

PAPER GUIDE HSPS TRIPOS Part IIB 2017-18

SOC 15: Criminology, Sentencing and the Penal System

This is a shared Paper with Law – where it is Paper 34

LAW TRIPOS Part IB

LAW TRIPOS Part II

It is also shared with Psychology, and Behavioural Science (PBS) students.

Paper Guide

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Supervision We operate a centralised supervision system whereby students are allocated to supervisors by the Course Organiser – unless College Directors of Studies have made other arrangements. The allocation will take place before Term starts. There will also be a meeting for HSPS and PBS students directly after the first lecture on OCTOBER 5th to ensure that everyone has a supervisor (lecture 4-5pm). The meeting will last between 10 – 20 minutes.

Outline of the Course

➤ ***Aims and Objectives***

1. To allow students to gain a critical and informed understanding of patterns of crime, pathways into and out of crime, and critical issues regarding law, policy and practice in relation to criminal justice and sentencing.

2. To introduce students to contemporary theoretical debates on the purposes of punishment, and of the aims of specific parts of the criminal justice system, and through this work to enhance students' ability to handle normative issues in relation to legal and sociological topics more generally, and enable them to assess in an informed manner policy proposals from government, pressure groups and others
3. To introduce students to the reading and understanding of empirical research materials relating to aspects of what is known about what works with offenders (in terms of future behaviour), sentencing, criminal justice, and the penal system in England and Wales; and thereby to enable them to appreciate more generally the potential relevance of empirical research in the study of legal systems and social problems in modern societies.
4. To enable students to bring together, in an intellectually coherent way, reading materials and ideas relating to normative issues, sociological understandings of the shape of criminal justice in contemporary society, substantive law, and empirical research studies (i.e. 1, 2 and 3 above).

➤ ***Brief description of the paper***

1. Historical Background: Recent developments in criminal justice and the penal system in England and Wales (excluding criminal trials and pre-trial procedure). Relationship of these developments to aspects of broader social change in late modernity.
2. Patterns of crime & offending (primarily in England and Wales, with international comparisons where appropriate). Strengths and weaknesses of data main sources.
3. Theories and findings on pathways into crime at individual, family and community levels of analysis (looking at situational analysis especially), and evidence on what is known about pathways out of crime, and desistance from offending.
4. Theories of punishment, and the law of sentencing: justifications for penal measures, especially desert, deterrence, incapacitation, rehabilitation, restorative justice and reparation. The efficacy of penal measures.
5. How the sentencing and penal system works: sentencing law: theory, policy and practice, the discretion to prosecute and alternative systems of intervention such as restorative justice.
6. Sentencing provisions in practice: community penalties, prisons, early release and parole.
7. Dealing with identified groups of offenders: young offenders, 'dangerous' offenders, women offenders.

8. Contemporary issues in criminal justice: race and gender issues relating to fairness and discrimination; the link between politics and sentencing policy and practice; the shape and direction of criminal justice policy in social context.
- Mode of teaching 9 supervisions, plus 1 revision supervision (4 in both the Michaelmas and Lent terms, and 2 in Easter term)
 - Mode of assessment 3 hour Exam Paper

Outline of Lectures

- Title of Lecture series: **CRIMINOLOGY, SENTENCING AND THE PENAL SYSTEM**

The LECTURES will be held in LG19, Faculty of Law, Sidgwick Site, on THURSDAYS at 4pm and FRIDAYS at 2pm starting on October 5th.

List of Lectures in the series

MICHAELMAS TERM 2017

TOPICS listed in the order in which they will be covered	NAME OF LECTURER covering topic	Lecture numbers
<i>Introductory Lecture: Course Convenors:</i> What the course is about. Crime and punishment in modern Britain. How the criminal justice system works.	Prof. L. Gelsthorpe and Prof. N. Padfield (Course convenors)	1 & 2
<i>Explaining Crime and Pathways in Crime:</i> 'The Causes of Crime' (focusing on situational factors and processes); 'Criminal Careers and their drivers' (focusing on age-related crime patterns and their explanation).	Prof. P-O Wikström	3, 4
<i>Routes into the Criminal Justice System</i> Policing and Pre-court issues. Diversion, cautions, fixed penalties and the discretion to prosecute; criminal justice and legitimacy.	Dr J. Tankebe	5, 6
<i>Dealing with Offenders</i> The sentencing framework: law and practice. Focusing on fines, community orders, imprisonment (both determinate and life sentences); special sentences for serious and dangerous offenders; 'ancillary' orders. What sentences mean in practice.	Prof. N. Padfield	7, 8, 9 & 10
<i>Theories of Punishment and links with sentencing</i> Deterrence and Incapacitation; Desert.	Prof. A. E. Bottoms (tbc)	11, 12, 13, 14
<i>Theories of Punishment (continued)</i> Rehabilitation. Restorative Justice.	Prof. L. Gelsthorpe	15, 16

LENT TERM 2018

TOPICS listed in the order in which they will be covered	NAME OF LECTURER covering topic	Lecture Numbers
<i>Pathways Out of Crime:</i> i) Natural resilience and protective factors, ii) Crime and the life-course, iii) Individual and family factors, iv) Community and Situational factors	Dr C. Lanskey	17, 18
<i>Crime and Criminal Justice</i>	GUEST SPEAKER	19
<i>What Works & Dealing with Specific Groups of Offenders:</i> What works with offenders in the community and other issues relating to community penalties.	Prof. L. Gelsthorpe	20, 21, 22
<i>Dealing with Specific Groups of Offenders:</i> Special groups of offenders: women, BME and issues of fairness and justice.	Prof. L. Gelsthorpe	23, 24, 25
<i>Dealing with Specific Groups of Offenders:</i> What works with young offenders and other issues relating to youth justice.	Prof. L. Gelsthorpe	26, 27, 28
<i>Dealing with Specific Groups of Offenders:</i> Offenders in prison and other prison issues.	Dr B. Crewe	29, 30, 31
<i>REVIEW Lecture</i>	Prof. L. Gelsthorpe & Prof. N. Padfield & CJ panel	32

EASTER TERM 2018

TOPICS listed in the order in which they will be covered	NAME OF LECTURER covering topic	Lecture Numbers
<i>Getting out of prison:</i> Early release and parole.	Prof. N. Padfield	33
<i>Critical Issues/Aims of the criminal justice system:</i> Through the Gate: resettlement, with a focus on recall.	Prof. N. Padfield	34
<i>Critical Issues - Criminal justice issues in late modernity.</i>	Prof. L. Gelsthorpe	35
<i>Critical Issues in the Delivery of Criminal Justice:</i> Recent Developments. Concluding lecture.	Prof. L. Gelsthorpe & Prof. N. Padfield	36 Review session

Reading lists and additional reference material

Main Texts:

Easton and Piper, *Sentencing and Punishment: The Quest for Justice* (4th ed. 2016)

[There's some supporting material online for this text:

http://global.oup.com/uk/orc/criminology/easton_piper4e/]

OR

Ashworth, *Sentencing and Criminal Justice* (6th ed. 2015)

This book may be online: the quickest way to find the title is by searching from the UL's ebooks page: <http://www.lib.cam.ac.uk/ebooks>. The search terms 'Ashworth Sentencing' will do the trick.]

Additional Reading:

Cavadino, Dignan and Mair *The Penal System: an introduction*, (5th ed 2013)

Deering and Feilzer, *Privatising Probation: is Transforming Rehabilitation the end of the probation ideal?* (2015)

Gelsthorpe and Padfield (eds), *Exercising Discretion: Decision-Making in the Criminal Justice System and Beyond* (2003)

Gelsthorpe and Morgan, eds, *Handbook of Probation* (2007)

Laub and Sampson, *Shared Beginnings, Divergent Lives* (2003)

Liebling, assisted by Helen Arnold, *Prisons and Their Moral Performance* (2004)

Liebling, McAra and Maruna (eds) *The Oxford Handbook of Criminology* (6th edition, 2017 – but earlier editions are still relevant)

Maguire, Morgan and Reiner (eds) *The Oxford Handbook of Criminology* (5th ed 2012)

Roberts (ed), *Exploring Sentencing Practice in England and Wales* (2015)

We have not specified particular pages or chapters within these books since they are likely to appear on the supervision sheets, and depending on what the topic is, specific chapters and pages will be identified then. The supervision sheets normally provide essential and additional reading, as well as questions for discussion and examples of past Tripos questions.

LONG VACATION READING LIST Summer 2017

Criminology, Sentencing and the Penal System: General

- Roberts, *Criminal Justice. A Very Short Introduction*. (Oxford University Press, 2015)
- Dockley and Loader (eds), *The Penal Landscape. The Howard League Guide to Criminal Justice in England and Wales* (2013)
- Farrall, Goldson, Loader & Dockley (eds) *Justice and Penal Reform* (Routledge/Howard League for Penal Reform, 2016)
- Podmore, *Out of Sight, Out of Mind: Why Britain's Prisons are Failing* (2012)
- Wikström, Oberwittler, Treiber, and Hardie, *Breaking Rules: The Social and Situational Dynamics of Young People's Urban Crime* (2012)
- Young, *The Vertigo of Late Modernity* (2007)

Biographical and autobiographical accounts:

- Erwin James, *Redeemable: A Memoir of Darkness and Hope* (2016)
- Fox Butterfield, *All God's Children* (1996)

- Ruth Wyner, *From the Inside: Life in a Women's Prison* (2003)
- Peter Woolf, *The Damage Done* (2008)
- Walter Rideau, *In the Place of Justice: A Story of Punishment and Deliverance* (2010)

Websites to explore:

Prison Reform Trust: <http://www.prisonreformtrust.org.uk/>

Centre for Crime and Justice Studies (CCJS):

<http://www.crimeandjustice.org.uk/index.html>

Howard League: <http://www.howardleague.org/>

The Sentencing Council's website: <http://sentencingcouncil.judiciary.gov.uk>

The Judiciary's website: <http://www.judiciary.gov.uk>

Ministry of Justice: <https://www.gov.uk/government/organisations/ministry-of-justice>

Youth Justice Board: <http://www.justice.gov.uk/about/yjb>

Centre for Justice Innovation: <http://www.justiceinnovation.org/our-work>

David Garland on Penal Populism (using the Californian 3 strikes law as an example):

<https://www.youtube.com/watch?v=5rDo5RSNFJs>

Other things to do by way of preparation:

Read newspapers

Visit the local courts to observe justice in the making...(Crown Court and Magistrates' Courts if in England, parallel courts if elsewhere).

Past Exam Papers

Past exam papers are on the Law Faculty Moodle site:

<https://www.vle.cam.ac.uk/course/view.php?id=76451>

And on Sociology part II Moodle site:

<https://www.vle.cam.ac.uk/course/view.php?id=118841>

**Examiner's Report (2016-2017): SOC 15:
CRIMINOLOGY, SENTENCING AND THE PENAL SYSTEM
(A borrowed Paper from the Faculty of Law)**

SOC 15 – three hour examination (four answers required)

The very best papers showed wide reading and critical engagement with issues and with the reading and research evidence. The weakest scripts simply regurgitated information learned from text- books without evidence of anything being properly digested, but this was rare. Overall, we were impressed with the scripts and there were a good number of Firsts.

Question 1: A good number of students attempted this question - with mixed success (8/20 answered). The best answers offered a theoretical overview of legitimacy, and explored how policy might address the multifaceted issues arising from the theory in order to build and sustain legitimacy for pre-court disposals. They also made excellent use of relevant literature. The weakest answers made only fleeting reference to legitimacy, offering no sustained analysis to connect legitimacy and pre-court disposals.

Question 2a: This was a popular question (9/20). The best essays considered distinctions and similarities between the different kinds of problems (suicides, assaults and disturbances) and drew on recent statistics and examples from prisons' research to illustrate their arguments. The best essays also addressed the second part of the question regarding ways of addressing the problems, whereas the weakest essays did not.

Question 2b: A less popular question, but the strongest essays explored the meaning of 'crisis, noting perpetual 'crises' in the prison system. They also explored the impact of the privatisation of prisons and whether this was in any way a 'solution' to the various crises (including staff shortages). The very best essays also discussed the limitations of prison officer training in its current form, drawing on comparisons with training in Scandinavian countries, for instance.

Question 3: No candidates attempted this question. This was surprising since it is a straightforward invitation to discuss the pros and cons of desert-based sentencing, including the challenges of ordinal and cardinal proportionality. The totality principle does of course challenge the principle of 'desert' even further since it undermines the idea of one sentence per offence and the notion of proportionality therein.

Question 4: The strongest essays considered utilitarian justifications for extending sentences, the problems of defining dangerousness, and the fallibility of risk assessment tools. The candidates also drew on examples from case law to illustrate the arguments. Only a small number of candidates addressed this question.

Question 5: No candidates addressed the Sentencing Council and how far it promotes consistency. *Question 6:* No candidates addressed this question. This is surprising since the

decision-making processes relating to the release of prisoners are hugely controversial and have captured a good deal of media interest in recent months. The system is in need of reform in light of the fact that some people stuck in the system who have long since completed their tariff sentence and remain in prison for vague reasons of public protection.

Question 7: This was by far the most popular question (18/20). The best answers conveyed knowledge about women's crimes compared to those of men, questioned what 'different treatment' might mean in practice, and distinguished between equality of treatment and equality of outcome. The strongest essays also generally approached the question critically; for instance, rather than simply rehearsing claims made about women being 'more vulnerable' than men they questioned the extent to which 'vulnerability' is gendered. The weakest answers indicated that the proposal of differential treatment is valid, but did not really say why.

Question 8: The best answers gave examples of recent punitive and rehabilitative youth justice policies and drew on theories of child development and youth offending (adolescent limited and life course offending, for example). Candidates also drew on research findings from different parts of the UK to support proposals for future practice. (14 out of 20 candidates addressed this question).

Question 9: This was a popular question too (9/20) and candidates produced some excellent answers. Many of the candidates displayed knowledge of the nature of the problems of racial bias and BAME representation in the criminal justice system (including direct and indirect racism), drawing on research evidence and official data. The best answers demonstrated familiarity with David Lammy's preliminary findings, reflected critically both on the evidence and what can be done about the problems highlighted. Weaker answers were less coherent and reflected less critically on the nature of the problems; they were also long on the problems and short on how they might be addressed.

Question 10: Only a very few candidates addressed this question – the best essays demonstrated a good knowledge of the Transforming Rehabilitation agenda and ORA 2014 legislation, and evaluated the current state of community supervision. The very best essays referred to theories of desistance, the what works' literature, and recent reports from HM Inspectorate of Probation.

Question 11a: No students attempted the sentencing problem this year, although in previous years HSPS students, in particular, have done rather well in regard to this sort of question. It doesn't have to be seen as a 'question for the lawyers' who share this Paper.

Question 11b: No HSPS or PBS students attempted this open invitation to offer a critique of the current framework for sentencing.

Question 12: Seven candidates attempted this question. The strongest answers demonstrated a sound understanding of desistance theory and research, Risk-Needs-Responsivity, and Good

Lives models, and evidence of 'what works'. The very best answers also questioned the measurement of 'what works' and posed the question, 'what works for whom?'

Question 13: Only a small number of candidates address this question. Here the best answers described the controversy surrounding the interpretation of Martinson's claim that 'nothing works', discussed how impact is measured, and summarised key findings from meta-analyses on the effectiveness of interventions.

Question 14: A small number of students attempted this question. The most interesting and strongest answers referred to theories of late modernity, economic concerns and austerity, the role of the media, and increasing governmental reliance on public opinion. They also illustrated the influence of these things on specific criminal justice policies and practices.

Loraine Gelsthorpe
Examiner, July 2017