



YOUTH & CRIME

SECOND EDITION

JOHN MUNCIE

YOUTH & CRIME

Second Edition

John Muncie

 **SAGE Publications**
London • Thousand Oaks • New Delhi

© John Muncie 2004

First published 1999

Reprinted 1999, 2001, 2002

Apart from any fair dealing for the purposes of research or private study, or criticism or review, as permitted under the Copyright, Designs and Patents Act, 1988, this publication may be reproduced, stored or transmitted in any form, or by any means, only with the prior permission in writing of the publishers, or in the case of reprographic reproduction, in accordance with the terms of licenses issued by the Copyright Licensing Agency. Inquires concerning reproduction outside those terms should be sent to the publishers.



SAGE Publications Ltd
1 Olivers Yard
London EC1Y 1SP

SAGE Publications Inc
2455 Teller Road
Thousand Oaks, California 91320

SAGE Publications India Pvt Ltd
B-42 Panchsheel Enclave
Post Box 4109
New Delhi 100 017

British Library Cataloguing in Publication data

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

ISBN 0 7619 4463 X
ISBN 0 7619 4464 8

Library of Congress control number available

Typeset by M Rules
Printed in Great Britain by The Cromwell Press Ltd,
Trowbridge, Wiltshire

- 2 Young homeless people are a threat to society not because of their minor lawbreaking activities but because the economic, ideological and political conditions of their existence are indicative of the widening gap between the moral pretensions of liberal democratic societies and the shabby life chances on offer to the children of the already poor.
- 3 The crimes of 'outcast youth' in general should be understood neither in relation to motivational factors, nor in relation to social control, but in relation to 'anti-social' controls which, having deliberately excluded certain young people from citizen rights and citizen duties, in turn furnish the state with further justifications for abrogation of its own obligations to a youth citizenry denied. (Carlen, 1996, p. 124)

Taken collectively these shifts in employment, welfare and housing policy have created a situation in which young people have to negotiate a set of risks unknown to previous generations. Furlong and Cartmel (1997) draw on Beck's (1992) and Giddens's (1991) notion of a 'risk society', to explore this changing context. Here, it is suggested that Western industrial societies are undergoing a dramatic transformation in which the old and predictable structures of labour markets and welfare systems are being dismantled and replaced by a series of uncertainties and contingencies. As Beck (1992, p. 23) claimed, *social risk positions* in some dimensions 'follow the inequalities of class and strata positions but they bring a fundamentally different distributional logic into play . . . they contain a *boomerang effect* which breaks up the pattern of class and national society.' People's lives have become orientated towards the identification, negotiation and management of risk. With the break-up of old solidarities, perceptions of risk become increasingly individualized. Crises and setbacks are responded to as personal shortcomings rather than as events beyond the individual's control. Nowhere is this more keenly felt than in the youth labour and housing markets. However, Furlong and Cartmel's (1997) review of youth policy leads them to conclude that, whilst risks have clearly increased, they continue to be distributed in a way that reflects established social divisions of class, gender and 'race'. Although the 'collective foundations of social life have become more obscure, they continue to provide powerful frameworks which constrain young people's experiences and life chances' (Furlong and Cartmel, 1997, p. 109).

Policing, Prevention and Social Exclusion

6.4 Tony Blair first coined the 'realist' slogan 'Tough on Crime, Tough on the Causes of Crime' in January 1993 in an attempt to wrestle the law and order agenda away from the Conservatives. Since then New Labour has continually promised that its policies would be based on recognition of the underlying causes of crime which could then be addressed by a raft of social and economic, as well as legal measures. These 'causes' were first spelt out in detail in the consultation document *Tackling the Causes of Crime* (Straw and Michael, 1996). The key social and economic conditions of crime were then considered to be

parenting, truancy, drug abuse, lack of facilities for young people, homelessness, unemployment, low income and recession. However, a year later when the White Paper *No More Excuses* was published, these 'causes' were significantly contracted to provide a more limited focus on parenting, truancy and peer groups. Now the key factors were deemed to be: being male, being brought up by criminal parents, living in a family with multiple problems, poor parental discipline, school exclusion and associating with delinquent friends (Home Office, 1997e, p. 5).

The emergent strategy to deal with these issues was first formalized in the 1998 Crime and Disorder Act which prioritized the principle of preventing offending by children and young people. This was the first piece of criminal justice legislation in England and Wales (at least since the Vagrancy Statutes of the early nineteenth century) to act explicitly against moral/social transgressions as well as law breaking. The prevailing contention was that crime runs in certain families, that the quality of parent-child relations is a key 'risk factor' and that *anti-social behaviour* in childhood is a predictor of later criminality. Such notions opened the door to a range of legislative initiatives targeted at 'disorderly' as well as criminal behaviour. It was also capable of drawing children below the age of criminal responsibility into formal networks of social control. Much of this pre-emptive early intervention became justified through notions of 'child protection' or 'nipping crime in the bud'. In tandem the Social Exclusion Unit was established in 1997 to 'join up' policy initiatives in such diverse areas as neighbourhood deprivation, unemployment, drug use, teenage pregnancy, truancy and school exclusion. It is this seemingly expansive range of conditions that apparently constitutes the 'causes' of crime. The following six years witnessed a succession of initiatives – some old, some new – in an effort to prevent the onset of offending. These have included:

- proactive policing of public space;
- zero tolerance policing of incivilities;
- the targeting of anti-social behaviour;
- the targeting of 'dysfunctional' families;
- expansion of CCTV surveillance;
- preventing social exclusion through employment/training;
- delivering basic minimum standards;
- establishing crime reduction and community safety partnerships.

All of this can be considered to have significantly blurred the boundaries between traditional social policy and criminal justice agendas.

Policing Public Space

Public space, and particularly the street, has always provided one of the main arenas for youth leisure. Public space provides one of the few sites in which young people can 'hang out' relatively free of direct adult supervision. Yet it is on the streets that troubling aspects of their behaviour are at their most visible and where crucial elements of the relationship between young people and the police are forged. As

Corrigan's (1976, 1979) conversations with 'the boys' from Sunderland revealed, alternative sites for leisure are rejected because they 'are not open to the boys as real choices'. The cinema, disco, dance hall and clubs were frequently too expensive. Home was constrained by parents. Youth clubs were bypassed because of the need for compliance with their rules and regulations. As Loader (1996, p. 50) put it, 'the routine use of public space is not altogether a meaningful choice. Rather it is one consequence of an age-based exclusion from both autonomous private spaces and cultural resources of various kinds.' As a result certain local places and spaces – the street corner, the city centre, the shopping mall, the precinct – take on a special significance, arousing emotional attachments and cementing a sense of territory and identity. According to Keith (1993, p. v), social relations are '*inscribed* in space'. Empirical studies in Belfast (Jenkins, 1983), Sunderland (Callaghan, 1992), Manchester and Sheffield (Taylor et al., 1996), Edinburgh (Loader, 1996) and Brighton (Measor and Squires, 2000) have all demonstrated the centrality of localized existences in framing the 'cognitive maps' of young people.

Keith's (1993) study of the policing of black communities also reveals how particular parts of cities – notably the 'Front Lines' of All Saints Road, Railton Road and Sandringham Road in London – came to signify the very nature of police/black relations in Britain. They are the spaces in which notions of 'normal behaviour' for black youth and police alike are continually recreated, contested and renegotiated (Keith, 1993, p. 161). In popular discourse much is made of the street as a site of inter-area rivalries and conflict, but for Corrigan's 'boys', their main street activity was 'doing nothing'. Yet 'hanging about' still offered the most potential for something exciting to happen:

given nothing to do, something happens, even if it is a yawn, or someone setting down on somebody else's foot, or someone turning over an old insult or an old injury and it's this in the context of 'nothing' that leads to fights – something diminutive and unimportant outside the context of 'doing nothing' yet raging and vital within that context. (Corrigan, 1979, p. 133)

'Doing nothing' though may be interpreted by external observers as 'loitering with intent'. It is an apparent lack of productive activity that inspires a hostile reaction. The boys' experience of leisure was likely to attract the attention of the police at some time. This was how they got into trouble:

The boys see trouble as something connected purely with the police, or other social control agents; one cannot get into trouble without the presence of one of these groups. At no stage do they perceive it as doing wrong or breaking rules . . . What wrongs are they doing if they just walk around the streets and the police harass them? The reasons for the harassment lie with the police, and *not* inside any rule that the boys are breaking, since for the boys the streets are a 'natural' meeting place. (Corrigan, 1979, p. 139)

Similarly, Loader's (1996, p. 78) interviews with police officers in Edinburgh show that one of their most prominent views is that young people hanging about in

groups are either directly or indirectly involved in criminal behaviour. Their objection is largely to the 'collective use of public space irrespective of whether or not others find it unsettling'. The issue here is essentially the historically recurring concern of 'who controls the streets', in which the imaginary connection between a 'dangerous' place (the street) and a 'dangerous' time (youth) is constructed and maintained (Cohen, P., 1979, p. 128). In the Brighton study (Measor and Squires, 2000), the act of congregating, gathering or hanging out in public places was essentially for the purposes of socialising, to do the things adults did when they got together – eat, drink, talk, flirt. Despite the fears expressed by welfare professionals and local inhabitants such gatherings may be noisy but are largely harmless. They are as much the province of girls as of boys; of high achievers as well as the 'excluded'. These are not 'youth out of control' but moments of socialisation afforded by the relative freedom of the street.

However, histories of police–youth relations are replete with examples of the proactive policing of young people's use of public space. In a study in Edinburgh, 44 per cent of a sample of over 1,000 11–15 year olds had been 'moved on or told off', 13 per cent had been stopped and searched and 10 per cent had been arrested or detained in a police station in the previous nine months (Anderson et al., 1994, p. 130). The police response varies according to the 'race' and status of the young people with whom they come into contact. Afro-Caribbean and homeless youth are especially vulnerable to police surveillance and harassment. Under powers governed by the Police and Criminal Evidence Act, which requires police to have reasonable suspicion, Afro-Caribbeans are eight times more likely than whites to be stopped. However, under section 60 of the Criminal Justice and Public Order Act 1994 police can stop people if they believe there is a serious risk of violence. This power is 18 times more likely to be used against Asians than whites and 27 times more likely to be used against Afro-Caribbeans (*Guardian*, 21 April 2003). The police were also given new powers in 1996 to use 'reasonable force' to confiscate bottles and cans of alcohol from under-18 drinkers on the street (*Guardian*, 7 September 1996) and in 1998 to stop children in the street if they were believed to be truanting (*Guardian*, 10 May 1998).

Coupled with these legal and discretionary powers there has been a significant contraction of spaces deemed to be 'public'. More malls and shopping centres have become semi-privatized, employing security guards to deter 'undesirables' and those who do not conform to images of the ideal consumer. As White (1990) argues, from the point of view of 'consumption', unemployed and dispossessed youth are 'virtually worthless'. Their presence is viewed as a threat to the normal course of commerce. Presdee (1994, p. 182) captures this sense of dislocation in his notion of young people as the 'space invaders' of modern shopping centres:

Young people, cut off from normal consumer power, invade the space of those with consumer power. They have become the 'space invaders' of the 1990s, lost in a world of dislocation and excitement; a space where they should not be. Modern consumerism demands that they look, touch, and take, or appropriate.

In these circumstances, consumption, desire, excitement and pleasure converge with exclusion to create new conceptions of 'doing wrong' (see Chapter 5.5). Young people using the mall as a meeting place are, quite literally, rendered 'out of place' (Sibley, 1995, p. xii).

The planning and design of urban space has increasingly been informed by wider concerns for population control and surveillance. In 2003 plans were announced to close certain alleyways and footpaths on the grounds that they encourage anti-social behaviour (*Guardian*, 7 May 2003). The CCTV camera, along with gates, locks and alarms, has become a familiar sight in many public areas and is becoming so on housing estates and in rural villages. By 2001 there were at least 2.5 million cameras across the country giving the UK the highest density of 'eyes on the street' in the world. Pioneering research on three such schemes by Norris and Armstrong (1999) found that those targeted for surveillance were disproportionately young, male and black. They were targeted not because of their involvement in crime but for 'no obvious reason' and on the basis of 'categorical suspicion' alone. In Los Angeles, Mike Davis (1990) has recorded how areas of commerce and affluent neighbourhoods are relying on a fortress mentality of gated communities and private armed response patrols to insulate themselves from the 'outside' and from 'outsiders'. In these ways the new technologies of surveillance render certain sections of the population both 'out of time and out of place'. They also fuel the demand for ever more sophisticated means of profiling, monitoring and tracking entire populations through smartcards, mobile phone alerts, eyescans, facial recognition and so on (McLaughlin and Muncie, 1999). In 2003 police loaded the two-millionth genetic profile onto the UK's national DNA database (*Guardian*, 15 July 2003).

Situational Crime Prevention and Community Safety

All of these measures are legitimized in the name of situational crime prevention. This strategy assumes that most youth crime is opportunistic and that crime rates can be effectively reduced through environmental design, target hardening and situation management. In Britain its impetus stemmed from a Home Office research study, *Crime as Opportunity* (Mayhew et al., 1976), which showed that certain crimes (for example, car theft) could be reduced by the fitting of security devices (such as steering wheel locks). In the following years a series of studies concluded that personal security could be improved by a vast array of risk avoidance measures. But it was not until the early 1980s that the concept of situational prevention was fully realized in practice and political discourse. The reasons for its re-emergence were myriad – the most significant being the clear failure of law enforcement policies to have any effect on crime rates. In England and Wales recorded crime had continued to grow at the rate of about 6 per cent per annum. The rhetoric of 'getting tough' began to look increasingly thin. In tandem, rapidly escalating costs to administer expanded criminal justice systems appeared to deliver a poor cost-effective return.

Such 'failure' was a severe embarrassment to the Conservative government which was elected in 1979 on a law and order ticket (an embarrassment which continued

to grow through three successive re-elections). The response from the right was to broaden its intervention by arguing that criminal justice policy and practice could only have a limited impact on crime control. The sources of crime and also the means for its control were deemed to lie in the actions of individual citizens and their local communities. Thus public responsibility became pivotal in such schemes as the 'target hardening' of homes, businesses and personal possessions and through the assumed greater security offered by membership of Neighbourhood Watch. It was this ideological shift which opened the door to strategies of prevention, and to the recruitment of a whole number of central government departments, local authorities and voluntary agencies to the business of crime control.

Whilst this logic of crime prevention is primarily 'watch' based, it has also characteristically addressed environmental issues, such as the redesign of public transport facilities in order to improve surveillance of passengers, the redesign of coin-operated telephones and fuel meters to discourage theft and vandalism and dramatic increases in CCTV surveillance of roads and public places. More recently, the success of cross-political parties' attempts to persuade the 'community' to take such responsibility for crime control has resulted in the paradoxical development of private (or local council) security patrols in residential areas where householders are able and prepared to meet such costs and a rise in vigilantism in areas where they are not. Both can be viewed as symptomatic of a radical redefining of the limits of the state's core responsibility for law enforcement.

Despite apparent successes in some areas (see Forrester et al., 1988; Clarke, 1992), the dangers of hardening specific crime targets remain those of: the development of a fortress mentality in which homeowners become obsessed with physical security and fear of crime and youth disorder increases, rather than reduces; the displacement of offences to other areas or to other targets; and greater criminal sophistication in methods of theft, burglary and robbery. Above all the situational approach does not necessitate any radical rethinking of youth and crime policy on the part of governments. Rather it allows evasion of responsibility for the failure of law and order measures, prolongs the disavowal of the social causes of crime and, in particular, helps to deny any acknowledgement that social and economic policies, which have helped to generate youth unemployment, homelessness and reduced state welfare or urban decay, might in any way be related to increases in recorded rates of crime. It has 'no strategy for progressive social change and no concern for the overcoming of social divisions' (Garland, 1996, p. 466) and is concerned solely with techniques of risk management (Feeley and Simon, 1992). Youth crime can simply be defined in the neo-classical terms of low self control and lack of individual responsibility embedded in a feckless 'underclass' (see Chapter 4.2).

Nevertheless the impetus given to 'prevention' in the early 1980s gathered strength through the decade. The recognition that situational measures needed the compliance and participation of a wide range of public and private institutions and central and local decision-making bodies and could be carried out through a variety of voluntary agencies and individual action, opened another door for notions of *community crime prevention* to enter the political arena. In England and Wales an interdepartmental circular of 1984 was issued by central government and sent to all

chief constables and local authority chief executives encouraging them to co-ordinate their resources in the prevention of crime. Through this initiative the concept of *inter-agency co-operation* was realized. Once more, central government was attempting to distance itself from its traditional role as the natural provider of public services. Now responsibility was firmly placed on the shoulders of 'communities'. Whilst the precise constitution of 'communities' remained unclear, the involvement of non-criminal justice agencies had the potential to broaden the concept of prevention to include such elements as housing allocation, welfare rights, employment opportunities, informal social control mechanisms and the provision of diversionary activities for young people. Community crime prevention in England first materialized in the 1986 Five Towns initiative, the 1987 Safer Cities programme, and in 1991 was redefined as *community safety* through the influential Home Office report *Safer Communities* (the Morgan Report). This was given statutory footing in the 1998 Crime and Disorder Act which places a duty on local authorities, the police, health authorities and probation to work together to reduce problems of crime and disorder in their area. As Hughes (2002) records, the rise of community safety has been exponential and raises the possibility of moving from narrow law and order agendas to more generalized visions of 'harm reduction' in the pursuit of social justice. Yet the vagary of all such terms – crime prevention, crime reduction, community safety, harm reduction – renders the field open to a continually contested politics. It is as yet a poor relation to the dominance of technological surveillance measures which suggest an 'anti-social' world of fortified exclusionary spaces. It also has to work within an authoritarian climate in which recourse to overtly punitive measures of control seem to be increasingly sought after. Finally, an obsession with 'prevention' may simply act to draw all manner of 'unwanted acts' under official gaze (Hughes et al., 2002).

Policing the 'Anti-social': Zero Tolerance and Curfews

'Zero tolerance' refers to intensive community policing strategies that were introduced in New York in 1994. The strategy is based on the principle that by clamping down on minor street offences and incivilities – begging, under-age smoking and drinking, unlicensed street vending, public urination, graffiti writing – and by arresting aggressive beggars, fare dodgers, squeegee merchants, hustlers, abusive drunks and litter louts, many of the more serious offences will be curtailed. In part the strategy is based on Wilson and Kelling's (1982) right realist theory which claims that if climates of disorder are allowed to develop, then more serious crime will follow in their wake. Merely leaving a broken window unrepaired, they argued, will quickly encourage outbreaks of vandalism. Failure to combat vandalism will see an escalation in the seriousness of crimes (see Chapter 4.2). In practice, zero tolerance was the brainchild of William Bratton, Police Commissioner of the NYPD, who reorganized New York policing strategies by making each precinct commander accountable for monitoring and reducing *signs of crime*, as well as crime itself (Dennis, 1997). Primary emphasis was placed on crime prevention and disorder reduction.

It was heralded as a great success, particularly in reducing the number of firearms offences and rates of murder. New York, once synonymous with urban violence, fell to the 144th most dangerous in an FBI comparison of crime in America's 189 largest cities. Even though the precise reasons for such a decline remain disputed – over the same period many American cities witnessed a fall in their crime rates without the introduction of zero tolerance; it was also part of a longer trend in the decline of violent offences associated with the trade in crack cocaine – the idea of creating environments which discourage offending and incivility was imported into Britain in 1995 as part of New Labour's campaigning agenda. In Britain, the concept was also appropriated from the 'presumption to arrest' policies advocated by anti-domestic violence initiatives. Limited experiments in zero tolerance policing were first pursued by the police in King's Cross, London; Middlesbrough; Hartlepool; Birmingham; Shoreham; and Glasgow in 1996. In Glasgow, for instance, Operation Spotlight was specifically targeted at after-hours revellers, groups of youths on the streets and truants. As a result, charges for drinking alcohol in public places increased by 2,240 per cent, dropping litter by 320 per cent and urinating on the street by 140 per cent. It was also claimed that such initiatives had led to an overall fall in the local crime rate of some 15 per cent (*Guardian*, 13 January 1997). But they have not always been assured of a positive response.

The New York style of policing – targeting groups of people in a personal and adversarial way – not only creates scapegoats, but risks sparking confrontation . . . the point is that whenever one group is targeted and blamed for the ills of society, they are likely to interpret this as dismissal from the mainstream . . . The danger is that certain sections within the community, resentful and locked into a spiralling cycle of blame and retribution, will withdraw their consent from the law completely. (Charles Pollard, Chief Constable Thames Valley Police, cited in NACRO *Criminal Justice Digest*, April 1997, p. 18)

Nevertheless low-level disorder and incivilities have always been a major New Labour target. One of the most radical initiatives of its reforming agenda was the availability of new civil orders and powers that can be made other than as a sentence. This 'civilianization of law' is both welfarist and moralizing in tone (Hughes, 2002, p. 129). Child safety orders, local child curfews and anti-social behaviour orders for example, do not necessarily require either the prosecution or indeed the commission of a criminal offence. *Child safety orders* can be made by a family proceedings court on a child below the age of criminal responsibility if that child is considered 'at risk'. Justified as a 'protective' measure, it places the child under the supervision of a social worker or a member of a youth offending team for a period of up to 12 months. The court can specify certain requirements such as attending specified programmes or avoiding particular places and people. Breach may result in the substitution of a care order under the powers of the 1989 Children Act. In addition local authorities can, after consultation with the police and local community, introduce a *local child curfew* to apply to *all* children under the age of ten in a specific area. This places a ban on unsupervised children being in a specified

area between 9 p.m. and 6 a.m. The reach of such curfews was extended to 15 year olds in 2001, although it remains significant that by 2003 no local authority had ever evoked such a power. The police attempted to do so in Corby, Northants in 2003 but failed to get local authority backing.

Similarly, an *anti-social behaviour order* (ASBO) is a civil order that can be made by the police/local authority on anyone over the age of ten whose behaviour is *thought likely* to cause alarm, distress or harassment. The order lasts a minimum of 2 years and breach is punishable by up to 5 years' imprisonment. It has been subject to a barrage of criticism such as its merging of civil and criminal law, its criminalization of incivility and its exclusionary effects (Ashworth et al., 1998). Though initially justified as a means to control 'nuisance neighbours', there is increasing evidence that ASBOs are primarily targeted at youthful 'rowdy and unruly' behaviour. In Campbell's (2002) review 74 per cent were made on under-21s. The 'anti-social' is often synonymous with police perceptions of problems with young people (Bland and Read, 2000). There is also evidence to suggest that ASBOs, though a civil measure, may accelerate routes into custody. In 2000 over half of those sentenced in court for breach received a custodial sentence (Campbell, 2002). Further some local authorities have begun experimenting with *Acceptable Behaviour Contracts* (ABCs) directed at low-level incivility. If so identified, a young person must agree to undertake activities to change their behaviour, as formulated by a local youth offending team (YOT) and their parents. Breach can lead to the imposition of an ASBO. The 2003 White paper – *Respect and Responsibility: taking a stand against anti-social behaviour* (Home Office, 2003a) – extends police and local authority powers to confiscate stereos, to criminalize begging, to give fixed penalty fines for 'disorderly' 16 and 17 year olds and to ban the sale of spray paints and fireworks to those under 18 (see Table 6.5). Significantly, it grants groups other than the police, including private security guards, the power to issue fines. In September 2003 the first national census of anti-social behaviour was launched with numerous agencies from police to street cleaners required to record any 'undesirable' behaviour. Within 13 broad headings the 'anti-social' included a diverse array of behaviours from

Table 6.5 Powers of the Anti-social Behaviour Act 2003

- Fixed penalty fines for a wide range of low-level disorders including insulting behaviour, graffiti, fly-posting, litter and wasting police time. The power to fine held by community safety officers, street wardens, private security guards and others, as well as the police
- Powers to confiscate noisy stereos and televisions
- Police power to disperse groups of 2 or more young people on the street
- Fines and parenting orders for parents of disorderly or truanting children
- Begging a recordable offence
- Ban on airguns and replica guns
- Ban on selling spray paint to under-16s
- Local authority powers to close noisy pubs and clubs
- Media allowed to name 'anti-social' children
- Closure of 'crack houses' within 48 hours

prostitution and vandalism to littering, noise, swearing, begging and street drinking (*Guardian*, 10 September 2003). All of these measures might be described as 'defining deviance up', but with the paradoxical result that public tolerance to incivility is progressively lowered and public fear of young people significantly increased (Young and Matthews, 2003).

'Giving the concept of zero tolerance teeth': this is how a Home Office source first described such proposals to impose curfews, exclusion zones and other restrictions on vandals, persistent offenders and drug dealers (*Sunday Times*, 22 June 1997). In fact a 'night restriction order' was included in the Criminal Justice Act 1982 as a means of strengthening the conditions which a court could impose as part of a probation or supervision order. It was rarely used due to the reluctance of social workers and probation officers to police it. And in 1991 the Criminal Justice Act had already introduced a new sentence: that of 'curfew orders' for offenders aged 16 and over. These required offenders to remain at a specified place for specified periods of between 2 and 12 hours per day for up to six months. Such orders could also be enforced by electronic monitoring arrangements. The idea of a curfew is by no means unprecedented.

What was novel about the renewed interest in curfews in 1997 was their application to children under the age of ten and on the *presumption*, rather than committal, of crime. Again the notion has American origins. San Diego first introduced a juvenile curfew in 1947, but it was only in the 1980s and 1990s that the policy took off as politicians sought to 'act tough' on crime. By 1995 juvenile curfews were routinely used in at least 146 of America's 200 largest cities. Typically aimed at those 17 and under, they usually run from 10.30 p.m. to 6.30 a.m. but a growing number also operate during school hours. President Clinton, in 1996 pre-election mode, advocated curfews for all teenagers by 8 p.m. on school nights on the grounds that it will help people to be better parents. Violators can be fined, or can face community service and probation, or their parents can be fined. Again the policy has been lauded as a great success. In Phoenix, for example, juvenile crime is believed to have dropped by 26 per cent since a curfew was introduced in 1993; in Dallas serious offences fell by 42 per cent; while New Orleans claimed a 29 per cent fall in auto theft and 26 per cent fewer murders.

However, curfews are notoriously difficult to enforce and are likely to be implemented in a highly selective way in which all manner of myths and stereotypes about 'troublesome' people and places are likely to come into play. Nevertheless, in October 1997, Strathclyde Police became the first in Britain to 'pilot' a dusk to dawn curfew on under 16 year olds on three estates in Hamilton, east of Glasgow. They were empowered to escort children home or to the local police station if they had no 'reasonable excuse' to be on the streets – playing football, meeting friends – after 8 p.m. It was legitimized as a caring service to protect children and address public fears of harassment (*Guardian*, 4 October 1997). But its main impact appears to have been one of raising unnecessary fears amongst the elderly population and increasing parental insecurity about the safety of their children (*Guardian*, 11 April 1998; Waiton 2001). On the grounds of civil liberties, Jeffs and Smith (1996, p. 11) argue that curfews are discriminatory and

fundamentally wrong: 'Wrong because they criminalize perfectly legal and acceptable behaviour on the grounds of age . . . to select young people and criminalize them for doing what the rest of the population can freely do is doubly discriminatory.' Or as Ferrell (1997, p. 27) put it, 'curfews protect symbolic constructions of adult authority by patrolling the cultural and temporal space of kids . . . they work to unravel the nocturnal cultures and alternative spaces that kids have built around coffee houses, raves, music and style'. In so doing, positive communication between the generations is lost.

Family Remoralization

'Parental responsibility' became something of a watchword in many aspects of British social policy in the 1980s and 1990s (Allen, 1990). Whilst notions of 'good' and 'bad' parenting have informed much of youth justice reform since the nineteenth century, an image of wilfully negligent parents colluding with or even encouraging misbehaviour was popularized by the Conservatives in the 1980s as the inevitable result of a 1960s permissive culture. The breakdown of the nuclear family unit, high divorce rates and increases in single parenting, it was argued, were the root causes of moral decay epitomized by increased crime rates, homelessness and drug taking. In addition excessive welfare dependency had encouraged families to rely on state benefits rather than on each other, and in this process children's moral development had been eroded (Murray, 1990; Dennis and Erdos, 1992).

As a result, since the early 1980s successive governments have introduced a series of legal measures to enforce parents to bring up their children 'responsibly' (Mooney, 2003). The 1982 Criminal Justice Act ordered parents or guardians to pay a juvenile offender's fine or compensation. The 1991 Criminal Justice Act empowered the court to bind over parents to care for and control their children. Parents are liable to forfeit up to £1,000 if the child reoffends. The 1994 Criminal Justice and Public Order Act extended the bind over provisions to include ensuring compliance with a community sentence. In 1998 Labour introduced the parenting order to require the parents of convicted young people to attend counselling and guidance classes and to comply with specified requirements, such as ensuring regular school attendance. In 2001 a new offence of 'aggravated truancy' was created carrying a fine or a 3-month prison sentence for parents who seemed to condone truancy. Ninety million pounds was given to schools to develop the electronic tracking of pupils. In May 2002 a mother in Oxfordshire was given a 60-day jail sentence for failing to ensure her daughters attended school. In July of the same year parents in London were fined £4,000. In December plans were announced to give head teachers the power to issue fixed penalty fines for failing parents (*Guardian*, 13 December 2002).

Whilst such notions of 'responsible parenting' and the dangers of a 'parenting deficit' might be usually associated with Conservative ideologues, on coming to power Tony Blair argued:

We cannot say we want a strong and secure society when we ignore its very foundations: family life. This is not about preaching to individuals about their private lives. It is addressing a huge social problem . . . Nearly 100,000 teenage pregnancies every year; elderly parents with whom families cannot cope; children growing up without role models they can respect and learn from; more and deeper poverty; more crime; more truancy; more neglect of educational opportunities, and above all more unhappiness. Every area of this government's policy will be scrutinized to see how it affects family life. Every policy examined, every initiative tested, every avenue explored to see how we strengthen our families. (*Guardian*, 1 October 1997)

Six years later it was reiterated that 'strong families are the centre of peaceful and safe communities. Respect is all-important and this is missing in families that behave dysfunctionally' (Home Office, 2003a, p. 8). In this rhetoric strong families fit the traditional image of conjugal, heterosexual parents with an employed male breadwinner. Single parenting, teenage mothers and absent fathers are key harbingers of social disorder. Indeed, one of Labour's key formative influences in defining a 'third way', Etzioni's communitarian agenda, also emphasizes that the root cause of crime lies within the home and that it is in the domestic sphere that the shoring up of our moral foundations should begin (Etzioni, 1995, p. 11). It is such a communitarianism which speaks of parental responsibility and moral obligation that continually resurfaces in the reforming agenda of the twenty-first century (Hughes, 1996, p. 21).

The 'weak family' is viewed as the key driver of crime. 'Weak families' are those with poor parenting skills, teenage pregnancies, single parenting and 'broken homes'. In this way New Labour continues to promulgate a discourse of individual and family responsibility and to formulate interventions based on developmental psychology which push structural explanations and material contexts further to the background. Above it reveals a growing tendency to use authoritarian youth (criminal) justice agencies to tackle issues of family support and failures in welfare services (Goldson and Jamieson, 2002).

Tackling Social Exclusion

'Social exclusion' is a relatively new term in British social policy. It has been officially defined as 'what can happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime, bad health and family breakdown' (Social Exclusion Unit, 2001, p. 1.1). The Social Exclusion Unit (SEU), set up in 1997, had by 2002 identified and reported on five issues: neighbourhood renewal; rough sleeping; teenage pregnancy; school exclusion and truancy; and young people not in education/training/employment. Clearly it is not just crime, but youth and crime, which is driving this agenda. The discovery that child poverty had trebled between 1979 and 1995, that Britain has more children growing up in unemployed households than anywhere else in Europe, that it has the highest teenage pregnancy rate, and that 80 per cent of rough sleepers use drugs, encouraged something of a

move to a holistic approach to tackling the 'problem of youth'. The SEU is – along with the Children and Young Persons Unit established in 2000 – designed to coordinate policy making across government, businesses, voluntary agencies, schools and communities. A plethora of initiatives have followed including: *Sure Start* to encourage young parents back into work through provision of nursery places; *Quality Protects* to provide sex education for those in care; *Positive Activities for Young People* (PAYP) and *Splash Schemes* to provide leisure activities for those 'at risk' during school holidays; *Education Action Zones* to reduce truancy; *Neighbourhood Renewal Funds* to improve local services; *Youth Inclusion Projects*, targeting 'high-risk' 13–16 year olds, as well as the *New Deal* and *Connexions* (see Section 6.2 above) and numerous advice and mentoring schemes which in turn all connect with the work of crime reduction partnerships and the Youth Justice Board (see Chapter 7). All of this is directed at a perceived excluded underclass believed to be responsible for most crime. They have all been justified as 'ways of helping to tackle the roots of juvenile crime' (Home Office, 1997c, p. 10). Needless to say, some have been widely condemned by those on the right for rewarding troublemaking and in the case of PAYP, of providing a 'perverse incentive to offend' (*Sunday Times*, 10 August 2003).

At first sight these initiatives do seem to reveal some long-term, enlightened and structural responses to youth crime. Pitts (2001, p. 147), however, argues that they only offer a partial understanding and only deal with superficial aspects of the economic and political problems that lie at the heart of social exclusion. First, the dynamics of exclusion result from market *forces* which generate economic insecurity and from market *values* which promote individual adaptations rather than fundamental reform. For Young (1999), we have witnessed a shift over the past half century from an inclusive society based on incorporation and full citizenship to a society organized around the material and cultural ramifications of *exclusivity*. Unless real opportunities are opened up through the advancement of a 'radical meritocracy', he argues, then little will be achieved either to facilitate inclusion or dismantle the structures of exclusion. Or as Currie (1985, p. 225) has argued, in order to tackle the roots of the crime problem 'we must build a society that is less unequal, less depriving, less insecure and less corrosive of cooperative values'.

Second, the very concept of 'exclusion' promotes a view of inequality as something peripheral; existing only at the margins of society. Labour's attempts to reintegrate 'the excluded' fails to acknowledge that their inclusion would only be to a world dominated by market exploitation, discrimination and a widening gap between rich and poor. As Levitas (1996, p. 7) put it:

it is a discourse unable to address the question of unpaid work in society (work done principally by women) or of low paid work and completely erases from view the inequality between those owning the bulk of productive property and the working population, as well as obscuring the inequalities among workers.

Social exclusion implies minimal reform. It stresses that it is the responsibility of individuals to accept the structures of their own dominance. It centres only a puritanical work ethic as the route to inclusion, denying other forms of reciprocity

and solidarity. It allows a benevolent view of society to be maintained even whilst levels of inequality multiply (Levitas, 1998).

Third, social exclusion individualizes social problems by identifying those 'at risk'. The key issue is then transformed into how risks can best be managed. The problem is defined as inadequate management rather than structural inequality; response becomes managerial rather than transformative (McLaughlin et al., 2001; Young and Matthews, 2003).

Finally the inclusionary policies of the SEU are also frequently underpinned by coercive measures. Forcing young people into the labour market on poverty wages, for example, may indeed be viewed as *promoting* exclusion rather than moving to its abatement. Targeting 'at risk' populations may simply exacerbate negative perceptions of particular areas or groups and accelerate their criminalization. Above all the talk is of economic and moral inclusion. The issue of *political* inclusion, through which communities might be empowered and full citizenship achieved, is largely overlooked (Percy-Smith, J., 2000). Indeed, exclusionary processes may stem more from an 'overclass' intent on protecting their own political and economic interests than from an 'underclass' in whose name the SEU seeks to govern.

Criminalizing Social Policy

A major preoccupation with the family and anti-social behaviour has dominated Labour's legislative initiatives and has opened the door to a range of legislative initiatives targeted at 'nuisance' and the 'disorderly' as well as criminality. It has also drawn numerous aspects of social policy – housing, income support, youth inclusion programmes, family support, New Deal employment schemes and Sure Start nursery programmes – into a broader criminal justice agenda. As a result children below the age of criminal responsibility have been drawn into formal networks of social control. For example the Youth Justice Board announced in 2002 that new *youth inclusion and support panels* will target those as young as 8 if they are considered 'at risk of offending'. In response to the torture and murder of 8 year old Victoria Climbié, in 2000, the Laming Inquiry eventually recommended that every child in England be given an ID number to track when they became known not only to education and social services but also to police and youth offending teams (*Guardian*, 9 September 2003). Issues of child protection are merged with those of anti-social behaviour (Home Office, 2003b). Whatever the welfare rationale of such programmes, they are also delivered through justice agencies. In this way social policy and welfare are becoming indistinguishable from criminal justice.

Much of this early intervention is justified through notions of 'child protection' or 'nipping crime in the bud' or 'zero tolerance'. Discourses of 'prevention', it seems, are insatiable in identifying 'risk conditions' and targets ripe for intervention. Further access to welfare resource often appears dependent on there being some assumed crime prevention pay-off. There is clearly a danger when the provision of financial and other resources depends on the prior identification of delinquent or 'at risk' bodies. The tendency is for all aspects of social policy to become governed by an overriding concern for risk management. Social policy becomes crime led,

incorporated as another element of criminal justice policy and with youth workers, in particular, redefined as adjuncts of the criminal justice system (Stenson and Factor, 1994, p. 1). When young people are considered as 'at risk' of offending behaviour, either for the first time or for a repeated occurrence, it is a status that is likely to bring them further to the notice of formal agencies of control. The danger exists that those who 'fail to respond' to a particular preventive setting become all the more vulnerable to an escalation in penalties or, as Tony Blair put it, we should not be surprised if 'the penalties are tougher when you have been given the opportunities but don't take them' (cited in Vaughan, 2000).

A problem for much social exclusion work, therefore, is that their operations are simply grafted onto the operations of the criminal justice system, rather than remaining independent with no formalized connections to the police, courts or corrections. Moreover the consistent danger of developing quasi-welfare and community-based initiatives lies in the long recognized contradiction that if a young person is eventually sentenced to an institution, then that person will be seen as having already 'failed' elsewhere (Krisberg and Austin, 1993). It is in such circumstances that the labels of 'persistent offender', 'hard core' and 'intractable' can be readily applied and exclusion encouraged. As Muncie et al. (1995) claimed, the benefits of a preventive approach based on principles of social inclusion ultimately require a commitment to long-term change which cannot simply be measured by a reduction in all the costs of crime and crime control, or by managing 'risks', but by improving the quality of life for all young people.

The absence of any integrated, and potentially challenging, set of policies focusing on young people and their social, economic and political conditions has led to a range of fragmentary initiatives, of which concern with youth crime prevention is but one example. Current emphasis on this issue carries the danger of it leading the agenda, of absorbing all other potentially progressive interventions into its terms of reference. 'Crime prevention' by current definition is about reducing or rectifying troublesome behaviour. By default it has a disturbing tendency to establish the boundaries of policy for all young people. In the process, notions of positive and creative citizenship are de-emphasized through a myopic focus on troublesome behaviour. (Muncie et al., 1995, p. 356)

It is clear that any number of inclusionary and exclusionary practices can be legitimated within the general rubric of 'crime prevention and community safety'. Criminal justice is being increasingly turned to for the resolution of social problems. New Labour has ultimately conspired to promulgate the familiar story that crime, however complex, is to be blamed on the moral failure of culpable individuals, families and communities. An obsession with risk factors and evidence-based analysis fails to address the complex inter-related problems of child poverty, urban degeneration and social inequality. It continually seeks new disciplinary techniques rather than developing a political commitment to forge new routes to an active citizenship based on tolerance, mutual respect, empowerment and entitlement (Pitts, 2001; Hill and Wright, 2003). As a result, whilst there have been important shifts in discourse and practices, the dominant terms of the political debate over 'the

problem of youth' have not been disrupted. In many respects New Labour's 'modernization' of youth policy amounts to an 'institutionalization of intolerance' (Muncie, 1999a). Reform has been legitimated in the name of opportunities, support and community empowerment. In reality it is the state that has greatly increased its power and its reach. Intensive schooling, employer-led training, the diminution of welfare, family dependency, the resort to the rule of law: all of these attest to the conditions of being young, becoming 'a much more arduous state to be' (Mizen, 2004, p. 183). Or as Lee Bridges (2003) has concluded, it is those very same children and their families in disadvantaged communities that already endure the greatest victimization that now face the brunt of the new authoritarianism.