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Crime and insecurity: Probation, the Media and Politics

Conference report
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ASP / SVB



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Crime and insecurity: Probation, the Media and Politics

The feeling of insecurity is growing among the population of all European countries; this lack of security is increasingly being linked to the allegedly rising crime rate - although the statistics prove the opposite, a decrease in criminal offences. What are the reasons for these fears? What role is played by the media, in which much space is devoted to crime and violence, and to what extent are these fears instrumentalized by politics in order to increase control and repression? In what way are court decisions, sentence execution and thus also the probation service affected by these trends? And how should the probation service react to this situation? These were the questions that were asked at this year's CEP Congress in Lugano.

The clear conclusion drawn at the end of the Congress: the probation service has to open up, make its work known to the public and to this end seek to talk to and cooperate with the media.

The event - featuring presentations, three workshops and a panel discussion - was accompanied by artistic statements (film series, video works, photograph exhibition); as a prelude to the Congress, the Polish actor and film director Janusz Mrozowski showed his film "Prison Breaks" (2003).

PRESENTATIONS

Christine KNOTT, National Offender Manager, England and Wales,

Ch. Knott: described in her presentation the means with which her country is attempting to combat the population's fear of crime.

Using statistical examples from the U.K., Ch. Knott showed that fear of crime bears no relationship to the actual risk of becoming a crime victim: thus, for example, young people aged between 16 and 24 years are far more at risk than older people, who are much safer than they themselves feel; in addition, poorer sections of the population are more frequently victims of criminal acts than the middle and upper classes are. What is not so surprising is that people who read sensational tabloids are more afraid of crimes than the readers of the serious press are. This is clearly connected with the manner and frequency with which the sensational press reports crime.

Media work in the U.K.

But in this respect the media should not only be regarded as a scapegoat in Ch. Knott's view; consideration should be given to the role they could also play in *reducing* this diffuse fear if we supply them with accurate facts and ensure that not only the "bad" but also the "good" stories find their way onto television and into the newspaper columns.

In England and Wales the police, probation service, prisons, public prosecutors' offices and the judiciary co-operate regionally on so-called "Local Criminal Justice Boards" in order to increase the population's confidence in the work done by these bodies.

The boards actively seek contact with media people; they pursue an open and realistic information policy and try to reduce subliminal fears and prejudices in society by creating transparency.

“Public Protection Panels“

Great importance is attached to cooperation in general in the U.K.: interdisciplinary groups, known as "Public Protection Panels" are formed even to accompany dangerous criminal offenders. The panels establish joint plans of action and accompany dangerous criminal offenders until probation is over. They also decide when information is released to the public and what kind of information.

The next speaker was a media expert, Ms. Susanna REINBOTH, a journalist, „Helsingin Sanomat“, Finland. In her presentation she asked whether the media actually shaped public opinion or whether they merely reflected it.

Finland, she said, was not necessarily representative of conditions in Europe as street crime was hardly an issue there. It was true that the prison population had risen in recent years in Finland - as it had in the whole of Europe - although the change of direction in punishment policy - tougher sentences, and therefore more imprisonments - was by no means as clear as in other countries. Yet the danger of becoming a crime victim in her country was very low and therefore politicians hardly ever resorted to the security argument to win votes.

Subscription press - Sensational press

According to S. Reinboth, the Finnish media play a very sensible, sober and unsensational role in their crime reporting. What could be the reason for this? S. Reinboth showed that in Finland 90% of the population read a daily newspaper compared with, for example, only 40.6% in Italy or only 32.8% in Great Britain. In general, it is true to say that citizens' keenness to read a newspaper decreases from northern to southern Europe. Then the type of newspaper naturally plays a role as well. Thus 88% of Finnish newspaper purchasers *subscribe* to a newspaper whereas in Italy 91.1% purchase their newspaper at a kiosk, and so as a rule read a *sensational tabloid*. It is clear that newspapers sold via a subscription are far less exposed to sales pressure than the sensational press is, which has to sell itself daily at the kiosk with hard-hitting headlines. The quality press can more readily afford to report on objective backgrounds and is therefore less dependent on luring purchasers with "popular" topics like sex and crime.

But it is not the case that crime generates the highest sales figures for the sensational press. Rather it is emotionally moving (love and life) stories about celebrities that boost the sales figures. Thus, for example, the Finnish sensational newspaper Iltä-Sanomat attained its highest sales figures with coverage of the death of Diana, Princess of Wales.

What is public opinion?

Do the media shape public opinion or do they merely reflect it? S. Reinboth warned about jumping to conclusions; in a journalistic study she had concluded that when she presented a group of people with criminal acts ranging from shoplifting to murder and asked for their judgement, in some cases they would have handed out less severe sentences than the judges actually imposed. She thus showed that it is hardly possible to define at all what public opinion is and that it may be a matter of interaction more than a causal phenomenon.

The media's responsibility

S. Reinboth concluded that the press nevertheless bore a great responsibility: not only with regard to accuracy, proportionality and preservation of human dignity (also that of criminals) in its reporting but also in the perception of its duty to inform in cases that many people would perhaps have preferred to remain covered up.

Prof. Dr. Hans-Juergen KERNER, Director of the Institute of Criminology at the University of Tübingen, spoke on the topic of the probation service as a means of crime prevention and asked how non-institutional punishment measures could nevertheless be propagated in the present climate of public unease, victim guidance and the political call for harsh penalties.

Change of mood

Kerner outlined the change of mood in the field of criminal law policy which had started in the United States (which has about 4 million prison inmates) at the end of the last millennium and had increasingly spread to Europe (daily reports of sex murders in the German press, detention initiative in Switzerland, etc.). How can the proponents of a socially cushioned criminal punishment system aimed at re-integration counter this change of mood and how can it in general "sell" its liberal concepts to the media, politicians and the population?

Kerner expounded in detail the arguments that the probation service has to convey to politicians and the public and corroborated them with the results of studies:

- a) *cost-benefit effect*: comparing the cost of a closed sentence execution system with that of alternative forms of punishment (which is much lower).
- b) *reduction of recidivism through suspended and conditional sentences*: a long-term study (over 40 years!) conducted by the University of Tübingen had shown that the "Nothing works" hypothesis of the 1970s was wrong. 70% of the probation cases in the FRG were completed positively when longer periods of time were taken into consideration. Time helped to change people's behaviour patterns. It often took years before probationers were able to resort to the range of instruments that the probation service had offered them. Good probation work leads to longer intervals between offences and to less serious offences. (An interesting insight for the probation service experts was that the University of Tübingen's long-term study showed that what was decisive for re-integration of probationers was primarily the acquisition of *new social capital*, i.e. of good, viable human relations - in whatever area - and not primarily factors such as housing, work, etc.)

- c) *Risk reduction for the victims*: this is an advantage of re-socialization measures, particularly for young offenders.

Kerner complained that although cooperation between the various criminal justice authorities was advocated in most countries, it did not take place in practice. He called for an active joint information policy and media work to publicize the goal of a forward-looking crime prevention campaign and thus to re-orient the public discourse.

Ms. Ilina TANEVA, Director, Dept. of Criminal Law and Criminology at the Council of Europe, gave an overview of the activities of the Council of Europe and the European Union in the areas of security and criminal justice. She started by summarizing the results of the 22nd Criminological Research Commission of the Council of Europe, which was held in Strasbourg in November 2003; these results would shortly be available in written form.

European detention regulations

She went on to mention the revision of the European detention regulations dating from 1987, which should be completed by the end of 2005. In addition, the results of the inspections done all over Europe and the recommendations for improvements in prison organization were being published in an accompanying report. The revised rules should also be incorporated into the European Detention Centre Charter, which was also awaiting approval.

Social aspects of criminal justice

The 26th Conference of European Ministers of Justice, due to be held in Helsinki in April 2005 on the subject of "*Social aspects of criminal justice*", will discuss what prerequisites are necessary in order to avoid marginalization and exclusion of the persons concerned in both criminal and civil law (debt problems in a credit society!).

European Union

Five years after the Treaty of Amsterdam the most important topics in the European Union (EU) were the ratification of the new EU Constitution and enlargement to the East.

Objective of the European legal area

Major and radical changes were impending in the area of justice. Thus the following objectives had been placed on the agenda of the Tampere conference:

- a) alignment of all European countries' criminal law;
- b) creation of better instruments for cooperation;
- c) establishment of the principle of mutual recognition of legal judgements on EU territory. Following September 11, 2001, treaties were in addition concluded for closer cooperation with third countries, particularly the USA (legal aid / extradition).

The objective is to create a European legal area in which the court decisions of all Member States are valid and executable.

WORKSHOPS

Workshop I

Media and politics

Speakers: Gabrio FORTI, Università Cattolica del S.C. of Milan, and Giovanni TAMBURINO, director to the Office for studies, research, legislation and international relations of the Italian sentence execution authority, Ministry of Justice.

Gabrio. FORTI demonstrated by means of studies and statistics how the media create the image of latent and omnipresent crime in the public arena and suggest that the prisons are full of dangerous, violent criminals. In Forti's view, the world portrayed in the media was the sole tangible reality for the population, beyond their personal sphere. But one should not simply blame journalists for conveying a distorted image of reality; rather it involved a kind of feedback, an interaction between public opinion and media reality.

Pretext for state repression

But this (distorted) image of reality was in any case being used by politicians to fuel fear (crimes committed by foreigners) and to make propaganda for their own cause by promising more security. At the same time the atmosphere of insecurity was being used by the State as a pretext for extending its control and repression apparatus. He said there was a danger that a kind of golem of an omnipresent criminal might develop in our minds which would influence the way we think, feel and act and which might ultimately pose a threat to democracy.

Giovanni. TAMBURINO contrasted this gloomy vision with the theory which holds that the media do not actually fuel fear but merely pick up on a human predilection that has always existed - namely a propensity for dramatic, disastrous events. He referred to Homer, Shakespeare and Dante, whose great works are based almost exclusively on tragic stories and in which violence and criminal acts as extreme as murder and manslaughter are omnipresent. The media were simply doing their "job" said Tamburino who, as editor of the government periodical "Le due città", pursued an active information policy in the areas of justice and sentence execution. Rather it was the case that the media picked up currents in society; our society in general felt insecure, the main contributory factors being:

- a) globalization/closer links with the poor countries;
- b) the identity crisis and the decline of the western world's values.

The only remaining common value of our society was - to put it bluntly - administration of justice (cf. the efforts in the EU to harmonize criminal laws). A world that had devoted itself to the utopia of stamping out crime just as it repressed mention of ageing and death necessarily had to pay for this repression with fear.

Transparency

Tamburino recommended an objective, transparent relationship with the media representatives. Authorities should not act in an enclosed space but ought to pursue an open information policy which should also take account of research, church and culture.

Unfortunately this workshop did not have time to discuss how more space could be devoted to the work of the probation service in media reporting.

Workshop II

Criminal justice and the influence of media and politics.

(Summary by Thomas Erb)

Introductory presentation by Dr. Dominik LEHNER, Head of the Dept. of Imprisonment and Social Services, Department of Justice of Basle Stadt. Conclusions from the participants' contributions and the discussion:

- 1) The more the population knows about the work done in the field of justice, the better it understands a differentiated approach being taken by justice.
- 2) The probation service must constantly inform people about its work, and must do so professionally. This is because the current, emotionally charged issues leave too little room for differentiated statements. Since the probation service is bound by official secrecy, it has only limited opportunities for public relations work in connection with actual, topical media cases.
- 3) Professional training in how to relate to the media should be compulsory for the probation service's managerial staff.
- 4) Creativity in the exchange of information with the population is helpful. For example, one can/should also establish direct contact with the population in order to arouse interest in our duties and topics.

An example: In a closed prison in Germany the population of the surrounding area was invited to attend a computer training course jointly with inmates. The reaction was very positive and improved acceptance could be observed among the population. The media subsequently reported on the event.

Conclusion: Ideas and professionalism are required in order to shed light on this "shadowy area".

Workshop III

Working group on criminology

(summary by Pia Adolf-Neuhaus)

In his introductory presentation Professor P.V. TOURNIER, a professor at the Sorbonne in Paris, noted that criminal law researchers could not avoid two questions:

1. **What exactly is the probation service?** What concepts is it based on in the different countries? What is its numerical importance? What trends are observed in relation not only to crime figures, but also to the population in penitentiaries?

2. **Does the probation service work?** We are quite frequently confronted with this fundamental question without knowing exactly what this "Does it work?" - the efficacy of which one would like to measure - involves.

Should the probation service be regarded as an alternative to prison or comprise a precisely-defined punitive measure which may nonetheless be different from country to country? Unless the understanding of the probation service's function was harmonized in advance, it would not be possible to make reliable scientific statements about the measure and its effectiveness. A clear definition was urgently needed. Professor Tournier showed some possible ways to achieve a unified understanding of the concept.

Prof. Tournier wanted to have some promotable alternatives to imprisonment regarded as a right that delinquents would have - for defined offences - and not as an option. He was referring to measures like those advocated by the Council of Europe (known as "SMC": *sanctions et mesures appliquées dans la communauté*) that is, sanctions and measures that leave the delinquent in the social environment but impose certain conditions or restrictions on him/her. He rightly noted critically that the possibility of pronouncing an alternative to imprisonment did not yet tell us anything about actual application and completion.

The participants' discussion focused in a first phase mainly on the possibilities afforded by Electronic Monitoring (PSE - Placement sous surveillance électronique), which was introduced in France at the end of 1997 in three different forms and was supplemented in 2002 by a fourth modality. The different treatment was criticized. It was not possible to judge uniformly treatment that was so different.

The working group also discussed briefly the other alternatives to prison sentences such as:

- community service;
- conditional sentences;
- reduction of the sentence (in prison - "*dans les murs*") through conditional release;
- semi-freedom as an alternative to a reduction of sentence; probationers remain under the framework of the sentence execution regime.

Conclusion

The clarity that is necessary in dealing with the media is characterized by two at first sight contradictory demands:

1. Refusal to make any generalization, e.g. by getting people to realize that the analysis of modality A of a measure leads to different results than that of modality B.
2. At the same time the aim should be to have a global view of the issues.

PANEL DISCUSSION

Participants: I. Taneva, P. Tournier, J. Mrosowsky, Ch. Knott, S. Reinboth, G. Tamburino, moderator: G. Colombo.

Is the feeling of insecurity that currently prevails in Europe justified and how can it be countered? Are the achievements and progress made in recent decades in sentence execution being jeopardized?

Pierre V. TOURNIER referred to a psychological fact, namely the deep-seated and fundamental feeling of fear and insecurity that exists in all of us. Death will mark the definitive disappearance of each human being; this fact - the truly tragic dimension of our lives - causes us to feel constantly threatened and to project this threat onto certain people or groups of people.

Risk reduction

Tournier asked whether locking up criminal offenders under bad conditions was not counterproductive for the safety of the public at large; conditional release from detention was not in his view a gift for the criminal offender - and this would have to be explained to the public - but was a contribution to risk reduction if a longer-term view was taken.

Cooperation is important

Tournier then stressed how important close cooperation was between CEP and the Council of Europe. At the moment the emphasis there was being placed on anti-terrorism issues. Two events on the subject of the probation service had been cancelled for budgetary reasons. The climate prevailing in the USA at the moment was dangerously similar to that of the Mc Carthy era; Europe had to *act as a counterweight* to that situation.

Everyone must contribute

Not only the media were conveyors of information but all of us who had a contribution to make to the social climate. Administrations, researchers, the judiciary - and at the end of the day we were all political persons. The aim now had to be to reach out to the public and to initiate cooperation with the journalists of the serious press.

Ch. KNOTT urged the experts to remain confident in their work, to keep their focus and to continue to pursue undeterred the objectives that had been set. She likewise recommended closer cooperation with the media, for example, through informal meetings; the public should also be informed even when things are going well. In the UK, for example, an (entertaining) TV series had been running which, among other things, had given an insight into the work of the probation service.

J. MROSOWSKI (film-maker, author of the film "Prison Breaks"), referred to the key role played by the media in transmitting messages to society. He proposed that the prisons should be opened up to society in order to diminish fears and prejudices; culture was a good means of transport when it came to stimulating understanding and conveying messages.

I. TANEVA pointed out that she personally had the impression that in politics the emphasis tended to be placed on combating crime rather than on human rights since politicians did not like making a major issue out of the latter.

G. TAMBURINO advised keeping a clear head in the present situation and countering the emotive feeling of insecurity with common sense. As editor-in-chief of a periodical ("Le due città") published by the Italian sentence execution authority, he had a lot of experience of cooperation with the media. His advice on how to deal with media workers was not to adopt a schoolmasterly, moralizing attitude to journalists but to provide objective information and to reveal backgrounds. Experience showed that media workers liked resorting to serious sources of information if they knew them; even as an expert one must not work in isolation but had to continue to have exchanges with society, like a service provider.

CONCLUSION BY THE CEP PRESIDENT

At the end of the 2004 congress, Briton John Scott, who had been newly elected as CEP president at this year's General Meeting, called on the European probation services to take society's need for information seriously. He made an urgent appeal for active media work and gave some relevant tips based on his practical experience. To "sell" good stories and not to cover them up; not to fear cooperation with the police in one's information policy and, if need be, to use their media bulletins to convey probation service messages, to hold press conferences, to use radio as an efficient and highly-regarded medium - and to recruit a professional press spokesperson for all this media work. It was important to make clear to society and politicians that the probation service contributed to public security by reducing the risk of recidivism and that those present - probation officers - represented the human face of the fight against crime.

Anne Rügsegger (Dept. of Probation service and alternative sentence execution, Bern, Switzerland)
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