomes of those cases in which recommendations for a project order were made, and comparing the characteristics of those assigned to the project with others receiving immediate custodial sentences instead. During the research period Social Inquiry Report recommendations for a project order were made in respect of 77 offenders in the target age group. Of these, 37 (48%) were accepted by the courts. In the case of those offenders where a recommendation for a project order was not accepted by the court (n=40), a custodial sentence was imposed in all but five cases, (two of which were recorded as 'deferred sentence' at the end of the research period). The average length of sentence imposed on this custodial group was just over 19 months. This high reliance on custodial sentencing as a direct 'alternative' to a project order provides prima facie evidence that those who are being referred to the Project and accepted by it are in serious risk of custody. If this is so, then at least for those for whom the Project recommendation is accepted by the courts, the Project operates as a genuine replacement for custody. Following the methodology employed in the Home Office evaluation of Community Service Orders (Pease et al.,1975, 1977), one could talk of the Project having a 'diversion rate' of 88%, i.e. for any given period 88% of those taking part in project order programmes would otherwise have been serving custodial sentences.

3.3 However, this hypothesis clearly operates on the assumption that those for whom the Project recommendation was accepted, (the 'Project' group), do not differ in any significant characteristic from those sent to custody despite the SIR recommendation, (called in the report, 'Custody A'). As in last year's report, this assumption was tested in respect of six variables thought to be significant factors in influencing likelihood of custody:

- (a) level of court at which sentenced;
- (b) principal offence for which sentenced;
- (c) number of previous convictions;
- (d) previous history of custody;
- (e) most serious previous offence;
- (f) remand status at time of referral or sentence.

3.4 As before, these variables were also compared for a further group, (called in the report 'Custody B'), where custody was ordered without referral to the project. This year, in addition, 'age' was added as a variable in this comparison. The results of the comparison are set out in the following paragraphs. Level of court at which sentenced.

#### **Level of court at which sentenced**

3.5 Given that the Crown Court deals with the more serious cases and makes a greater proportionate use of immediate custody than the Magistrates Courts, it is important for a supposedly 'high tariff' replacement to be seen to be making an impact on sentencing in the higher court. Table 3 records the outcome of SIR recommendations for a project order in the research period.

**Table 3**  
**Outcome of SIR recommendation for Project Orders**

<b>Court</b>	<b>Made</b>	<b>Accepted</b>	<b>Congruity with S.I.R.</b>
Magistrates	15	10	67%
Crown Court	62	27	44%
All Courts	77	37	48%

3.6 It may be seen that more than twice as many project orders were made in the Crown Court as in the Magistrates Courts. Further, four times as many SIR's bearing Project recommendations were prepared for the higher than for the lower court. One could argue from this that the project was operating predominantly in the more custodial arena, a positive indicator in terms of high tariff position. However, one must also note the differing congruence rates in the courts and the greater tendency of the Magistrates Courts to accept recommendations for project orders when made to them. Although only marginally significant, (p-value = 0.084) there was a statistical difference between the competitor groups in the current research period on this, with Magistrates more likely, and Crown Court Judges less likely, to allocate to the Project group. In fact, the 'acceptance rate' in the Crown Court fell by some nine percentage points from year one to year two.

3.7 Table 4 has been produced by combining data on recommendation outcome for both for both years and excluding non-custodial disposals, (n=8), thus allowing a comparison of the Project group and Custody A in terms of Court at which sentenced. On this measure there is a significant difference between the 'performance' of the Crown Court and the Magistrates courts in terms of numbers of project orders made versus custodial sentences given despite project recommendation. Whereas the Crown Court allocated offenders to the project and custody groups in equal proportions, the Magistrates Courts allocated far more to the project. Over both years the Magistrates Courts were about two and a half times more likely to sentence an offender to a project order than was the Crown Court. This serves to reinforce the impression that, comparatively, project recommendations in SIR's are more likely to be successful in the lower, less custodial courts. On the face of it, this would seem to be a negative indicator for a disposal holding itself out as a direct replacement for custody. However, against this must be set the fact that in real numbers, (56 as opposed to 26), more than twice as many project orders were made in the Crown Court, at a 'success' rate of 50%. Nor should it be ignored that over the two years the great majority of recommendations for project orders (112 as against 36) are made in reports to the more custodially oriented tribunal.

**Table 4**  
**Proportions receiving Project Orders and Custody by type of Court sentencing (both Years)**

Court	Project		Custody		Total
	n	%	n	%	
Magistrates	26	72.2	10	27.8	36
Crown Court	56	50.0	56	50.0	112
<b>All Courts</b>	<b>82</b>	<b>55.4</b>	<b>66</b>	<b>44.6</b>	<b>148</b>

3.7 As a general conclusion, therefore, to this section of the analysis, one might suggest that the Project is indeed being viewed as a 'heavy-end' replacement, at least among report-writers, and that it is having a significant impact on the Court more likely to impose a custodial sentence, albeit an impact which has diminished with time.

**Principal offence for which sentenced.**

3.8 Table 5 lists the range of offences recorded as the principal offence for each offender in the three samples.

**Table 5**  
**Principal offence for which sentenced**

Offence	Project		Custody A		Custody B	
	n	%	n	%	n	%
Burglary	16	43%	14	40%	31	34%
Robbery	4	11%	8	23%	9	10%
Violence	2	5%	4	11%	17	18%
Other Theft / Hanlung	3	8%	3	9%	13	14%
Deception	0		0		1	1%
Arson / Damage	3	8%	4	11%	4	4%
Car Theft	6	16%	1	3%	7	8%
Indictable Driving	2	5%	1	3%	2	2%
Sex Offences	0		0		4	4%
Drugs Offences	1	3%	0		1	1%
Other	0		0		4	4%
	n = 37		n=35			

3.9 As in year one, burglary was the most common offence in all three groups, an unsurprising outcome, given the prevalence of this offence among this age group,

nationally. Clearly, these bare statistics do not differentiate between offences of the same classification in terms of seriousness, aggravating circumstances, and so on, and must therefore be treated with some caution. Nonetheless, the proportions of those receiving project orders and custody after referral for burglary, (i.e. Project group versus Custody A), were roughly similar and, indeed, there was no significant statistical difference between these two groups in terms of current offending, suggesting that on this measure the Project was operating as a genuine replacement for custody, when referrals were made to it.

3.10 However, some evidence of difference could be found between these two groups combined (in other words, all those referred to and accepted by the Project), and Custody B, (those who went to custody without referral to the Project). As Table 6 reveals, in the case of an offence involving assault, other forms of violence or sex an offender was much more likely to go direct to custody, than to be referred to the Project, (a difference which was even more significant when both years figures were combined for analysis, (X<sup>2</sup>-16 00, p-value=0.003). One might suspect from this that probation officers are engaging in a certain amount of 'second-guessing' in relation to this range of offences and are not exploring the possibility of diversion to the Project for those charged with offences of violence, in the same proportions as they are for other offenders. However, the same does not seem to be true in respect of robbery where more offenders were referred to the Project than went direct to custody, and where more project orders were made, proportionally, in year two than in year one.

**Table 6**  
**Current Offences of those referred to the Project and those going direct to custody**

Offence	Project & Custody A		Custody B		Total
	n	%	n	%	
ABH, GBH, Wound	6	22.2%	21	77.8%	27
Affray, Sexual					
Burglary	30	49.2%	31	50.8%	61
Robbery	12	57.1%	9	42.9%	21
Theft, TWOC	13	39.4%	20	60.6%	33
Other	11	47.8%	11	52.2%	23

$$x^2 = 7.76, p=0.101$$

3.11 Table 7 provides a comparison between the proportion of indictable and either-way offences of those receiving project orders in the current research period and those offenders in this age group received into custody in England and Wales in 1989 (Home Office 1990b). It may be seen that, once again, although in both groups burglary was the single most common offence for which sentence was passed, a greater proportion of those receiving custody had been convicted of fences of violence or of robbery than was true of those receiving a project order.

**Table 7**  
**Principal offence for which project order made compared with principal offence of those recieved into custody in England & Wales**

Offence	Project % n=26	Custody
Burglary	62	30
Theft / Handling	12	14
Violence	8	19
Robbery	4	14
Sexual	0	3
Drugs	3	2

3.12 In relation to current offence, then, one may conclude that those receiving a project order did not differ significantly in the current research period from those given custody despite a recommendation for the Project. This is a positive indicator in favour of the Project holding a high tariff position. Against this, one may see that those being referred to the Project for assessment, (whatever their final outcome), are more likely to be charged with property of fences and less likely to be charged with offences involving violence than those going to custody without referral, whether locally or nationally. It seems, therefore, that, while on this measure the Project is operating as a replacement for custody, this diversion effect is strongest among those charged with burglary and weakest among those charged with offences of violence against the person.

3.13 **Number of previous convictions.** There was no significant difference between the groups in the current research period in respect of the average number of previous convictions recorded. Those receiving project orders had a mean of 4.7 previous convictions, while the means for Custody A and Custody B respectively were 4.9 and 4.5, (F ratio= 0.16, p-value 0.851). As with last year, some under-counting of previous convictions for Custody B may have occurred, although this possible distortion was almost certainly less pronounced than in the previous research period, allowing for a more accurate comparison. It would seem, therefore, that on this measure in the current research period, (and, indeed, over both research periods when the figures are combined for analysis), those receiving a project order resembled closely those going to custody, either with or without referral to the Project.

**Table 8**  
**Previous convictions of project members compared with those 17-20 receiving custody nationally**

Number of convictions	Project members	National custody
None	8	10%
1 - 2	24	22%
3 - 5	30	35%
6 - 10	30	33%
11 +	8	9%

3.14 Grouping the conviction records of those receiving a project order in the current research period as in Table 8 allows a comparison with those offenders 17-20

received into custody in England and Wales in 1989 (Home Office 1990b). A similar pattern of dispersal may be observed, confirming the impression that, on this measure, those who received project orders were in serious risk of custody.

**Previous history of custody.**

3.15 This measure was taken to have a special influence on sentence outcome since those who had previously been sentenced at the top of the tariff might reasonably be expected to be at serious risk of custody again for anything other than a minor offence. Therefore, it was encouraging from the Project's point of view to note that there was no significant statistical difference between any of the three groups in the current research period on this measure. Table 9 reveals that almost half of those receiving project orders had previously undergone at least one custodial sentence, a larger proportion than among Custody A and only slightly less than among Custody B. It would seem that on this measure, the Project is operating as a high tariff option, both in terms of probation officer referral and eventual outcome. Some caution must be attached to this conclusion, however, since, although type of offence has been controlled for in this comparison, seriousness of offence within the types has not been).

**Table 9**  
**Previous experience of custody**

	Previous		No Previous	
	n	%	n	%
project	18	49%	19	51%
Custody A	15	43%	20	57%
Custody B*	48	53%	42	47%

\*3 missing values

3.16 Some difference too, (although not one which becomes statistically significant), is obvious on the face of Table 10, which records the numbers of previous custodial sentences served by each of the groups. Custody B have a higher average number of custodial sentences than those who are referred to the project for assessment (whatever the outcome), and those receiving a project order have the lowest average previous custody score. In large part, this difference is attributable to a small group of six offenders in the Custody B group who, between them, had no fewer than 26 previous custodial sentences. Comparison of the two years' data combined on this variable revealed a significant (p-value = 0.042) difference between the years in the group of those going to custody after referral (Custody A); year two contained a rather higher proportion of cases with no previous custodial sentence, although, again, it is not possible to ascertain what influence seriousness of offence may have had on this outcome. A corresponding fall in the proportion in Custody B having no previous conviction may be accounted for by better data recording practices in the later research period.

**Table 10**  
**Number of previous custodial sentences**

Previous custody	Project		Custody A		Custody B*	
	n	%	n	%	n	%

0	19	51%	20	57%	42	47%
1	11	30%	5	14%	10	31%
2	6	16%	7	20%	4	11%
3	1	3%	1	3%	4	4%
4	0		2	6%	2	4%
5	0		0		2	2%
mean=	0.70		0.86		0.96	

\* 3 missing values

3.17 Overall, in summarising this section, one may suggest that previous custody, as a measure of tariff position, does not differentiate those receiving project orders from those who are sent to immediate custody, which is a positive indicator for the Project having a genuine replacement effect.

### **Most serious previous offence.**

3.18 The recorded offending history of the sample groups is represented in Table 11. Custody B may be subject to some under-recording, although the data is more complete than last year. The Project group and Custody A did not differ significantly on this measure, nor was there any statistical difference between these two groups combined and Custody B, that is to say, those who were referred to and accepted by the Project did not differ on this variable from those going direct to custody. Much the same was true for both years combined: the Project group did not differ to any significant extent from Custody A and although there was a marginally significant difference, ( $X^2 = 9.51$ , p-value 0.090), between these two groups combined and Custody B, this may in fact be an artifact of some undercounting of previous offences among the latter group in the first research period. This measure, then, provides a positive indicator of high tariff position in the Project's favour

**Table 11**  
**Most serious previous offence**

Offence	Project		Custody A		Custody B	
	n	%	n	%	n	%
None	3	8%	2	6%	10	11%
Burglary	21	57%	20	57%	34	36%
Theft	1	3%	3	8%	7	8%
Robbery	2	5%	4	11%	5	5%
Other violence	2	5%	2	6%	10	11%
Arson / Damage	2	5%	1	3%	5	5%
TWOC	3	8%	0		8	9%
Other	3	8%	3	8%	1	1%
Not shown	0		0		13	14%

<b>Totals</b>	37	35	93
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### Remand Status

3.19 As Table 12 reveals, more than half of those who received project orders were remanded in custody at the time of referral for assessment. Indeed, some 57% of all referrals were for offenders remanded in custody, a positive indicator for high tariff position, given that seriousness of offence and likelihood of custodial sentence are two factors that Magistrates are entitled to take into account when withholding bail. Being in custody tended to dispose a referred offender to a custodial sentence slightly more than to a project order, but the difference was not statistically significant. In fact, over both years significantly more of those who were referred to the Project, (i.e. Project group plus Custody A combined), were remanded in Custody than was the case for the group who went to custody without referral; (60.1% as against 39.9%,  $X^2 = 7.52$ , p-value 0.006). On this measure, then, the Project is attracting offenders seriously at risk of custody.

**Table 12**  
**Bail Status of sample groups**

	<b>Project</b>		<b>Custody A</b>		<b>Custody B</b>		<b>Totals</b>	
	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>
Bail	17	46%	14	40%	44	51%	75	47%
Custody	20	54%	21	60%	42	49%	83	53%
<b>Totals</b>	37		35		86		158	

### Age at referral or sentence

3.20 This variable was investigated for the first time in the current research period. The average age of referrals in the respective groups was as follows: project, 18.3; Custody A, 18.6; Custody B 18.9.

**Table 13**  
**Referral level of diggerent age groups (both years combined)**

<b>Age</b>	<b>Project = Custody A</b>		<b>Custody B</b>		<b>Total</b>	
	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>
17	38	63%	22	37	60	
18	52	58%	38	42	90	
19	30	41%	43	59	73	
20	28	36%	49	64	77	
<b>Totals</b>	148		152		300	

$X^2=14.44$ , p-value= 0.002

3.21 Statistical analysis revealed no significant difference in the current research period between those receiving a project order and those going to custody despite a Project recommendation, (Project group versus Custody A). However, combining these two groups for comparison with Custody B did reveal a significant difference, ( $X^2 = 7.50$ ,  $p\text{-value} = 0.058$ ), with 17 year olds tending to be referred to the Project rather than going to custody without referral more frequently than 20 year olds. Therefore, while those who receive project orders cannot be distinguished from those whom the courts send to custody on the variable of age, (a positive indicator in terms of the Project's tariff position), age does appear to be a significant factor in the decision to refer or not. This differential is even more pronounced when the data from both years is combined for analysis, (see Table 13, above). Again this may be evidence of an element of 'second-guessing' of sentence on the part of some probation officers.

3.22 Finally, a logistic regression analysis of these six factors plus age, race, probation team and risk of custody was undertaken to determine their relative importance in distinguishing between the groups. In the current research` period the court at which sentence was passed was the most important variable for distinguishing between those receiving a project order and those receiving custody despite referral to the Project. Race was also significant here, but less so. As has been indicated in the last paragraph, age was the most important variable for distinguishing between those who were referred to the Project, (whatever the outcome), and those who received custodial sentences without being referred. Current offence was also influential in this comparison, but to a lesser degree. Other than on these variables, a high level of similarity existed between all three samples.

### **Summary of Data on Tariff Position**

3.23 In summary, it would seem that those to whom the courts gave a project order did not differ greatly from those given immediate custody despite an SIR recommendation for probation with a special requirement to attend the Project. The two groups were broadly similar in terms of current offence, number of previous convictions, previous history of custody, most serious previous and bail status. Level of sentencing court did appear to make a difference as to whether those assessed as suitable received a project order or were sent to custody, but notwithstanding this, the majority of those receiving project orders did so at the more custodially oriented Crown Court.

3.24 Those referred to the Project, (whatever the outcome), did differ from those in the sample going to custody without referral, principally in terms of age but also in terms of current offence. This difference, of course, is a measure of probation officer activity, rather than court selection, and it may represent some element of 'second-guessing' of sentences on the part of those preparing reports. On other measures those receiving project orders did not differ significantly from those going to custody without referral.

3.25 Overall, therefore, one may conclude on this analysis that those who received project orders were seriously at risk of custody, confirming the impression gained from a simple examination of ROC scores. The Project is therefore having a diversion-from-custody effect. This effect is strongest among those aged 17 and 18

who are sentenced for burglary or other property of fences, particularly if they are dealt with in the Magistrates Courts. It is less strong, but still evident, among those aged 19 and 20 who are sentenced in the Crown Court for offences involving violence to the person, or sexual offences.

## **COST EFFECTIVENESS IN COMPARISON WITH CUSTODY**

4.1 Given the high average cost of keeping a person in prison ([[sterling]]321 per week as an average for all types of institution, see HMSO 1990b), it would be surprising if community penalties were not significantly less expensive. In fact, Leeds Young Adult Offenders Project compares very favourably on the measure of cost with custodial sentencing, even when using the lower average cost of a local prison sentence for comparison.

4.2 The average cost of a week's custody in a local prison in the financial year 1989/90 was 309, (HMSO 1990b. Had those who received a project order (n=37) been sentenced to custody instead and been detained in Leeds Prison, the total cost of detaining them would have been [[sterling]]11,433 for each week of sentence. The average length of sentence passed on Custody A offenders was 19.4 months or, approximately 84 weeks. Applying this average sentence to the Project group and allowing full remission of one-third, the total cost of detaining them in custody would have been 640,248 or 18,293 each. Even if one uses the lower 'estimated diversion rate' of 88%, (see para., 3.2, above), one is still faced with a figure of 14,832 as the individual cost of keeping in prison those apparently diverted from custody in the current research period.

4.3 By contrast, the estimated average cost of supervising an offender on probation in 1988/89 was 1,110 per year, (Home Office 1990c). Doubling this figure, (to reflect the fact that most project orders were incorporated in a two year probation order), and adding the total direct running costs of the Project in year two (193,600) gives a global figure of 175,740 for the cost of providing 37 project order places, at [[sterling]]4,750 each. Each offender diverted from custody by the Project in year two represents, therefore, an average saving, in theory at least, to the criminal justice system of between [[sterling]]10,082 and [[sterling]]13,543, depending upon the basis of calculation. It must be remembered that such apparent savings become real only when the numbers involved are such as to permit the closure of some penal institutions altogether, since the running costs of the custodial system are largely taken up by salaries and capital expenditure rather than items such as prisoners' food and clothing (Raynor 1988). Nonetheless, the use of the Project as a replacement for custody appears attractive from a financial viewpoint, if other criteria such as protection of the public and reduction in offending behaviour can also be satisfied.

## **USE OF THE PROJECT BY FEMALE AND ETHNIC MINORITY OFFENDERS**

5.1 As in the first research period, those attending the Project on probation were predominantly white and male. The racial composition of the sample groups is set out in Table 14, using the description 'Black/mixed' to refer to those offenders of African, West Indian or mixed race appearance, and 'Asian' to mean, of Indian, Bangladeshi or Pakistani ethnic origin. As this is essentially a matter of self- description, information

on race was absent from records in 20 of the 165 cases, predominantly in relation to Custody B which may, therefore, include some understating of racial difference.

**Table 14**  
**Composition of sample groups by racial appearance**

	Project		Custody A		Custody B		Totals	
	n	%	n	%	n	%	n	%
White	34	92%	26	76%	67	90%	127	87%
Black / mixed	3	8%	5	15%	5	7%	13	10%
Asian	0		3	9%	2	3%	5	3%
<b>Totals</b>	<b>37</b>		<b>34</b>		<b>74</b>		<b>145</b>	

5.2 There was no significant difference between the proportions of whites and non-whites being referred to the Project, (Project group plus Custody A), and those going to custody without referral, (Custody B). However, Table 14 reveals that, whereas the proportion of those non-whites receiving a project order is roughly similar to the proportion going to custody without referral, (Project group versus Custody B), non-whites are disproportionately more likely to be sent to custody despite a Project recommendation than are whites. On the numbers in the current research period alone this difference is not statistically significant but when the data for both years is combined, as in Table 15, it becomes clear that significantly more non-whites are sent to custody after referral than receive project orders.

**Table 15**  
**Outcome of recommendation for project by racial appearance (both years)**

Race	Project		Custody		Total
	n	%	n	%	
White	76	59.4	52	40.6	128
Non-White	6	31.6	13	68.4	19
<b>Total</b>	<b>82</b>	<b>55.8</b>	<b>65</b>	<b>44.2</b>	<b>147</b>

$$X^2=14.12, p\text{-value}= 0.042$$

5.3 A partial explanation for this difference may be that over both years, all but two of the non-whites were sentenced in the more custodially oriented Crown Court.

However, even among the Crown Court cases there was a sizeable, although less significant, ( $X^2 = 2.63$ , p-value 0.105), variation in the proportions of those receiving custody despite an SIR recommendation for a project order: 46% of whites received this disposal compared to 71% of non-whites. This was despite the fact that there was no evidence of any significant difference between whites and non-whites in terms of current offence, most serious previous offence, number of previous convictions or bail status. Indeed, non-whites who were referred to the Project had a marginally better record in terms of previous custodial sentences than whites.

5.4 As yet, numbers on which these comparisons are being made are small: 128 whites and 19 non-whites in two years. Further, the difference pointed to in this report was not identified, for instance, in a recent study on race and criminal justice in Leeds by researchers from Sheffield University, (Walker et al.,1990). They reported that among all adult offenders blacks were tried more often in the Crown Court but, overall, the proportions given custodial sentences did not vary significantly between the races. Nonetheless, a different pattern of treatment between whites and non-whites, not explicable in terms of legally relevant criteria, appears on the face of the present evaluation data, a circumstance which, doubtless, will be of concern to all those involved in the administration of criminal justice.

5.5 Only one female offender was given a project order during the current research period. Table 16 reveals that this was an absolutely proportional outcome. Apart from this finding, the data on females was too sparse to allow any further formal analysis.

**Table 15**  
**Distribution of sample members by gender**

	Project		CustodyA		All referrals		Custody B	
	n	%	n	%	n	%	n	%
Male	36	97%	34	97%	107	97%	90	97%
Female	1	3%	1	3%	3	3%	3	3%
<b>Totals</b>	<b>37</b>		<b>35</b>		<b>110</b>		<b>93</b>	

## **PATTERNS OF REFERRAL BY PROBATION TEAMS**

6.1 Eight probation teams serving the Leeds area used the Project as a resource in the current research period. Univariate analysis revealed no significant difference between the teams in terms of the proportions being referred to the Project as opposed to going to custody without referral, (i.e Project plus Custody A versus Custody B), nor in terms of outcome after recommendation for project order, (i.e. Project versus Custody A). Table 16 records the number of all referrals, (including those declined and those where court date is awaited), made by each team together with the average ROC score. Last year's figures are in brackets.

**Table 16**  
**Referral Patterns of Probation Teams**

Team	Referred to Project	R. O. C. Score
BM / BN / BP	13	(12) 77.3 (74.1)
BL	7	(13) 79.3 (80.8)
BZ	15	(18) 78.0 (80.8)
BD	13	(14) 91.6 (86.4)

BA	20	(11)	81.5	(82.7)
BG	12	(15)	82.1	(94.0)
BE	13	(21)	94.2	(82.4)
BH	17	(13)	86.2	(92.0)
	110	(117)	83.9	(84.1)

6.2 In order to put this pattern of referral in some context of the seriousness of the cases handled by each probation team, the number of referrals made by each team was compared with the total recorded YOI starts in the same period. (Because of the unavailability of certain data, this period had to be shortened to nine months). The ratio between the two figures is taken to be indicative of an individual team's use of the Project for those offenders in serious risk of custody; a lower ratio being taken to indicate a stronger 'preference' for the project. The results of this comparison are shown in Table 17 which shows that, on this measure, probation team BA referred to the Project a greater proportion of their clients who eventually received YOI sentences, than any other group. Having said this, differences between the teams were not great and a fairly consistent pattern of referral emerges, with an average of just over one referral for each two YOI starts, a slightly better result, (in terms of Project usage), than in the first research period.

**Table 17**  
**Number of referrals to project compared with YOI starts April - December 1990**

Team	Referrals	YOI Starts	Ratio
BM / BN / BP	8	19	1:2.4
BL	7	23	1:3.3
BZ	10	23	1:2.3
BD	10	21	1:2.1
BA	16	22	1:1.4
BG	9	14	1:1.6
BE	8	29	1:3.6
BH	12	20	1:1.7
<b>Totals</b>	80	171	1:2.1

6.3 Taking the data from both research periods together, a marginally significant, ( $X^2=13.36$ ,  $p\text{-value}=0.064$ ), difference appears between the teams in terms of acceptance by the court of recommendations for a project order, (i.e. comparing Project group with Custody A). Here teams BL and BH tended to have a high proportion of accepted referrals being given project orders, (83% and 75% respectively, as against an average for all eight teams of 55%). BL also had a very high proportion of clients in Custody B rather than in Custody A (93% as against 7%); in other words, BL clients who went to custody usually did so without being referred to the project. One possible explanation for this combination of results is that this team is 'playing safe' to a certain extent, by not referring those with the most

serious risk of custody. One consequence of this, as a multivariate analysis of the two-year data suggests, is that an individual offender who is assigned to BL is about eight times more likely, statistically, to receive a project order than someone assigned to BZ or BE. If this statistical information is pointing to an actual and consistent practice, then it is one which, while it may outcome increase report-writers 'success' levels, does have negative implications for a replacement that is seriously interested in operating with offenders at the very top of the tariff. On the other hand, it might be argued that referring offenders who are subsequently sent to custody is a poor use of Project resources, (see again para., 3.3, above). This is an issue which may justify further discussion.

## **RE-OFFENDING BY PROJECT MEMBERS**

7.1 A systematic re-conviction study involving the three sample groups constructed in the first research period is in hand. However, the results of that study will not be known until the end of the next period. In the interim, some information has been gathered from Project and probation sources on the subsequent offending behaviour of those who have been the subject of project orders, since the Project opened in May 1989.

### **Re-offending while on programme**

7.2 Between 1st May 1989 and 31 March 1991 eighty seven young adult offenders undertook project programmes. Five of these programmes were undertaken voluntarily, mainly by offenders on deferred sentences. Of the programmes commenced, 56 (64.4%) were completed without any recorded re-offending or, in the case of those still in operation on 31st March 1991, without any re-offending to that date. Some 31 (35.6%) records showed re-offending while on project. In only three cases could this re-offending be said to have been more serious than that for which the project order had been made. This analysis provides a rough indication of the extent to which the Project fulfils the aim of public protection, albeit for the limited period of 8-10 weeks over which the average programme runs.

7.3 In the same period formal breach proceedings were begun against 12 Project members (14% of the total excluding those on voluntary programmes who would not be subject to breach proceedings in any event). This may be compared to a national probation 'breach rate' for all age groups in 1989 of 19%, (Home Office 1990d), although, of course, the national rate was calculated over the entire length of the probation order in many cases, rather than over that part of it during which offenders were subject to a special attendance requirement.

### **Re-offending subsequent to programme**

7.4 Of those young offenders who were subject to a project order in the first research period, (n=45), fourteen (31%) were known to the West Yorkshire Probation Service to have commenced subsequent YOI sentences by 31st December 1990. While this figure compares favourably with the national reconviction rate for those released from custody, (53% in this age group in 1989, see HMSO 1990b), it must be remembered that the national figure measures all recorded reconvictions, not just custodial

sentences, and is compiled over two years. A full analysis of the impact of the Project on this measure must, therefore, await the outcome of next year's study.

7.5 Furthermore, it should be acknowledged that the Project philosophy and working practices aim to address many aspects of an offenders life circumstances, not merely his or her offending behaviour. Therefore, while an analysis of subsequent re-offending is clearly an important indicator of the Project's impact, it should not be assumed to be the only measure of success. Indeed, if the Project succeeds in one of its prime aims of attracting those who are among the most serious and committed offenders, then it is almost inevitably attracting also a high rate of recidivism. Cast in these terms, high rates of re-offending by those who undertake Project programmes need not be taken as an indication of 'failure' on the part of the Project. With reconviction rates after custody among males in this age group running at about 62%, there is ample room for replacements such as the Project to demonstrate that they 'succeed' at least as well, even on this measure.

## **APPENDIX A METHODOLOGY**

### **Research Period**

Unless otherwise indicated in the text, the current period of research ran from 1st April 1990 to 31st March 1991.

### **Selection of Samples**

The three sample groups were composed as follows:

*Project.* All those offenders aged 17 and under 21, having Probation Officers from one of eight teams covering the Leeds area, who, during the research period, were made the subject of a probation order with a special requirement that they attend the Leeds Young Adult Offenders Project for sixty days, (37 cases);

*Custody A.* All those offenders aged 17 and under 21, having Probation Officers from one of eight teams covering the Leeds area, who, during the research period, were recommended for probation order with a special requirement that they attend the Leeds Young Adult Offenders Project, but who were subsequently sentenced to custody by the courts, (35 cases);

*Custody B.* A one-in-two sample of all those offenders aged 17 and under 21 being supervised by a Probation Officer from one of eight teams covering the Leeds area who, during the period 1st January 1990 to 31st December 1990, were known to the West Yorkshire Probation Service Research and Information Unit to have commenced a custodial sentence, (93 cases).

Information on those in the Project and Custody A groups was collected by the author from personal files and other records maintained by the Project workers. Comparative data on those in Custody B was supplied by the West Yorkshire Probation Service Research and Information Unit. Before sampling this latter group, the names of all those included within Custody A were removed together with those for whom no reports had been prepared. Collected data was cleaned and then analysed

by Leeds University Statistical Services using a combination of standard tests of variance. Significance was assessed at the 0.05 level. Univariate and multivariate analyses were undertaken, the latter using a logistic regression model in which both forward and backward variable selection techniques were performed using BMDP program LR. Further details of the result of the various tests may be obtained from the author.

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**HOMELESSNESS AND PERSISTENT PETTY**  
**OFFENDERS:**  
**THE IMPACT OF INTERVENTION**  
**AND ITS IMPLICATIONS FOR ALTERNATIVES**  
**TO CUSTODY**

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## **SECTION 1 INTRODUCTION**

"...the very presence of the prison system discourages constructive thinking around alternatives. This is, for example, the fate of homeless petty offenders who end up in prison because of decisions based on personal and home circumstances rather than seriousness of offence".

(Rutherford 1986:7)

This paper reports on the interim findings of the author's Ph.D. research into alternatives to custody for the homeless persistent petty offender.

It is held that this category of offender frequently suffers from a multiplicity of problems (Corden 1983). Of these, homelessness is arguably the most significant in relation to the degree of penetration into the criminal justice system. On this premise, the research examines the impact of intervention in terms of the provision of long-term, stable self-contained accommodation by a housing project in Leeds. It measures the effect, if any, on subsequent reconviction of a group of persistent petty offenders commencing a single tenancy as compared with other clients.

Given the multitude of problems experienced by this group, it may well be that addressing just one of the problem areas is not sufficient in itself, particularly if a "cycle of disadvantage" is at work (Corden 1983). Thus the research also attempts to examine the level of general support provided, in relation to problems other than homelessness.

In evaluating the impact of this particular housing project, the potential of such projects as viable alternatives to custody can be assessed. For example, how far do such initiatives go in removing the homeless persistent petty offender from the "revolving door" syndrome (Willis 1986:19) of custody?

### **Timble Housing Project**

The housing project under evaluation is an independent charity working closely with West Yorkshire Probation Service and housing agencies in Leeds to rehouse and support single homeless offenders. It was initially set up in response to the findings of the Socially Isolated Prisoners Project (SIPP) carried out in Leeds (Corden et al 1985), which reported a great shortage of accommodation for such people and advocated the provision of a lodgings scheme (see p.23). Referral is by probation officer only, eligibility being dependent on entitlement to statutory contact with the probation service, or, voluntarily, having been released from custody in the past twelve months.

The project offers three types of provision: a lodgings scheme which, in partnership with selected landladies and landlords, offers both emergency accommodation and longer term placements; the first stage of re-housing in the form of hostels of between two and six bedspaces where residents have their own rooms, share communal areas and are self-catering, with project staff offering advice and support; from this, residents usually "move-on" to stable, self-contained single tenancies. This provision of "move-on" accommodation is a significant feature of the project. It manages a fluctuating number of furnished properties (around 70 during the period of research) providing single accommodation in flats, let to the project by the City

Council and housing associations. The move-on accommodation is supported by project staff who visit the properties regularly. The aim of the project is that in due course all residents should become the tenants of their own property, with the withdrawal of project worker support.

For the purposes of the research, only those resident in single tenancies were considered as, by definition, this represented the only provision offering long-term stability (see Appendix A).

### **Sources of Data Collection**

The overall impact of the project, and, moreover, its potential as a resource as an alternative to custody for the homeless persistent petty offender, was assessed by the collection and analysis of data from three key sources.

These comprised interviews with a group of persistent petty offenders resident in single tenancies; responses to questionnaires sent to probation officers in the Leeds Division; and, questionnaires given to support workers at the housing project. Additionally, comparative data was gathered for all new admissions to single tenancies over a four year period (see Appendix A).

## **SECTION 2 CHARACTERISTICS OF THE PERSISTENT PETTY OFFENDER**

All those fitting the criteria of a persistent petty offender (as detailed in Appendix A) resident in single tenancies on 1st October, 1989, were selected for interview. This gave a total of nine, seven of whom it was finally possible to interview.

The aim was to produce life histories of the persistent petty offenders using the project to ascertain to what extent their lifestyles varied and any difference in the type of problems experienced. This, it was hoped, would produce data on two important areas:

- i) the type of persistent petty offender that was using the project;
- ii) the type of provision required if such projects were to be considered as viable alternatives to custody for this category of homeless offender.

Not surprisingly, this part of the fieldwork proved to be the most unpredictable. Despite the fact the respondents were initially willing to co-operate, indeed appearing to enjoy the attention, in practice they were not ideal interviewees - at times proving unreliable and difficult to locate. Also, in some cases, the problems experienced by the individuals impeded the progress and depth of interview possible. However, in such cases, the interview data was examined in conjunction with available records, which facilitated the compilation of individual histories.

### **Findings from the Interviews**

It was found that the general lifestyle and experiences of the interview group were wholly consistent with those described by other researchers into this category (cf. Banks and Fairhead 1976, Fairhead 1931, Corden 1983).

"They will be disadvantaged or handicapped in a number of ways, but they do not form a clearly identifiable category of offender who can be easily recognised as having common interests and problems."

(Corden 1983:72).

From the interviews and available records a picture emerged of a group of individuals who, indeed, suffered from a multitude of problems, the heterogeneity of which was particularly evident.

Moreover, as Corden has suggested, it was found to be the interaction of these specific problems which appeared to have precipitated a general downward spiral of disadvantage, which, at some point, had inevitably led to contact with the criminal justice system. His analogy of the action of a pin-ball machine is especially illustrative of this process, or "cycle", of disadvantage (ibid.).

As the following brief histories show, the source of the original area of disadvantage seemed to stem from a variety of problems, such as the breakdown of a marriage, experience of care as a child, or the suffering from a mental illness, for example. In turn, each problem had had a "knock-on" effect, resulting in the multiple disadvantage currently experienced.

1) "A" was fifty with a drink problem. He had had no contact with his family, having argued with them, since his Teens. He married in his twenties and had two sons, but the marriage had broken down and there had been no contact there either for the past twenty years. Since that time, he had found life a struggle, developed a drink problem, and an isolated existence had ensued. During four years in London, he lived in various hostels - his longest stay being in a Salvation Army Hostel - and suffered a nervous breakdown. After spending some time in a mental hospital, he had come to Leeds fifteen years ago as a "new start". Here again he had lived in a variety of hostel accommodation, including the Salvation Army and Shaftesbury House (a large local authority institution destined for closure, with 550 bedspaces giving emergency accommodation) and had a number of convictions for Drunk and Disorderly. He had difficulty in remembering much about past events and in talking about himself generally.

2) "H" had also suffered a marriage break-up which appeared to have led to a number of problems and eventual contact with the criminal justice system. His wife having left the family home, he was finally evicted for arrears in rent, electricity and gas. He had gone to the Crypt (a church-run night shelter for itinerants) and his criminal record dated from this time, with offences of Drunk and Disorderly, Breach of the Peace, and Fine Default. He had become set in his lifestyle and, being barred from most hostels in Leeds, found prison was generally acceptable as providing food and lodgings.

3) "E" was schizophrenic and had no clear picture of his background, apart from the fact he was brought up in a children's home. Since coming to Leeds four years ago he had lived in a variety of hostels and had often slept rough. His convictions were all for stealing from phone boxes, one arrest being for going equipped, another for the theft of sixty pence, resulting in a fine of thirty pounds. He was quite unable to manage money. He did not drink.

Despite their brevity in this paper, these histories do provide some indication as to perhaps why it is that this category presents such intractable problems; each of which necessitates a separate response, and, therefore requires a range of resources.

### **Homelessness and Contact with the Police**

For varying reasons, all had, at some point, slept rough. In one case it had been the result of eviction from a bedsit brought about by rent arrears. Another, who suffered from schizophrenia, at times preferred to sleep rough rather than stay in hostels, as he had a fear that other residents intended to attack him. Overall, the main reasons seemed to be either a lack of money, a general inability to cope independently, or the result of being barred from hostels.

In relation to the extent and nature of contact with the police whilst sleeping rough, the findings were varied. One complained of being picked up for being a "suspicious person", having been "pestered" by the police whilst sleeping on a park bench.

Another spoke of how they would be regularly searched in the morning, observing, however that those who were known to the police would be left alone.

Other reported responses appeared consistent with Fairhead's (1981) findings: whereas, on the one hand, the usual response of the police to nuisance behaviour was to move the perpetrator on; on the other, the police were seemingly aware that they were the agency of last resort where vagrants were concerned and took on more of a welfare role. Overall, however, the former response was found to be more representative of the interview groups experiences.

The contrasting experiences quoted below document these two approaches. Although an extreme case, the first encapsulates well the policy of "moving one on". (In this instance proving particularly reminiscent of the policy towards vagrants during the Poor Laws i.e. being pushed over the border so they became another parish's problem).

"I couldn't make head nor tail of it. It were under... er... Montague Hospital at Macclesfield where they picked me up... where they found me and these two put me in car... I never did owt wrong, I just slept... there... They put me in car and then... I said, "Where we going?" after about twenty minutes, cause I knew Police Station were only five minutes away. They said, "Oh... we're taking you somewhere else". And then when they'd dropped me off on the moor between Manchester and Sheffield, that were it. I knew what they'd done... Just left me... That were when my language came out towards them, but they just laughed."

The second quotation presents the welfare role of the police:

"One was nice... gave me a cup of tea, a pork pie and a friendly word."

### **SECTION 3 THE IMPACT OF INTERVENTION**

This section reports on the main findings of a preliminary analysis of the research data. It provides an initial assessment of the effect, if any, of the housing project, first in terms of renewed contact with the criminal justice system, and, second, in terms of the relative stability of residents as a measure of the level of general support provided.

#### **I. Regarding Subsequent Contact with the Criminal Justice System**

##### **Admissions**

This is based on comparative data regarding male admissions to single tenancies from October 1st 1984 to September 30th 1988, this specific time-span chosen as it enabled a two-year reconviction rate for the last admissions and, it was hoped, would facilitate the inclusion of a reasonable number of persistent petty offenders to effect a comparison.

During this period, a total of 188 residents commenced single tenancies with the project. A breakdown of these over the four year period is shown in Table 1.

**Table 1**  
**Admissions to Single Tenancies 1st Oct. 1984 - 31st. Sept. 1988**

	84 - 85	85 - 86	86 - 87	87 - 88	Total
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Males (incl. re-admissions)	32	38	50	48	168
Males (excl. re-admissions)	32	37	47	47	163
Females (incl. re-admissions)	4	5	4	7	20
All new admissions	36	43	54	55	188

Excluding female residents and re-admissions, this left a total of 163 male admissions over the 4 year period. As Table 2 shows, this comprised 14 persistent petty offenders, 68 non-persistent petty offenders aged 25 and over, and 81 under 25's.

**Table 2**  
**Male Admissions 1984 - 1988**

	n	%
PPO	14	8.6
Non-PPO 25+	68	41.7
Under 25's	81	49.7
<b>Total</b>	163	100.0

This seems a low proportion of persistent petty offenders, in view of previous research. Banks and Fairhead (1976) in their survey of the South East prison

population found that, of the adult males serving sentences of eighteen months or less (excluding fine defaulters), 54% of the homeless were petty offenders. This group was also the most persistent and suffered from the most problems. However, of the admissions to single tenancies, persistent petty offenders made up only 27% of the 51 adult males with at least one previous custodial sentence who had never received a sentence of more than eighteen months.

In Leeds, Corden, Kuipers and Wilson (1978) found that 95% of the men discharged from prison (including fine defaulters) in 1976 had been sentenced to eighteen months or less, and a third of these were homeless in combination with other serious problems. "A large proportion" of these men were petty offenders. It was estimated that a minimum of 250 to 300 such prisoners were discharged into Leeds each year. Employing Banks and Fairhead's definition, and based on their calculations of discharges, one would expect that around half the men homeless on release from prison in Leeds would be petty offenders, or approximately 130 to 160.

In fact, of the housing project's 46 adult males whose last disposal had been prison, only 3 in 4 years were persistent petty offenders. As a percentage of all those aged twenty-five and over, this still represented only 9%.

Furthermore, the responses of probation officers when asked to estimate the percentage of these offenders amongst the homeless in the city, gave an average estimate of 44%. It does have to be noted however, that this figure was based solely on probation officers perceptions of the extent of the problem, and may relate to stereotypes i.e. the fact that this category tend to be more visible thereby creating the illusion of a greater number.

### Age

Age was not found to be a significant distinguishing characteristic of persistent petty offenders using the project. The average age of the persistent petty offender was 42.5 years compared with 38 years for the non- persistent petty offenders aged twenty-five years and over.

### Number of Previous Convictions

The data showed the persistent petty offenders to have twice as many previous convictions, on average, as their non- persistent petty offender counterparts, i.e. 11.5 as opposed to 5.2. This finding was consistent with that of the interview group who averaged at least eleven convictions each. By definition this was to have been expected.

However, when the persistent petty offenders were compared with the non-petty, but persistent offender - i.e. those aged 25 and over with four or more previous convictions, including at least one custodial sentence - the persistent petty offenders on average still had a greater number of preconvictions, 11.5 as opposed to 8.5.

This could, however, be accounted for by the simple fact that serious persistent offending is more likely to result in longer custodial sentences imposed thereby restricting the opportunity to re-offend at the same rate.

## **Reconvictions and subsequent Custodial Sentences**

Reconvictions were measured over a two-year time span from the date at which the single tenancy had commenced; in other words, from the point at which the conditions of homelessness were no longer in effect. This was to show what impact the provision of long-term, stable accommodation had had on the persistent petty offender, if any, in terms of further contact with the criminal justice system.

A consideration of the number of reconvictions resulting in a custodial sentence was used to give some measure of the impact of the project regarding the depth of further contact with the criminal justice system.

In order to provide a context for these figures, the housing project was compared with the national reconviction rates for discharged prisoners. These are detailed in Tables 3a and 3b.

**Table 3a**  
**Reconvictions, over a two year follow up, of Males aged 21 and over (excl. fine defaulters)**

	<b>Reconvicted</b>	<b>Sentenced to prison</b>	<b>Imprisoned as % of reconvicted</b>
<b>Total</b>	42%	22%	51%

The second table includes fine defaulters and provides a comparison with those single tenants whose sentence prior to commencing tenancy was custody.

**Table 3b**  
**Reconvictions, over two year follow up, of Male Housing Project Single Tenants aged 21 and over, from 1984 - 1988.**

	<b>Reconvicted</b>	<b>Sentenced to prison</b>	<b>Imprisoned as % of reconvicted</b>
Total	48%	22%	46%
Custody	40%	29%	72%

It has to be borne in mind that as the project's offenders were by definition all previously homeless, a difference in the distribution of ages and previous convictions is to be expected, which may account for apparent differences between the national and project figures. In fact, they could be said to be quite close.

Within the project the most immediate comparison with the persistent petty offenders is found in the non-petty but persistent offenders.

**Table 4**  
**Reconvictions, over two year follow up, of Male Housing Project Single Tenants aged 25 and over with 4 or more previous convictions, one of which resulted in a custodial sentence, from 1984 - 1988.**

	<b>All</b>	<b>Sentenced to</b>	<b>Imprisoned as % of all</b>
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	<b>prison</b>		<b>reconvicted</b>	
	n	%	n	%
PPO	9	64%	4	29%
Non-petty	16	52%	9	56%

On this evidence, it would suggest that in terms of further contact with the criminal justice system at least, the provision of stable accommodation for the previously homeless persistent petty offender had not necessarily had an effect. Although the difference in rates may be accounted for by the petty offenders being on average slightly older with more previous convictions, if one takes the average number of reconvictions per tenant, the persistent petty offender's figure is noticeably higher. Furthermore, of the 9 that were reconvicted, each had an average of 3 reconvictions, as opposed to 1.8 for the non-petty men, suggesting that they continue to be more persistent in their contact.

Finally, an indication that persistent petty offenders in stable accommodation were committing offences of the same type and with the same frequency as before, but were not receiving custodial sentences, would have suggested that this provision had enabled alternative sentences to be considered.

In the event the figures were too low in themselves to be subjected to much analysis. However, it is interesting to note that there was no significant difference within each group between the sentencing court both prior and subsequent to the start of the single tenancy; thus suggesting little change in the seriousness of convictions for each group.

Given the fact that the persistent petty offenders were much more likely to be sentenced at a magistrate's court, the number receiving custody appears high, particularly if one also considers that, in addition, one received a suspended sentence and two were fined, thus in effect giving an additional figure of a further 33% at risk of custody.

### **Reconvictions in terms of outcome of tenancy**

A consideration of the point at which the reconviction occurred, in terms of the outcome of the tenancy, provides some measure of the impact of the project; an early reconviction suggesting a minimal impact in terms of support, a late reconviction perhaps indicating a need for more long-term support, particularly in cases where the project has withdrawn.

Of all residents reconvicted, for 67% of those aged twenty-five and over, it was during their single tenancy with the project. (The figure for the under twenty-fives was 81%.) There was no difference between the persistent petty offenders and the others in their age group. Given that the average length of their tenancies was significantly longer, it is surprising that the figure was not higher for them; since, if reconvicted, it would be much more likely to be during their time with the project.

Finally, it is important to note that of all the destinations recorded for all residents, those whose tenancies were transferred to the landlord also had the lowest rates of reconviction: 35% as compared with 61% of the rest. Although it must be recognised that those who left the project before the transferral of their tenancies cannot necessarily be regarded as 'failures' (as, indeed, some left to rejoin families or to set up home with a girlfriend), this figure is particularly encouraging from the point of view of the project and does provide some indication that for those who did achieve Timble's final aim, then the likelihood of their renewed contact with the criminal justice system was, to some degree, reduced.

## **II. Regarding Level of Support**

The two variables of length and outcome of tenancy were taken as a measure of the relative stability of residents with the project since the aim of Timble is to transfer the tenancy to the resident, after a minimum of 6 months.

**Table 5**  
**Average length of single Tenancies of All Residents**

	<b>PPO</b>	<b>non-PPO</b>	<b>under</b>	<b>non-petty but</b>
	<b>25 +</b>	<b>25 +</b>	<b>25's</b>	<b>persistent</b>
Av. length (mths)	22.4	15.1	14.9	17.3
n	14	68	81	32

As Table 5 shows, the persistent petty offender, irrespective of outcome of tenancy, spent, on average, half as much time again with the project as compared with other residents. This would suggest that their need for support was greater than that of other residents and, also, that the project was not confident that such needs would be met by "ordinary" housing management alone. This may be taken to indicate, however, that the single tenancies were providing a degree of stability for the persistent petty offenders, whose lifestyles may otherwise have remained wandering and rootless.

Furthermore, half of the persistent petty offenders achieved the project's final aim of taking on the tenancy of their property themselves. Notably, the comparable figure for the non persistent petty offender was not significantly higher. It did, however, on average, take the persistent petty offender twice as long to achieve this goal, thereby providing further evidence of the amount of long-term support perceived by the project to be required by these residents. These findings are detailed in Table 6.

**Table 6**  
**Average Length of Single Tenancies of those Transferred to Landlord (i.e. City Council or Housing Association)**

	<b>PPO</b>	<b>non-PPO</b>	<b>under</b>
	<b>25 +</b>	<b>25 +</b>	<b>25's</b>
Council n	7	36	26
Percentage of own group	50%	56%	34%

Av. length (mths)                      29      15.9                      18.8

**Extent of Problems Experienced**

The comparison data also sought to discover the extent of disadvantage prevalent amongst the persistent petty offenders. This was achieved by cataloguing specific problem areas as identified in available social enquiry reports. Relatively stringent criteria were applied therefore the number of problems recorded is probably a conservative estimate. These findings are shown in Table 7.

**Table 7  
Problems Identified**

	<b>PPO</b>	<b>non-PPO 25 +</b>
Employment	57%	24%
Accommodation	71%	16%
Alcohol	64%	50%
Psychiatric	29%	17%
Relationships	50%	31%
Social Isolation	71%	40%
None Identified	0%	9%

As the above figures show, the findings were, consistent with those of previous research: no persistent petty offender was without some type of problem; social isolation figured very highly; accommodation had been a long term problem. Interestingly, there did not appear to be as great a difference between the two groups regarding alcohol problems.

The persistent petty offenders experienced almost twice the number of problems compared to the non-persistent petty offenders, with an average of 5.0 per person as against 2.9. Furthermore, of the total problems experienced by all tenants, the persistent petty offenders represented as many as 17.4% of all problems, although comprising only 8.6% of the tenants.

However, in spite of this, in 50% of cases the persistent petty offenders eventually had their tenancies transferred to the landlord (i.e. the City Council or Housing Association). This would suggest that the project had a more positive impact on persistent petty offenders' ability to cope independently than perhaps on their further contact with the criminal justice system.

**SECTION 4 DISCUSSION**

From data collected via questionnaires sent to the housing support workers, it is evident that the project is, indeed, currently used as an alternative to custody. However, it would appear that such residents are admitted mainly to the hostel type accommodation and, are overwhelmingly young offenders on probation orders with a requirement to attend replacement to custody schemes in Leeds, who,

otherwise, would be considered at risk of a custodial sentence of more than six months.

This data also produced evidence to suggest that a large number of persistent petty offenders were, indeed, referred to the project, but through the lodgings scheme which provides placements mainly in bed-and-breakfast accommodation. It is significant to note that of those admitted, the housing workers felt that 51-75% were persistent petty offenders (aged twenty-five and over and having four convictions, all of which were petty). If such a high percentage are persistent petty offenders, it is pertinent to ask why it is that so few seem to filter through to the "move-on" accommodation available. This may be accounted for by a difference in the level of service between voluntary and statutory clients, with the possibility of the probation service mitigating against these cases in that voluntary after-care projects may be given lower priority in the allocation of cases to officers.

Data gathered from the housing workers does appear to support this premise, findings from the questionnaires indicating that placements can fail due to insufficient contact between Probation Officers and clients. The housing workers observed that when Probation Officers visited clients and landlords, and took a more active role in general, placements seemed more effective. On the whole, though, the workers felt a general lack of commitment to lodgings from probation officers, referrals made to bed-and-breakfast accommodation only proving satisfactory initially, and that after the placement Probation Officers tended to leave clients alone, expecting project staff to contact the officer involved if problems arose.

Additionally, since the bed-and-breakfast provision is not intended to support clients closely, there being no individually assigned housing worker, this in itself may account for the very low numbers filtering through to the "move-on" accommodation within the project.

On this premise it is particularly significant to note that Corden et al's (1985) Socially Isolated Prisoners Project (SIPP), which sought to help prisoners - in Leeds - with accommodation on the day of discharge, found that there was actually a great shortage of accommodation for homeless ex- offenders to go to. What was happening was that they would find somewhere for a couple of nights, but then drift back to the hostels. On this evidence it was considered that a scheme was needed to develop a network of landladies and access to supported housing which could offer such accommodation, hence the setting up of this particular housing project. Ironically, then, it may well be that the persistent petty offender, particularly if on voluntary after-care, remains in unstable accommodation in the form of bed-and-breakfast.

However, it does have to be considered that these persistent petty offenders may not desire their own single tenancies, and this in itself may account for the lack of referrals to single properties. Findings from the interviews though did not bear this out; indeed, the majority, when asked what they most wanted from the project, had no hesitancy in replying that they most wanted a place of their own.

### **Status of Referral**

The comparison data shows that the majority of the persistent petty offenders were referred to the project under Probation Supervision. This indicates that the persistent petty offender gained access to stable accommodation only after statutory supervision had been imposed rather than on a voluntary basis. As regards the potential of such projects as viable alternatives to custody for persistent petty offenders, this finding would suggest the need for a proactive role by the probation service. A preliminary consideration would perhaps be a greater use of the probation order as a non-custodial disposal coupled with a condition of residency as directed by the probation officer. However, with disposals going "up-tariff", the probation order is no longer the "welfare option" it used to be, but instead is geared to a much more serious offender (as witnessed to a large extent by the partial provision of Timble as an alternative to custody for younger offenders). This is particularly significant as it may, to a large extent, account for the very low numbers going through the project in recent years and, additionally, may well have the effect of squeezing out the persistent petty offenders from this type of provision.

### **Interagency Co-operation**

Recent Government policy aimed at reducing the chronic level of the prison population, by way of encouraging the use of sentences for the less serious offenders to be served in the community, necessarily places greater demands on agencies within the community to deal with the requirement for various kinds of extra supervision. The main thrust of these developments has been directed at the Probation Service, requiring it to undergo fairly fundamental changes, both in its organisational structure and working practices. Greater supervision in the community leads to a more central and expanded role for the voluntary sector and, by definition, requires greater liaison with the Probation Service (Home Office 1990a).

Can the greater involvement of the voluntary sector in dealing with offenders in the community actually work in practice? It relies heavily on a "partnership" between the Probation Service and voluntary organisations. Moreover, if the needs of homeless persistent petty offenders are to be catered for and a way is to be found of keeping them out of custody, a restructuring of resources is urgently required.

With this in mind, it is interesting to note some reactions from Probation Officers and housing support workers regarding their opinion of mutual interagency co-operation. The Probation Officers on the whole appeared satisfied with their relationship with the housing project, the only area causing some dissatisfaction being a need for better feedback to field officers regarding the types of accommodation available and its suitability. Housing workers, on the other hand, felt that a lot more work needed doing in the area of inter-agency co-operation, particularly with housing managers and Probation. A housing worker summed this up by saying, "There's problems on both sides. What the housing project provides and what others think it ought to provide aren't always the same thing".

Probation Officers, when asked whether such a project, if made a condition of a non-custodial sentence, could be used as a workable alternative to custody for homeless persistent petty offenders, showed a mixed reaction: thirty-one responding positively, twenty negatively. The main reason for the negative reaction seemed to centre on a reluctance to employ further conditions in Probation Orders. One major

comment being that: "Flexibility is an important part of [the project]. Clients have the choice to leave. Conditions would reduce this." A further comment maintained that "petty offenders shouldn't be going to custody, whatever their persistence and housing status. Housing should be available not as a condition of a Probation Order". Whilst being admirable in principle, this does not appear to happen in practice, and whilst any type of condition must be considered in its fullest implications before being imposed, it may serve as a more positive alternative which allows the many problems experienced by this socially disadvantaged group to be addressed more constructively.

As affirmed by one probation officer:

"The Project acts as a bridge from homelessness to tenancy. Although it might not be possible to accommodate a client, an application to Timble is often the first step to giving the client some hope and a renewed determination to sort things out."

## **APPENDIX A**

### **METHODOLOGY**

The main fieldwork period was of one year's duration from 1st October 1989 - 30th September 1990, during which time the interviews were carried out and both sets of questionnaires distributed.

#### **Selecting the Interview Group**

Homelessness was defined as "being either of NFA or living in a hostel, bed-and-breakfast or similar accommodation" i.e. it included those living arrangements which can be perceived as highly volatile and offering no long-term stability.

Persistent Petty Offender was defined as "males aged twenty-five years or over with four or more previous convictions, one resulting in a custodial sentence served as an adult, and one within the last eighteen months".

The criteria for the selection of "petty" offenders was, to some extent, necessarily subjective. For each individual the available history of his offences was considered with the emphasis on the type of offence and sentence imposed. For example, offenders convicted of burglary were excluded unless it seemed a particularly isolated occurrence, appeared out of character, was a number of years ago, and had received a light sentence - all of which suggesting it was of a less serious nature.

This level of subjectivity followed the same basic criterion as that employed by Banks and Fairhead when assessing the nature of men's criminality, namely : "that ordinary people and magistrates would agree with the decision "petty" were the research workers to show them the total records and ask for their views" (1976:9). In order to test this, a selection of records was shown to a practising magistrate, including all prospective persistent petty offenders. When asked to select petty offenders, if any, he concurred with the original selection.

All those fitting the criteria of a persistent petty offender, as so defined, and resident in single tenancies on 1st October 1989, were selected for interview. These totalled nine; seven of whom were interviewed.

### **Questionnaires**

Questionnaires were sent out to all Probation Officers and Senior Probation Officers in the Leeds Division involved in the writing of social enquiry reports. This totalled 120 officers, comprising 8 Field Teams and various Specialist Teams (such as the Criminal Court Team and Prison Welfare Officers). There were 54 returns.

Another set of questionnaires was distributed to the Support Workers at the Timble Housing Project. In total this comprised 15 Project Workers (excluding administrative staff) of which there were 11 returns.

### **Comparative Data**

This was based on male admissions to single tenancies with Timble Housing Project from 1st October 1984 to September 30th 1988. Information was collected from personal files and records maintained by the project, probation files and West Yorkshire Probation Service Central Records Office.

## **APPENDIX B**

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