This is a shared Paper with Law – where it is Paper 34
LAW TRIPOS Part IB
LAW TRIPOS Part II
The Paper also serves as Paper 15 (Sociology) for the Faculty of Human, Social and Political Sciences (in previous years this was referred to as Int 6)

Paper Guide: PBS

Course organiser

Professor Loraine Gelsthorpe, lrg10@cam.ac.uk, 01223 335377,
Institute of Criminology, University of Cambridge, Sidgwick Avenue, Cambridge, CB3 9DA

Lecturers

Professor Loraine Gelsthorpe, lrg10@cam.ac.uk
Mrs Nicola Padfield, nmp21@cam.ac.uk
Professor Anthony Bottoms, aeb11@cam.ac.uk
Professor Alison Liebling, al115@cam.ac.uk
Professor Lawrence Sherman, ls434@cam.ac.uk
Dr Justice Tankebe, jt340@cam.ac.uk

Supervision

We operate a centralised supervision system whereby students are allocated to supervisors by the Course Organiser: Loraine Gelsthorpe (lrg10@cam.ac.uk) – 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 6th 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 and victimisation (primarily in England and Wales, with international comparisons where appropriate). Strengths and weaknesses of data sources.

3. Theories and findings on pathways into crime at individual, family and community levels of analysis, and evidence on what is known about the causes and prevention of crime, and desistance from offending.


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.


8. Contemporary issues in criminal justice: race and gender issues relating to fairness and discrimination; the link between politics and sentencing policy and practice.

- 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 6th.

List of Lectures in the series

MICHAELMAS TERM 2016

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<tr>
<td>Introductory Lecture: Course Convenors: What the course is about. Crime and punishment in modern Britain. How the criminal justice system works.</td>
<td>Prof L. Gelsthorpe and Mrs N. Padfield <em>(Course convenors)</em></td>
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<tr>
<td>Routes into the Criminal Justice System Policing the public, other pre-court and policing issues. Diversion, cautions, fixed penalties and the discretion to prosecute; criminal justice and legitimacy.</td>
<td>Dr J. Tankebe</td>
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<tr>
<td>Dealing with Offenders 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.</td>
<td>Mrs N. Padfield</td>
<td>5, 6, 7, 8</td>
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<tr>
<td>Pathways Into and Out of Crime: i) Natural resilience and protective factors, ii) Crime and the life-course, iii) Individual and family factors, iv) Community and Situational factors</td>
<td>Prof L. Sherman</td>
<td>9, 10, 11, 12</td>
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<tr>
<td>Theories of Punishment and links with sentencing Deterrence and Incapacitation; Desert.</td>
<td>Prof. A. E. Bottoms</td>
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### LENT TERM 2017

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<tr>
<td><em>Theories of Punishment</em> (continued) Rehabilitation. Restorative Justice.</td>
<td>Prof L. Gelsthorpe</td>
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<td><em>Theories of Punishment &amp; Sentencing/Dealing with Offenders.</em></td>
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<td><em>What Works &amp; Dealing with Specific Groups of Offenders:</em> What works with offenders in the community and other issues relating to community penalties.</td>
<td>Prof L. Gelsthorpe</td>
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<tr>
<td><em>Dealing with Specific Groups of Offenders:</em> Special groups of offenders: women, BME and issues of fairness and justice.</td>
<td>Prof L. Gelsthorpe</td>
<td>23, 24, 25</td>
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<tr>
<td><em>Dealing with Specific Groups of Offenders:</em> What works with young offenders and other issues relating to youth justice.</td>
<td>Prof L. Gelsthorpe</td>
<td>26, 27, 28</td>
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<tr>
<td><em>Dealing with Specific Groups of Offenders:</em> Offenders in prison and other prison issues.</td>
<td>Prof A. Liebling</td>
<td>29, 30, 31</td>
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<td><em>REVIEW Lecture</em></td>
<td>Prof L. Gelsthorpe</td>
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### EASTER TERM 2017

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<td><em>Getting out of prison:</em> Early release and parole.</td>
<td>Mrs N. Padfield</td>
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<td><em>Critical Issues/Aims of the criminal justice system:</em> Through the Gate: resettlement, with a focus on recall.</td>
<td>Mrs N. Padfield</td>
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<td><em>Critical Issues</em> - Criminal justice issues in late modernity.</td>
<td>Prof. L. Gelsthorpe</td>
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<tr>
<td><em>Critical Issues in the Delivery of Criminal Justice:</em> Recent Developments. Concluding lecture.</td>
<td>Prof. L. Gelsthorpe and Mrs N. Padfield</td>
<td>36 Review session</td>
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### Reading lists and additional reference material

**Main Texts:**

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

Shapland, Farrall, and Bottoms (eds), *Global Perspectives on Desistance - Reviewing what we know and looking to the future* (2016)

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 2016

Criminology, Sentencing and the Penal System: General

- 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)
- Young, *The Vertigo of Late Modernity* (2007)

Biographical and autobiographical accounts:

• Peter Woolf, *The Damage Done* (2008)
• Walter Rideau, *In the Place of Justice: A Story of Punishment and Deliverance* (2010)

**Websites to explore:**
- The Sentencing Council’s website: [http://sentencingcouncil.judiciary.gov.uk](http://sentencingcouncil.judiciary.gov.uk)
- The Judiciary’s website: [http://www.judiciary.gov.uk](http://www.judiciary.gov.uk)
- Youth Justice Board: [http://www.justice.gov.uk/about/yjb](http://www.justice.gov.uk/about/yjb)
- Centre for Justice Innovation: [http://www.justiceinnovation.org/our-work](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](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 Moodle: [https://www.vle.cam.ac.uk/course/view.php?id=76451](https://www.vle.cam.ac.uk/course/view.php?id=76451)
A total of 7 candidates took CR1. This is the first year when PBS candidates have been able to take the Paper and on the whole candidates did very well. There were some impressive answers.

**CR1 – three hour examination (four answers required)**

As in previous years, the best answers on the Paper were characterized by wide reading, reference to empirical research (not just statistics), legal cases (where appropriate), and interesting illustration or analogies. The best answers also showed alertness to current issues in the world of sentencing and the penal system. Good answers interpreted the questions fully and in ways that were responsive to question structure. Candidates lost no time in getting to the point. The answers were cogently argued and well-supported by reference to normative discussions, to empirical research findings, and (where relevant) to statute law and sentencing guidelines. The best answers demonstrated thoughtful and original critical engagement with issues raised by the questions, generous reference to curiosity-driven reading, and scrupulous attention to counter-arguments and methodological caveats. There was also good use of sociological and criminological concepts (e.g. risk, crime-control, desistance).

There were relatively few weak answers, but on the whole, the weakest answers did not make much reference to research or lapsed into opinion. Sometimes, marks can be lost by poor time management, by question misinterpretation, by unsupported assertion, by uncritical recycling of received opinion, by lack of range and depth, by lack of nuance, and (in one or two instances only) by flannel when the candidate simply does not know enough, but CSPS cohort this year managed to avoid these things in the main.

Some of the observations below relate to answers to the questions as a whole – bearing in mind that this Paper was shared with Law and HSPS students.

**Q1a.** Four candidates addressed question 1a and it was reasonably well answered. Indeed, some of the answers were a joy to read and were well grounded in both theory and evidence. Candidates generally showed a good understanding of the meaning of desistance and its ‘zig-zag’ nature.

**Q1b.** No students in PBS answered this question. Overall, (thinking of the constituencies of Law, PBS and HSPS students who shared this Paper) the handful of candidates who addressed this question did so with varying degrees of understanding as to possible links between individual pathways and sentencing. To give one example, if we find that a good deal of property theft is motivated by drug or alcohol addiction, it would make sense for sentencers to address the underlying problems and not just the crime. They can do this most obviously through Community
Orders and ‘requirements’ to attend programmes which will deal with the drug or alcohol addiction.

Q2a and 2b. No students in PBS answered these questions relating to early and conditional release.

Q3. This question related to ‘dangerous’ offenders. Very few candidates answered the question – which was surprising given current controversies about people languishing in prison under ‘Imprisonment for Public Protection’ provisions introduced in the Criminal Justice Act 2003, notwithstanding changes to the law since then.

Q4a. No students in PBS answered this question, but it is worth noting that, overall, there were some good answers which drew upon empirical evidence to show increases in sentence length as well as addressing political hyperbole about ‘prisons working’, and increases in sentence length as a result of sentencing discounts.

Q4b. Interestingly, four candidates from PBS answered this question (the most ‘legal’ question on the Paper). The best answers overall displayed knowledge of both statutory guidelines and sentencing guidelines. They also addressed the role of the victim’s letter, the fact that ‘Dave’ was on license, and that he might be seen as a ‘dangerous’ offender and therefore eligible for an extended period of supervision for up to five years for a violent offence.

Q5. No candidates within PBS answered this question, but overall, the best answers conveyed an understanding of the difference between non-consequentialist and consequentialist responses to crime, and the importance of communication in penal censure. Both Rehabilitation and Restorative Justice of course most obviously facilitate penal censure, whereas purely prudential approaches (deterrence and desert) less so.

Q6. This question was generally answered well. There was a tendency to misunderstand some of the changes in the role and impact of privatization, so that, for example, the current strain on prison safety and stability was often described as a characteristics of the public sector rather than a characteristics of low resources prisons – one of the explicit accomplishments of private sector competition.

Q7. This was a popular question amongst PBS students. The very best answers here discussed the pros and cons of privatization in relation to prisons and probation, rather than focusing exclusively on prisons. Generally, candidates were adept at illustrating points by using empirical evidence and drew useful analogies with other public sector organisations which have been privatized.

Q8a and Q8b. The best answers went beyond rehearsal of women offenders’ vulnerabilities to discuss the nature and frequency of their crimes. The very best answers also drew attention to the contribution of ‘women’s community based services’ (Together Women and various post-Corston community-based initiatives) as alternatives to imprisonment, and also commented on
the absence of data to show impact. A few answers did not say anything at all about specific community-based services but discussed restorative justice - without indicating why this would be particularly suitable and justifiable for women. Question 8b required detailed knowledge of research evidence on the treatment of mothers in sentencing and penal practice; no PBS students answered this question.

Q9. This was the second most popular question amongst HSPS students, and produced some excellent answers. A number of candidates displayed knowledge of the nature of the evidence, mainly official data, on potential bias against ethnic minorities in the criminal justice system. The best answers reflected critically on the evidence and on whether the Government’s proposed review is needed at all; they drew on relevant research evidence to discuss various factors that David Lammy’s review might consider. Weaker answers tended to adopt a simplistic view, and were uncritical of the evidence.

Q10a and 10b. Q10a produced some full and thought-provoking answers on the ‘rehabilitation revolution’, especially elements of the revolution relating to efforts to make community penalties more effective (including privatization) and the risk of people falling between the cracks between different providers. Q10b required critical consideration of the new provisions for supervision (under ORA 2014) for those leaving prison after short custodial sentences, as well as discussion of the challenges of achieving compliance.

Q11. Candidates needed to show reasonably detailed knowledge of the ‘youth justice system’ in England and Wales, its statutory purposes (i.e. welfare and crime prevention), and possible enhancements to current practice as modelled on international comparisons, e.g. with Scotland (welfare and research on keeping young people out of the system) and Northern Ireland perhaps (where restorative justice has been promulgated). The very best answers referred to the Independent Commission in 2010, to ideas about ‘Children First’ in Wales (a rights-based approach), to the Carlile Report on the youth court, and to the Charlie Taylor interim report on the review of the youth justice system, for example. A number of candidates offered persuasive arguments in favour of increasing the age of criminal responsibility or otherwise recognizing age differences.

Q13. The best answers revealed a nuanced understanding of the complexities of policy-making and how public opinion, economics, and broader notions of legitimacy sit alongside any empirical evidence on ‘what works’, but no PBS students answered this question.

Loraine Gelsthorpe
Examiner
July 2016