

The Punitive Society

Monday, May 14th 2007

McCance Lecture Theatre,
Strathclyde University, Glasgow

By Barry McGugan

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representative of SACP and is not an official
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Monday 14th May 2007
McCance Lecture Theatre, Strathclyde University, Glasgow.

Sheriff Rita Rae QC and Sheriff Brian Kearney

Introduction and opening remarks

Apologies for late change of speaker and chairman, however we had an excellent replacement in the chair and a full programme for the conference. Kilbrandon still survives to this day, more or less. The principles are under some threat and perhaps in recession somewhat due to the media.

Professor Kathleen Marshall

Scottish Commissioner for Children and Young People

Carrots or Sticks

Perhaps we need an approach with carrots and sticks. They say there is no 'gain' without some 'pain' and this approach deals with peoples 'greed' and 'fear'. People aspire to the better things in life, e.g. food, clothes, love. Young people ask for respect. "the modern incarnation of honour", so let's consider this as we go through my presentation states Professor Marshall. It is our common goal to use our experience through the Scottish Association for the Study of Offending.

There are three intended outcomes from the Criminal Justice System;

- 1) Appease the victim
- 2) Edify the public
- 3) Prevent re-offending

1) Appease the victim

Prof. Marshall used an example from history, where the Huron Indians did not discipline their children. Whereas the missionaries who were trying to 'civilise' them preferred a disciplinary approach. An incident where a young French drummer boy hit an Indian boy to the extent he drew blood exemplifies this. The Huron's wanted gifts in compensation and the missionaries wanted to whip the boy. The Huron's interjected to prevent this beating, offering to take the beating instead of the boy if necessary. They preferred a simple reprimand. This demonstrates quite a contrast in approach.

Looking at cases of child abuse. Later in life, some of the victims wanted prison for the perpetrator or compensation but above all, they wanted a sincere apology.

2) Edify the public

The public often want prison sentences which is a problem for the reformer. Headlines like, 'he walked free', 'sentences too short' from the media often inflame the situations rather than pacify the public.

3) Prevent re-offending

How do you tackle this, pain, i.e. the stick approach, deprivation of liberty, loss of honour? Nowadays, it is thought that the pain would have to be at a level unacceptable to current society to be a deterrent. For example, in Northern Ireland the paramilitaries used kneecapping to deter young joyriders and when this didn't work it

escalated to shooting their hands when in the praying position. Even this didn't stop the practice. Some young people seem to have no fear and there is a danger that reprisals would become more and more violent ever increasing.

As for deprivation of liberty this only works when you value the loss of this. For some young people, depending on their circumstances, this is not a deterrent either. Loss of honour is only effective if it viewed this way by the offender and potentially it could become like a 'badge of honour', having the opposite effect.

What would a punitive society look like? One with a high level of punishment required for effect. There is a risk of escalation of intensity, with a more frightening and brutal society. This would prove more dangerous for everyone with an escalation of reprisals.

In the carrot society, people would have jobs they didn't want to lose with money and careers, respect and making a contribution to society. There would be plenty for people to do at an affordable level. There would be input from the young people themselves and they would be involved in their community.

It is important that children have respect for their parents and this means other adults cannot disrespect them either, as this doesn't send the right message. What messages are we sending our young people, e.g. reality shows are rewarding people that are being humiliated. What kind of example does this send? There is a perception that some families were or are getting swamped with support and in effect being rewarded for not parenting well, while others who are doing a decent job have to struggle to make ends meet. However, this is a better option than having to take children into care.

There is a public image challenge as the 'soft option' may not appease the victim or edify the public.

Looking at Human Rights legislation, some punishment is allowed in line with the laws of the country. Emphasis should be on caring for children and the well being of the child. Most people in front of the panel have been identified previously in need of care and protection.

So far, you will gather that I believe the carrot outweighs the stick, but let me ask; Do we need/want punishment? Something in human nature craves this. It might be that it is a way to 'do your time' and pay your debt to society. Kilbrandon did not entirely dismiss punishment but it can get in the way of prevention. A one off intervention is not a long term solution.

The system can be very much like a child. If you give it an inch it will take a mile. In some other countries, more and more children are being locked up without any demonstrable benefit.

Final thought, if the cuckoo laid a punitive egg in the nest of the Children's Hearing System, would it take over?

Questions / discussion afterwards focussed on some examples and queried if there were enough carrots in the system. Another sheriff, who was not a supporter of ASBO's, described a situation where one actually did work for an individual, so the stick can have its place in the right circumstances. A balanced approach was required. There is a need to find real alternatives to drugs, music for example. Recording studios would give children some interest and there needs to be a lot more done in this area. It was recognised that a job and a career is also part of the way forward. Examples were given of people who said, 'now I am in the Criminal Justice System, I won't get a job now' and 'I will pay you out of my first GIRO'. This demonstrates peoples opinions and aspirations and a sense of hopelessness. If this can be addressed, children and young people would have a different attitude towards society and their prospects.

Dr Laurence Gruer

Director of Public Health Science, Health Scotland

Drugs, health and harm-reduction: is the jury still out?

There has been a rise and rise of psychoactive drug use, i.e. Alcohol, tobacco, opiates, coca and cannabis through mass production and availability.

How do they work?

Softly powerful, same part of the brain, i.e. Dopamine – brain reward pathway

Important part of the brain for reward, such as food, music, art, sex.

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All drugs of abuse have the same affect, to increase dopamine.

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Continued use alters the brain function

- lack of drug, leads to subnormal mood, lack of well being
- Irresistible craving
- Judgement and self control compromised.
- Chemical enslavement
- Decreased brain function (physical)
e.g. cocaine – brain recovery begins after 100 days from usage.

Risk factors in addiction

- genetic (40-60%)
- Early distributed behaviour
- Parental, sibling, peer use.
- Lack of parental supervision
- Poor social skills
- Community deprivation
- Drug availability

Harm to health and well being

- Mental health of users, families and communities.
- Fatalities
- Infection – Hep B, HIV/AIDS, AIDS is a greater risk than drug misuse
- Impact on children of problem users.

How do we tackle?

- get addicts off drugs
 - o need motivation, support, self discipline, extrication.
 - 95% failure (similar to smoking)
- Stop young people from starting.
 - o Education and enforcement
 - Disappointingly ineffective
- Harm reduction
 - o Recognise drug misuse will continue and manage it.

Harm reduction approaches

- Give drug users information on dangers.
- Clean needles and syringes.
- Substitute drugs on prescription.
- Condoms.
- Provide training and work for stabilised addicts.
- Child protection

Methadone

- Lasts longer than heroin
- Reduces / stops craving for heroin (works in same area of the brain).
- Reduces / stops injecting.
- Reduces drug related crime.
- Enables a more normal life.
- 20,000 per day taking methadone in Scotland.

1 Year follow-up of 204 patients (1996-1998)

- 118 continuously on methadone.
- Daily injecting 78% -> 15%.
- Daily drug spend £54 -> £11
- Crimes (month) 15 -> 4
- £47m less spend } If typical for half
- 400,000 less crimes } of all drug users.

5 Year period for the same 204 patients

- 10% dead (1 methadone related)
- 10% off all drugs
- 50% still on methadone
- 30% on street drugs

Problems with methadone

- Maintains addiction
- Unpopular with patients and public
- Needs supervision
- Some doctors don't prescribe enough

Other problems

- Some people very damaged.
- Hep C widely spread with dirty injecting equipment
- New users every week.

Has harm reduction worked?

- Prevented HIV epidemic (unlike Russia who don't use methadone).
- Prevented millions of crimes.
- Most cost effective method.

Where now?

- No easy solution (no country has the answer).
- Don't abandon harm reduction.
- More investment in rehabilitation.
- Continue to tackle Social Deprivation.
- More research on treatment for addiction.
- More education and enforcement.
- No legalisation of drugs.

Professor John Davies

Director of the Centre for Applied Social Psychology

Drugs: Compulsion or Choice?

Professor Davies questioned the public's attitude towards drugs and how we consider them and questioned whether people really did have a choice to take or not take drugs? E.g. Jennifer Capriati was taking cocaine, explained that she had an addiction. She was treated at the Betty Ford clinic, made a recovery, got applauded at Wimbledon and congratulated on how well she has done. An addict in Easterhouse who has a similar experience, goes to the clinic, gets clean, but where now? The same deprived place, but now sober. Not quite the same experience.

The pharmacology of drug use explains what happens to people's body when they take drugs. It doesn't explain why they take them.

Reasons versus causes.

Reflexive (knee jerk, eye blink) is a response that you don't have a choice about.

Mediated action (crossing the road) is a decision based action.

There is a cause for one and a reason for the other.

When an addict says, "I can't stop"

- Removes personal responsibility
- Therefore, removes blame
- Provides justification for 'war on drugs'.
- Permits forgiveness and is thus seen as a more liberal position.

Kate Moss – caught taking drugs – lost 3 contracts, but picked up 5 more.

If you are told that smoking (or drug taking) is an addiction, it is much more difficult to stop or even to make the choice to try stopping. Belief in self-efficacy – belief you can make changes to your life is key to stopping.

There is evidence that your environment has an effect on addiction, e.g. rats became 'addicted' in a skinner box (plain metal box) but they became 'un-addicted' in a rat park.

Context is important, i.e. Kate Moss famous for being a model, Eric Clapton is famous for being a musician, but John McTavish is famous for being a junkie in Castlemilk.

Conclusion:- People take drugs for a reason. The reasons illustrate how the person 'makes sense of' what they are doing within a social context.

Drug use is a symptom, not a cause.

Correctly dealt with, it's a health problem, not a crime problem.

Detective Superintendent Gillian Wood

National Drugs Co-ordinator, SCDEA

Life on Mars?

50,000 problematic drug users, eight police forces.

Louisiana; has a very draconian, punitive system. No help, no methadone, etc.

Portugal; decriminalised opiate drugs.

Scotland; i) reduce supply, ii) reduce harm, iii) reduce demand.

arrest of individuals

seizure of drugs

asset recovery – often young people, see the wealthiest people are drug dealers

produces a safer community

police activity

education

Learning Teaching Scotland} Police influence on the curriculum of excellence

Get Real – DVD for drug education

Prison service – Young Offenders live link & visits to secondary schools

Other partners

Needle exchange

Arrest referrals

Drug Testing

Drug Trends bulletin – magazine on problem batch drugs, new packaging, new drugs, updating others.

There was some debate at the end of the conference about parents becoming more involved in schools which could provide positive outcomes. There is also a need for structure and discipline, e.g. 'I wish my parents would just give me some rules'.

Fire fighting versus fire prevention? Need to do both.

There is a need for role models for children. They need aspirations, jobs and future prospects. When they have something to aspire to and something worth losing, then perhaps they will make the right choices.

The conference finished on a positive note, that Scotland is seen as a place people want to move to, rather than emigrate from. We are a humane society and preoccupied with the disadvantaged in our society – perhaps this is not a bad thing?

Notes of the conference made by Barry McGugan