Dr Ian Cummins Salford University - i.d.cummins@salford.ac**.**uk

The Criminal Justice System

Introduction

One of the most notable developments in social work practice over the past thirty years in England and Wales has been the marginalisation of its role in the Criminal Justice System (CJS). In particular, the training and roles of probation officers have altered very dramatically. one of the most significant cultural changes in the past 30 years has been the removal of a consensus around penal policy. As Simon (2007) notes, progressive parties have found it difficult to challenge the basic assumptions of this new punitive approach: crime is rising and the proper response should be to expand the prison system.In addition to the expansion of the use of imprisonment, the past 20 years have seen the increased privatisation of sections of the Criminal Justice System. Firms such as G4S have made huge profits from taking on roles that were previously seen as proper functions of the state. These have included running prisons and tagging offenders.The result in England and Wales has been a doubling of the prison population since the early 1990s. In political terms, the only influential politician to raise doubts about our addiction to imprisonment has been Ken Clarke on his return to the Ministry of Justice in 2010. The appointment of Rory Stewart as the minister responsible for prisons in 2018 was another important step. Early in his tenure, Stewart made a number of statements about the need for a rethink on penal policy, emphasising that prisons had to tackle deeply entrenched issues such as staff, shortages, violence and drugs if they were fulfil a rehabilitative function.

The CJS has historically been a key site of social work intervention. Wacquant (2009) argues that the growth of social insecurity and the expansion of the penal state are key aspects of features of neo-liberalism. These have been accepted by parties of both the left and the right. This shift alongside an increase in inequality had led to increasing social anxietyand mistrust. One manifestation of these trends is a decline in the belief

that the rehabilitation of offenders is a realisable goal of social and penal policy. The expansion of the penal state: the increasing numbers, poor conditions and the over-representation of minority groups mean that it should be a core social work concern. Risk and managerialism have side lined core social work values in the CJS. It concludes penal policy and conditions can only be reformed if the inherent dignity of offenders is rediscovered and placed at its centre.

The role of the CJS

The CJS is a complex, messy and often contradictory system. It includes a huge range of actors and agencies - the police, Courts, prisons, politicians, the media, academics, charities and voluntary groups. These often have competing or diametrically opposed goals. The operation of the CJS raises fundamental questions about the relationship between the individual and the state - what should the rights of suspect in custody be? how should the prison system balance retributive and punishment with broader aims of rehabilitation. One of the strongest arguments put forward by prison reformers is that the current prison system does little if anything to rehabilitate offenders. In England and Wales, there are a small number of prisoners who are sentenced to a whole life tariff meaning that they will never be released. The rest of the prison population will return to their communities one day. The reformist argument is that what happens to people in prison will have a lasting impact on this re-entry into community life. It is important, therefore that the CJS is transparent, fair and treats people with dignity. The opposing argument is that prison, in particular, should act as a deterrent. It can only do so if the conditions are harsh. Prisoners, it is argued, have surrendered certain liberty and civic claims by the virtue of having infringed societal norms. Within this strand, it is often argued that we should focus much more on the impact on offending on victims and families.

Weber (1954) saw the administration of justice as an archetype of rational organisation. There is a clear set of highly defined and prescribed set of rules that cover all situations. These then produce a predictable set of outcomes. There is a disconnect between this analysis and the day to day practice of the CJS. Actors at all levels follow informal, often locally agreed processes - the *rules of the game.* Key actors such as police officers, prosecutors and judges have very significant

discretion that they exercise. This discretion arises from the number of rules and their complexity and ambiguity. For example, a police officer attending a disturbance in the street has a range of potential choices for action. These include arrest but also taking no formal action. Apparently straightforward case, for example, assault can be described or categorised in a number of ways. Like all bureaucracies, the CJS would collapse under the weight of its own contradictions if the 'rules' were followed to the letter at all times.

The overall goal of the CJS is to detect and apprehend those suspected of crimes, process these arrests, determine guilt or innocence and then punish those who are found guilty. As outlined below, since the 1970s, the focus of punishment has moved form reform and rehabilitation to retribution and incarceration. The liberal view is that punishment must not be so as severe as to breach standards and norms. Hence, the banning of "cruel and and inhumane" forms of punishments. These systems must also be based on due process, which provides protections for individuals facing prosecution. Martinson (1974) famous study of penal rehabilitation *What Works*? came to the conclusion that nothing did and support for the whole notion was flawed. If rehabilitation is not an aim of the CJS then that means that it must concentrate on the defence of the wider society. Punishment should concentrate, therefore, on retribution and deterrence.

Comparing penal systems

The CJS of any state reflects a range of social, economic, political, historical and cultural factors. Lacey (2008) forcefully argues that it is important to examine these broader influences when discussing penal policy and reform. For example, she argues that liberal market economies, such as the USA, have a strong cultural commitment to individualism. This is one of the factors that needs to examined when discussing the increase in the use of imprisonment across the USA. However, within this debate, it is important to recognise that there are significant variations between the fifty states. In similar fashion, Lacey (2008) argues that social democratic countries with a commitment to use welfare state regimes to tackle inequality have lower rates of imprisonment because of these factors. Cavadino and Dignan (2006) developed a typology of the links between political,

economic and penal systems. Their ideal types were *neoliberal, conservative-corporatist, social democratic and oriental corporatist.* There are examples of all these types apart from oriental corporatist within Europe and the European Union. Rates of imprisonment are discussed in more detailed below. Within Europe, the Baltic states and the countries of the former Soviet bloc have the highest rates of imprisonment. It would be expected that these rates would fall as liberal democratic political regimes become more established. Dowes and Hansen (2006) outlined a clear correlation between welfare provision and penal policy. Countries with the lowest spending on welfare such as the UK and the USA have the highest rates of imprisonment. The link between rates of imprisonment and offending is a complex one. However, the use of imprisonment has increased during a period when in most liberal democracies crime overall has been falling.

Scandinavian welfare and penal regimes are often seen as exceptional. The Swedish welfare state is usually presented as an ideal type of a welfare state which is well resourced but also politically and socially popular. This model of excellent public services funded by relatively high personal and corporate taxation has come under increasing pressure. Globalisation allows corporations to move capital quickly across the world. This means that government of nation states do not have the power that they once enjoyed. The Scandinavian welfare state - a real world example of the social democratic ideal type - has come under political pressure from the Right. Anti-immigrant parties have successfully the linked the issues of welfare and immigration - a pattern that is a consistent feature of anti-welfare state discourse. It is important to acknowledge the political and economic pressures on Scandinavian exceptionalism in penal policy. However, the difference in, for example, the prison system in Norway and the one in England and Wales are still startling. This is not just about the low rates of imprisonment but also the physical conditions. Prisoners in these systems are working or studying full time. If they are in open prisons then they can remain in employment. It would not just take a huge investment in English prisons for these conditions to be achieved. It would also require a very significant shift in political and public opinion.

The penal state

The phenomenon of the expansion of the huge increase in the rates of imprisonment is one of the most startling social shifts in social policy in the past forty years. This has been most apparent in the USA. England and Wales is the jurisdiction that has most closely followed this trend. Scholars have used a number of terms to describe this: *mass incarceration, mass imprisonment, the prison boom, the carceral state or the penal state.* Simon (2014) has compared the expansion of the use of imprisonment to a biblical flood, a flood that he now sees as past its peak. As he notes, the flood is receding leaving behind the damage it has inflicted and continues to inflict on families, individuals and communities.

It might seem odd from the current perspective that in the mid 1970s, sociologists and policy makers were predicting the end of the prison as an institution. The question to consider then is why rates of imprisonment have increased so dramatically. Simon (2007) oultines the way that from the mid 1970s onwards crime and law and order became much more contested political issues. There have always been arguments about the balance between punishment and rehabilitation. However, there was a general consensus that imprisonment should be the last resort. The call for greater use of physical punishment and particularly the return of the death penalty was associated with the right of the Tory party in the UK. Such populist policy were seen on the periphery but have moved much more into the main stream since the late 1970s onwards. Simon (2007) identifies a mixture of social and political causes. It is important to recognise that the fear of crime, particularly violent crime has a key role to play. He argues that there is something of a time lag between changes in the crime rate and these broader social and cultural attitudes. Crime rates have been generally falling but the fear of crime remained widespread. This fear is, in part, fuelled by media reports of and focus on the most violent and rarest of crimes such as serial murder. Penal populism - calls by politicians to ignore the so called liberal elites who they see as having a grip on penal policy - became a key feature of the politics of the New Right in the 1980s. The main features were that society had "gone soft" The CJS was on the side of the victim, new laws and a human rights agenda meant the police's hands were tied in the fight against crime and conditions in prison were too easy.

In the party political sphere, the popular success of politicians such as Reagan and Thatcher who argued that their progressive opponents were "*weak on crime*", saw a shift. Progressive parties feared the political fallout from being seen as weak on the issues. The result was an increase in the use of custody, prosecutors ask for custodial sentences where previously a community penalty would have been imposed. Then, sentences are increased – the war on drugs is an example of this process. Finally, mandatory and or indeterminate sentences are introduced. These factors combine to shift the focus of debate. Garland (2001) notes that the impact of the penal populism of the 1990s remains long after the politicians who made these decisions have left public life.

Rates of imprisonment are measured by the rate per 100,000 of the population. Since 1999, the overall world prison population rate has increased from 136 per 100,000 to 144 per 100,000. The USA has the highest a rate of 716 per 100,000. In a much quoted statistic, the USA has just under five per cent of the world population but twenty-five percent of the prison population. As noted above, it is important not to look at the rate of imprisonment in isolation from other social indicators. This overall average hides huge disparities between individual states. Carson and Golinelli's (2013) analysis shows that the five states with highest imprisonment rates: Louisiana (1720), Mississippi (1370), Alabama (1234), Oklahoma (1178) and Texas (1121) have rates well above the national average. Oklahoma has recently overtaken Louisana in this table. If they were countries, these states would lead the world in the rates of imprisonment. The impact of imprisonment is not restricted to the individuals involved. It is impossible to overlook the issue of race. There is a significant body of research that demonstrates the wider damage that has been done to the African–American community (Clear, 2009; Drucker, 2011; Mauer, 2006). The damage does not end when individuals are released. Many US states prevent ex-prisoners from voting, accessing social housing or completing educational programmes. Alexander (2012) powerfully argues that the overall effect serves to create a new 'caste' of disenfranchised and marginalized young black men.

Walmsley (2015) notes there are now 10.2 million people who are held in penal institutions across the world. 2.4 million are in prison in the USA. The USA

along with Russia (0.68 million) and China (1.64 million) holds nearly half the world's prisoners. Alongside the expansion in prison numbers, the private sector has had an increasing role in the CJS generally and prisons in particular. Commercial companies such as G4S have been given lucrative contracts to manage immigration detention centres and the electronic tagging of offenders. Wacquant (2009) shows the ways, in which, the 'prison industry' has become a key factor in local employment. In the USA, this is particularly the case in rural areas.Prison provides secure relatively well-paid jobs with benefits such as health insurance that are not widely available in generally impoverished communities. This creates a vicious circle where any reduction in the rate of imprisonment will be seen as economic threat, which contributes to political pressure at a local and national levels.

In the UK, African–Caribbean citizens are imprisoned at a rate of 6.8 per 1000 compared to 1.3 per 1000 amongst white citizens. Twentyseven per cent of the UK prison population comes from a Black Minority Ethnic background and over two-thirds of that group are serving sentences of over 4 years (1990 Trust, 2010). Berman (2012) reports that in June 2011 13.4% of the prison population, where ethnicity was recorded was Black or Black British. This group comprises 2.7% of the general population. It is estimated that 70% of theFrench prison population is Muslim – the figure in the general population is 8%. It is illegal to collect figures on ethnic background in France so no official statistics exist. It is also an issue of class as the overwhelming majority of prisoners live in poverty.

The CJS is an area that is both common and unknown (Sklonick, 1966). It is common because of the saturation media coverage of crime and law and order. Crime has been a persistently prominent feature of the modern media since its invention. Crime drama dominates TV and film. These genres are dominated by a series of tropes that are far removed from the day to day reality of policing and the courts (Cummins et al, 2014). TV dramas, films and novels are dominated by brilliant but jaded detectives tracking down serial killers and rapists whilst leaving a trail of havoc and destruction in their own family and person lives. The advent of the film on the wall documentary has seen an overlap between fictional

and reality TV accounts. TV documentary makers use many of the same techniques - for the example the shot of a detective driving at night through a bleak but beautifully photopgraphed urban landscape. In reality, a minority of the population have direct contact with the CJS.

Taylor (2003) argues that important social issues are often discussed not in theoretical terms. We use images, stories and myths. This is clearly evident in the area of penal policy where high profile cases perform a similar function. Wacquant (2009) argues that the USA can be viewed as a laboratory and that a nexus of think tanks and prominent individuals such as Bill Bratton, a former LAPD and NYPD Commissioner, have facilitated the spread of these penal policies. High profile crimes, for example, the murder of Jamie Bulger come to be seen as representative of broader social and cultural trends. In the politics of mass incarceration, the use of the Willie Horton case by George Bush (Snr) in the presidential election of 1988 is another example. Horton had been convicted of murder in 1974 and committed another murder when he was on weekend release in 1986. Bush used this case to argue that his opponent Dukakis was weak on crime. Pfaff (2016) identifies what he terms the Horton effect where one case is used to undermine the case for all such systems of parole or early release. This is clearly not to deny the awful nature of the crimes that Horton committed. It is to emphasise that no system can possibly guarantee that no convicted offender will not committed any further offences on release. Garland (2001) argues that penal populism makes this unrealistic demand of rehabilitative systems. It also uses serious violent offenders, particularly sex offenders, as a proxy for all offenders.

To use Taylor's notion of myths and images, the increase in the use of imprisonment in the USA and the UK has been driven by an often racialized image of the offender as a young, strong psychically fit male. This is used in part for one of the key arguments put forward for mass incarceration - the need incapacitation. In the early 1990s, the then Home Secretary, Michael Howard argued that *prison works*. He did so on the basis that prison has a deterrent effect but also that it means that those in custody cannot commit crime. It clearly the case that offenders can and do commit offences in custody. These are generally not given a high

profile because the victims tend to be other offenders. However, the chaos in prisons has seen an increase in assaults on prison officers alongside examples of offenders continuing to deal drugs and so on. The incapacitation argument is also used by those who see prison condition as "soft" or "too cushy". One of the biggest changes in prison is the age profile of inmates. Longer sentences, stricter systems for parole and restrictions on release mean that the prison population is ageing. Alongside this, the prosecution of historical sexual abuse cases and the development DNA technologies mean that older offenders, defined as those over 50 yers of age, is the biggest growing group in the prison population. This means that prison authorities face a new range of challenges in providing services that meant the healthcare needs of an ageing population. These include, for example, the need for appropriate services that address the physical and mental health needs of prisoners with dementia. The Care Act (2014) means that local authorities have new duties in this area.

Offenders are usually represented as young physically fit and healthy. However, the reality is somewhat different. Offenders almost overwhelming come from poor and marginalised communities. They, therefore, have higher health care needs than the wider community. This includes mental and physical health issues (Cummins, 2016). The Trencin Statement (2007) which outlines the UN position on the treatment of prisoners states that Prisoners shall have access to the health services available in the country without discrimination on the groundsof their legal situation. (www.euro.it/en/health) The 2013–2014 report from HM Inspector of Prisons in England and Wales paints a very disturbing portrait of the current prison regime. The Chief Inspector report showed there was a 69% rise in suicides in a prison in 2013–2014. He described it as 'the most unacceptable feature' of a prison system that is experiencing a 'rapid deterioration' in safety standards. The report paints a portraitof prisons where bullying, violence – including sexual violence – and intimidation are commonplace. As the Royal College of Nursing (RCN) (2004) outlines , there is a higher incidence of long-term conditions and chronic disease. These conditions include coronary heart disease, diabetes, mental health issues, substance misuse and HIV. Those groups in society who face the greatest barriers or are less likely to access health care in the community – young men/sex workers/IV drug users – are also much more likely

to be incarcerated. The problems outlined above are exacerbated by overcrowding which is a consistent feature of the wider use of imprisonment.

It was noted above that people from minority communities across the world are overrepresented within prison systems. Though women are imprisoned in smaller numbers, there has been a significant in the numbers of women in jail. For example, in England and Wales the number of women in prison tripled in the twenty years to 2010. There are particular issues related to the imprisonment of women. The Corston Inquiry (2007) was established following a rise in cases of suicide and self-harm amongst women in prison in England and Wales.. Women are much less likely to commit violent or other serious offences than men meaning that they are more likely to be sentenced to shorter periods in custody. There are fewer female prisons. Women are thus more likely to be sent to a jail further from their local community. The Inquiry gives a stark outline of the wider factors in the lives of the women in custody: 37% – attempted suicide at some time in their life, 51% have severe and enduring mental illness, over 50% had been subjected to domestic abuse and one in three had been sexually abused. These figures are astonishing. The Howard League report (2010) children demonstrates that children are the forgotten victims of escalating incarceration.

Finding a way forward

Michel Foucault is one of the most influential scholars of the development of the prisons and punishment wrote *Discipline and Punish* at a time which, in retrospect, can be viewed as the initial period of what is now termed mass incarceration. The book begins with a long passage outlining the punishments inflicted on Damiens who had attempted to assassinate Louis XV in 1757. The contemporary reader is shocked by the sheer level of the brutality inflicted on Damiens *before* he is dismembered. Foucault argued that punishment has to be understood as a regulated cultural practice. The physical nature of the punishment reflects the belief that crime was considered an offence against the monarch. This is not just the case for Damiens but all offenders. The symbols and rituals of punishment reflect the value system of the society that produces it. Foucault contrasts this physical punishment with the sombre image of Foucher's prison timetable. For

Foucault, this is a paradigmatic shift. The timetable represents the Enlightenment values of rationality. He argues that from the French Revolution onwards punishment as a public spectacle declined. As the definition of what constituted a crime remained largely unchanged this shift, Foucault argues, can only be explained by moves in societal values. This does not represent progress but a rather a shift in the ways that social control and domination are exercised.

There is a danger of assuming that our current systems of punishment with all their acknowledged fault still represent progress. We are much more liberal and civilised we no longer, brand, whip or execute offenders - though the return of such punishments might be more popular than we would like to think. However, I would argue that mass incarceration with its focus on incapacitation represents another shift. It inevitably leads to overcrowding and the sorts of poor conditions that have been outlined above. In such conditions, constructive rehabilitation becomes almost impossible. The result is that the body of the offender has once again become the site of punishment. There has been a paradigmatic shift. Examples would include the attempt to books being sent to prisoners in England and Wales. In the USA, the activities and policies of Arizona Sheriff Joe Arpaio, who was give a presidential pardon by President Trump, were widely criticised. Arpaio prided himself on forcing offenders to wear pink underwear and sleep in tents in the baking local heat as well as boasting of spending more on food for prison dogs than inmates.

The focus in this chapter has been on the rate of imprisonment, which is viewed as a measure of the relative punitive nature of the modern CJS. As well as looking at the rate of imprisonment, it is important to look at the conditions in prisons. The CJS is, or should be a very important area of concern for social work. This is not just because there is a need for social work in the institutions of prisons. Many who are in prison have had some form of contact with social services, for example, many offenders have experienced periods in public care as children. The Corston Inquiry highlighted the complex needs of women who are in prison. Mental health, the impact of substance misuse and sexual violence, these are all areas where social workers have traditionally had an important role in services.

An example of a social problem and the CJS: Drug and substance misuse

Much offending is linked to drug and substance misuse. Alcohol misuse is a factor in much violent offending, including domestic violence and wider public disorder. The policing of the night time economy is one the most important challenges for police forces. Recreational drug use has become more widespread but the possession, supply and use of drugs such as ecstasy and cocaine remain illegal. In addition to offending, there are a whole series of personal, social and community harms that are the result of drug and alcohol misuse. The harmful impacts of drug use however, are greater in poorer and more deprived communities (MacGregor 2017). In the UK, rates of recorded drug misuse deaths are nine times higher in the most deprived areas than least deprived areas, despite similar consumption rates (Stevens 2018).

Social work and the CJS are drawn into the responses to drug and substance misuse issues. Social workers and health profession colleagues will be working in services that support people to tackle addiction and other related issues. At the same time, those working in the CJS will be involved in systems that punish those who commit offences related to drug and substance misuse problems - for example thefts and shop lifting to fund a drug habit. One of the drivers of the increase in the use of imprisonment outlined above has been the so-called "War on Drugs". This rhetoric in turn built up public and political support for a zero-tolerance approach to drug policy, marginalising harm-reduction and rehabilitation in favour of more punitive measures (Chatwin 2018).

The challenge to the *"War on Drugs"* rhetoric is to argue that substance misuse should be seen as a public health issue. Such an approach is based on public health principles of education about the potential harms of drug and substance misuse but also establishing a range of services that can support people to reduce their reliance on or addiction to drugs. Within this approach, there is an implicit recognition that the *"War on Drugs"* is unwinnable and does more damage to individuals and communities. Policy approaches that treat drug use as an individual and moral problem such as the 'War on Drugs' have caused great socio. economic harm to vulnerable communities increasing experiences of social isolation, stigmatisation and criminalisation, while failing to reduce drug consumption and deaths from drug misuse (Patten 2016, Chatwin 2018).

Conclusion

As outlined above, the CJS is a complex system that involves a wide range of actors and agencies including, the police, social workers, the Courts and charities. The CJS responds to a huge range of crimes and offences from murder to shoplifting. The reporting of crime has a high media profile. Responses to crime are often a reflection to wider social unease. Crime becomes a site for debates about the nature of society and community relationships. Since the mid 1970s, there has been a shift towards more punitive attitudes and policies. When analysing penal regimes, it is important to look at the broader perspectives of social, welfare and education policies. Law and order cannot be viewed in isolation from the wider society. The current crisis in prison systems provides a potential opportunity for reform.

Critical Questions for readers

- *What are the links between wider social, welfare and education policies and the CJS ?*
- *What should the balance be between the rights of offenders, victims and the wider community?*
- *Does prison act as a deterrent ?*
- *Which factors should Courts consider when sentencing offenders?*
- *What can and should be done to challenge the discrimination that is evident in the CJS?*
- *What role should social work and social workers have in the CJS?*

Further Reading

British Academy. (2014). *A presumption against imprisonment.* Retrieved from *www.britac.uk*

This review argues that too many people are sent to prison and looks at alternatives

Cavadino, M., & Dignan, J. (2006). *Penal systems: A comparative approach.* London: Sage.

This classic text provides an analysis of welfare systems and penal policy

Cummins, I (2016), 'Social work and the penal state ', *European Journal of Social Work*

This article outlines the expansion of the use of imprisonment and argues it is a key issue for social work

Drug Policy Alliance. *(2011). Drug policy alliance and global commission on drug policy June 2011 media report. Retrieved from* www.drugpolicy.org

This briefing paper outlines alternatives to the War on Drugs

Martinson, R (Spring 1974). "What works?—questions and answers about prison reform*". The Public Interest: 22–54.*

This is a very influential article that argued that prison reform was a failure

Simon, J. (2007). *Governing through crime how the war on crime transformed American democracy and created a culture of fear.* Oxford: OUP.

Simon examines the political impact of law and order policies

References

Alexander, M. (2012). *The new Jim Crow; mass incarceration in the age of color-blindness.* New York, NY: New Press.

Berman, G. (2012). *Prison population statistics:* House of Commons library.

Butler, I. and Drakeford, M., (2005) *Scandal, social policy and social welfare.* Policy Press.

Carson, E., & Golinelli, D. (2013). *Prisoners in 2012: Trends in admissions and releases 1991–2013.* Retrieved from www.bjs.gov/content/pub/pdf/p12tar9112.pdf

Cavadino, M., & Dignan, J. (2006). *Penal systems: A comparative approach.* London: Sage.

Clear, T. (2009). *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse.* New York, NY: OUP.

Corston, J. (Chair) (2007). *Review of women with particular vulnerabilities in the criminal justice system.* London: HMSO.

Cummins, I., Foley, M. and King, M., (2014.) '… And After the Break': Police Officers' Views of TV Crime Drama. *Policing: A journal of policy and practice,* 8(2), pp.205-211.

Cummins, I., (2016) *Mental Health and the Criminal Justice System: A social work perspective.* Critical Publishing.

Downes, D., & Hansen, K. (2006). *Welfare and punishment.* Retrieved from www.crimeandsociety.org.uk

Drucker, E. (2011). *A plagues of prisons; the epidemiology of mass incarceration in America.* New York, NY: New Press

Garland, D. (2001). *The culture of control crime and social order in contemporary society.* Oxford: OUP.

Foucault, M. (1977). *Discipline and punish. (A. Sheridan, Trans.).* London: Penguin.

Lacey, N. (2008). *The prisoners' dilemma: Political economy and punishment in contemporary democracies.* Cambridge: Cambridge University Press.

Martinson, R (Spring 1974). "What works?—questions and answers about prison reform". *The Public Interest: 22–54.*

Mauer, M. (2006). *The race to incarcerate.* New York, NY: New Press.

Pfaff, J., (2016). *Locked in: The true causes of mass incarceration—And how to achieve real reform.* Basic Books.

Simon, J. (2007). *Governing through crime how the war on crime transformed American democracy and created a culture of fear.* Oxford: OUP.

Simon, J. (2014). *Mass incarceration on trial: A remarkable court decision and the future of prisons in America.* New York, NY:The New Press.

Skolnick, J (1966) *Justice Without Trial.* New York: John Wiley and Son

Taylor, C. (2003). *Modern social imaginaries.* Durham, NC: Duke University Press

Wacquant, L. (2009). *Punishing the poor the neoliberal government of social insecurity.* Durham, NC: Duke University Press.

Weber, M., 1954. *Max Weber on law in economy and society*(Vol. 6). Harvard University Press.

1990 Trust. (2010). *The Price of Race inequality: The Black manifesto.* London: 1990trust.org.uk.