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JOE YATES

CRIMINOLOGICAL ETHNOGRAPHY: RISKS, DILEMMAS AND THEIR NEGOTIATION

Criminological research has historically focused on the crimes of marginalised sections of the population and in particular marginalised young people. However, very rarely are marginalised young people provided with an opportunity to 'tell their story' and have their voices meaningfully heard in the research process. In this paper it is argued that ethnographic methodological approaches afford researchers the opportunity to generate in depth appreciative data, which can improve criminological understanding of how young people experience life on the margins of society and can also provide respondents a with 'voice' (Becker, 1967). However, Yates argues that whilst ethnography brings a number of strengths it also presents researchers with a range of risks and ethical dilemmas, which require careful consideration. He argues that these issues relate to the level of immersion and reduction of social distance, which are central to the approach. Yates draws on his experience of conducting an ethnographic study of youth and crime in a working class community over a 20 month period to illustrate some of the ethical dilemmas which can arise when employing this methodological approach. The paper incorporates a discussion of how ethical issues relating to researching marginalised communities, generating data on criminal activity and child protection issues were negotiated in a flexible yet defensible manner.

INTRODUCTION

'With due recognition of practical, ethical and personal safety limitations – there is a need for more qualitative researching using ethnography or participant observation methods' (Maguire, 2000:122).

Research has consistently identified that young people living in marginalised working class communities are disproportionately likely to be the victims of crime and suffer its effects (Morgan and Zedner 1992, Young and Lea 1993, Muncie 2004). However, in current discourses about youth and crime, it appears that young people residing in these marginalised communities very rarely have an opportunity to have their 'voices' meaningfully heard or have an opportunity to tell their story. Indeed the current focus of administrative criminology primarily reflects the concerns of superordinate (Becker, 1967) State funding bodies (Tombs and Whyte 2004, Hillyard et al 2004) and as such the research agenda reflects the hegemonic orthodoxy, which currently pervades discourses about young people and crime (Goldson 2000, Muncie 2004, Pitts 2003). This has been described by Pitts as a representing a form of 'Korrectional Karaoke' (Pitts, 2001) and as such cannot be considered to reflect any meaningful engagement with the realities of life for young people residing in Britain's 'throw away places' (Campbell 1993).

It could be argued that this presents a challenge for criminologists to break away from New Labour's orchestration of administrative criminology (Tombs and Whyte, 2004) to move out of the unnatural environments of the Young Offenders Institution or Youth Offending Team and into the communities where young people experience the harsh realities of their lives to talk with them about their experiences of crime as both perpetrators and victims. Arguably ethnographic methodological approaches, by facil-

itating immersion in the communities where young people live, provide an opportunity to do this as well as offering the potential to cast a critical analytical eye to the role that crime plays in the 'complex interrelated problems of child poverty, urban degeneration and social exclusion' (Muncie, 2004:142).

However, ethnography has been and remains a 'minority tradition' within criminology (Maguire 2000). Indeed it seems that criminology is in an ethnographic 'dark age' (Adler and Alder, 1988:xiv) where ethnographic research on young people who are involved in criminal and deviant behaviour is seen as an 'academic vice' (Hobbs, 1993) and as a result is almost 'impossible to conduct' (Adler and Adler, 1998:xiv). Hobbs argues that for him ethnographic 'contact with the lower orders in situ, apart from being unfashionable, proffered ethical problems that were impossible to cope with within the institutional portals of administrative criminology' (Hobbs, 1993:57). Indeed, many of the most notable ethnographic studies conducted on youth and crime in Britain such as Patrick's (1973) study 'A Glasgow Gang Observed' and Parker's (1974) 'A View From the Boys', would have encountered difficulties in navigating ethical approval via a university ethics committee in the current criminological climate.

Given the significant contribution that ethnography has made to criminological understanding (Hobbs, 2001) this notable absence can only be considered as a lost opportunity. Indeed ethnographic studies have generated appreciative in depth data which has provided a depth of insight into crime and the realities of life in marginalised communities, which would be difficult if not impossible to obtain through any other method. However, the method does come with risks attached which need careful consideration. Indeed, the immersion in the natural setting of those being researched and the reduction of social distance between the researcher and researched brings 'a range of ethical, moral and political considerations' (Wardaugh, 2000:326). This paper will consider some of these risks and ethical dilemmas and explore how these were negotiated by the author as he entered into a community which was far removed from the niceties of academic ethics committees (Punch, 1994).

In doing this the paper will draw on the author's experiences of conducting a piece of ethnographic research on youth and the meanings they associate with crime and growing up in a working class community, symbolically and physically located on the edge of a large city in the north of England (the Estate). The research employed a triangulation of methods including participant observation and semi structured interviews with both young people and professionals working on the Estate. Access was initially negotiated with the help of youth and play workers and the research spanned a period of 20 months.

ETHNOGRAPHY: IMMERSION AND THE REDUCTION OF SOCIAL DISTANCE

In addition to the general problems and 'messy realities' (Maguire, 2000) associated with researching crime, which is by no means a 'tidy' process (Hughes, 1996), the use of an ethnographic approach presents the researcher with more acute ethical dilemmas due to the level of immersion and the reduction in social distance between the researcher and the researched which it affords. Indeed, in moving away from the 'court house' or 'jailhouse' focus on the 'captured' or 'unsuccessful criminal' (Polsky 1967) the ethnographer enters the 'dark corners of society' (Inciardi, 1993) into the natural setting of the street and as a result is exposed to the brutal realities of respondents' lives (Inciardi, 1993). As a result ethnographers are faced with a wide range of ethical dilemmas and potential moral controversy in a manner which is more 'up close' and 'in

your face' (Ferrell and Hamm, 1998b) than if more traditional criminological methods were used.

For this reason ethnographic studies have been described as involving a larger element of risk and uncertainty than other methods (Punch 1994, Maguire 2000), a dangerous mix of legality and illegality (Inciardi 1993), deceit (Humphreys, 1970), professional danger (Ferrell, 1998b), pleasure (Kraska, 1998), excitement (Fleisher, 1995) and fear (Patrick 1973). Ethnographic studies have also been identified as having the potential to cause harm to respondents (Bakan, 1996) and as presenting physical danger to researchers (Patrick 1973, Sanchez-Jankowski 1990, Jacobs 1998), which is poignantly illustrated by Jacobs who was robbed at gun point and stalked by one of his key respondents (Jacobs, 1998).

ADOPTING AN ETHICAL POSITION

In the light of these risks it was important to ensure that a defensible ethical stance was adopted in conducting the research and considering the issues that could potentially arise. Central to this 'defensibility' was the consideration of ethical guidelines issued by the relevant professional bodies. In this research the British Society of Criminology (BSC) and the National Youth Agency (NYA) guidelines on ethics were employed in order to ensure the research operated within their parameters. These guidelines were adopted due to their relevance to the subject matter being studied and the access route being taken into the research site. Ethical guidelines have been argued by some theorists to be unnecessarily proscriptive and having the potential to limit the efficacy of fieldworkers who are seeking to understand social worlds, which are far removed from scholarly discussions of ethics (Punch, 1994) and also that they are not flexible enough to respond to the unexpected issues which can arise in the most unexpected manner in these contexts (Mason, 1996). However, despite these criticisms Punch argues that 'A professional code of ethics is beneficial as a guidance that alerts researchers to the ethical dimensions of their work, particularly prior to entry' (Punch, 1994:90). However, Polsky (1967) advances what Thornton (1997) refers to as 'a convincing rationale' for the ethics of ethnographic studies being relative to the sub cultural situation rather than over relying on codes decided upon in environments far removed from the realities of the communities being studied. This 'flexibility' acknowledges that the culture of the community being studied can mean that the researcher is presented with a wide range of diverse ethical issues throughout the study, which cannot be predicted and as such necessitates a level of flexibility on the part of the researcher.

However, as Thornton (1997) argues some researchers and indeed university ethics committees and funding bodies 'may be uncomfortable with this flexible morality' (Thornton 1997:214). Indeed the university ethics committee procedure required that the author adopt at least some formalised ethical strictures. As a result these were adopted; however a level of flexibility was also incorporated in order to reflect the sub cultural situation under study (Polsky, 1967), thus acknowledging that;

The generality of codes often does not help us to make the fine distinction that arises at the interactional level in participant observational studies, where the reality of the field setting may feel far removed from the refinements of scholarly debate and ethical niceties" (Punch, 1994:89)

Thus ritualistic observation of these codes was avoided as rather than affording real protection to research participants it was apparent that they could actually increase the risk of harm by blunting researcher sensitivity to methodological and sub cultural

specific issues which could arise (Murphy and Dingwall, 2001:340). Thus, an ethical position was adopted which acknowledged that 'some accommodation to, and appreciation of, the world of the deviant/wrong-doer may ... be necessary features to the successful gathering of data in some criminological research' (Hughes, 1996:78). This level of flexible morality and appreciation of the world of the 'wrong-doer' did however need careful consideration. Indeed it was apparent that it would be necessary to set out a number of lines which I would not cross (Polsky, 1967) and identify circumstances when I would take action in order to ensure my position was defensible. Some of these issues will now be considered.

RESEARCHING MARGINALISED COMMUNITIES

Researching marginalised communities raises a number of important ethical issues, which are often overlooked. It has been argued that criminology is in the service of power (Foucault, 1980), and that 'of all the applied social sciences, criminology has the most dangerous relationship to power' (Hudson, 2000:177). As such, the identification of the Estate as a research site for a criminological research project required consideration in relation to issues of power. Firstly, my interest in the Estate as a criminologist and the simple act of identifying it as an area of criminological interest posed a risk of confirming the Estate's reputation as an enclave of criminality. I was also concerned due to the current climate, where youth crime's perpetual novelty (Pearson, 1983) has led to its virulent re politicisation (Pitts, 2001), that the research could inadvertently contribute to the punitive discourses which are being used to legitimise increasingly coercive and intrusive responses to young people in marginalised communities (Goldson 2000, Muncie 2004, Pitts 2001). Indeed Hughes argues that 'no criminological research takes place in a political and normative vacuum' (Hughes, 2000:235) therefore it was important to consider the ethical and political ramifications of this research contributing to these discourses.

In addition it was also important to acknowledge that historically most criminological research has been carried out on powerless groups in the 'street' rather than the 'suite' (Hagan, 1994) and criminology continues to focus on the crimes of the 'marginalised' rather than on the crimes of powerful business interests or of the State, despite the arguably more damaging implications of the latter (Hughes 2000, Tombs and Whyte, 2004). Indeed as Tombs and Whyte point out, of the 571 research projects commissioned by the Home Office over a 14 year period none was concerned with the crimes of big business organisations (Tombs and Whyte, 2004). Rather these studies focus on the crimes and increasingly the 'incivilities' of the working classes and in particular working class youth. Whilst these are not reasons not to engage in research of this nature (Hudson, 2000) the author considered that a justification of such a focus was necessary.

In order to achieve this justification it was important to firstly acknowledge that the research was being conducted on a subordinate group (Becker, 1967) and secondly to acknowledge the political, historical and socio-economic context of the research and the highly politicised nature of discourses around the research problem, which related to working class youth and crime. It was also important to note that the research was taking place in a context where the powerless are placed under criminological scrutiny whereas the powerful are invariably not. This ensured that the research process was sensitive to the fact that 'political currents and counter currents in any given socio-historical context do not just wash over a research culture but instead help construct its agenda' (Hughes, 2000:236). Thirdly, proactive steps were taken to ensure that the respondents' views and experience of the world were truthfully represented, therefore

ensuring that the research process provided them with a 'voice' (Becker 1967). In order to achieve this, a 'reflexive' approach to both the research question and the research process was adopted and respondents' views of social reality were incorporated not only in the findings of the research but also in its direction. Whilst this position may raise issues in relation to the roles of values in the research process and the levelling of accusations of 'bias' (Becker, 1967) it has been forcefully argued that values play a central role in all research including in administrative criminology, which informs governmental policy and often has a unspoken value position (Hudson 2000, Jones 2001, Tombs and White 2003).

WITNESSING THE CRIMES OF THE POOR

The second area of ethical concern was that during the research there was a potential that I could witness young people committing crime or that they may disclose to me that they had been involved in crime. This is not an unrealistic expectation when we acknowledge that criminologists are not seeking 'to understand how angels behave in paradise' (Klockars, 1979:265). Indeed researching youth and crime in the natural setting of the street, opens the door on the brutality of life in working class communities, of which crime is only one element. Operating in this environment requires compromises on the part of the researcher (Klockars, 1979), which can involve the researcher in complicity in wrong doing, through action or inaction and as such raise a number of ethical, moral and legal issues, which could potentially place the researcher and respondents in a vulnerable and dangerous position (Klockars 1979, Polsky 1967).

Thus, gaining a sufficient level of immersion in the research site meant that data about criminal activity in the local community would be unearthed and knowing of such activities could potentially place myself as a researcher and my respondents in physical, psychological and legal danger (Ferrell and Hamm, 1998a, 1998b). In turn this could also attract the interest of the police. Indeed several researchers have argued that the risks and dangers associated with researching crime primarily come from law enforcement agencies rather than from respondents (Polsky 1967, Ferrell and Hamm 1998b). I was also conscious that I could find myself in a position where not reporting the legal transgressions of one or more of my respondents could lead to accusations that in not doing so I had not fulfilled my moral obligations as a citizen (Yablonsky, 1965). I was also aware that this could potentially place me in legal danger and could jeopardise my liberty and my future career prospects (Ferrell and Hamm 1998b). Indeed Lee (1993) cites a number of researchers being subpoenaed to disclose research information two of which resulted in the researcher being imprisoned due to failure to disclose. Whilst these cases were in North America, Lee (1993) also identifies that at least one attempt has been made to compel a researcher in Britain to disclose information on respondents to law enforcement agencies.

As expected, during the fieldwork I did indeed become aware of criminal activities. On several occasions I witnessed cars being driven past me at high speeds and had concerns that the drivers were too young to have passed their driving tests and had strong suspicions that the cars may be stolen. I also witnessed young people 'rallying' cars at high speeds around the Estate. I was offered illicit goods on numerous occasions such as cheap cigarettes, which had been illegally imported, perfume which had 'fallen off the back of a lorry' and expensive clothing, which had been shoplifted and was being sold openly. I was also regaled with boastful accounts from the young people about how they had 'Tweeked' cars and had 'dusted' the 'Feds'. Several respondents also disclosed in interview that they had been involved in a range of criminal activities including stealing cars and motorbikes and 'fencing' stolen goods. I also had

an awareness (albeit limited) of the movements of a number of youths who were being sought in connection with their suspected involvement in criminal activity. I was also aware of young people who, due to their involvement in criminality were living with the very real threat of violent retribution from powerful adult interests in their own community.

In addition to this I also had research journals containing in depth notes and tape recorded interviews which included accounts of these activities. As such I held information which could potentially incriminate my respondents and could be of interest to the authorities (Polsky 1967). Whilst according to Polsky I could consider this as an indication of 'successful' fieldwork it also presented a number of moral, legal and ethical dilemmas and it was clear that as a result law enforcement agencies can pose a 'legal threat' to researchers (Lee, 1993:165)¹. However, there was also the broader concern that my activities as a researcher could be seen as a 'fishing expedition' for law enforcement agencies to gather information on the criminal activities of my respondents (Lee, 1993). Whilst Feenan (2002) notes that many researchers do not consider the law on information disclosure until data is being sought by the authorities. I considered that I had a duty to my respondents to ensure that I was aware of the legal dangers which could arise prior to entering the field (Feenan, 2000:778).

In considering whether I had a duty to report these crimes I was acutely aware that, if I had reported any of the incidents I would break an 'unwritten rule' held by my young respondents and also many adults in the community of the Estate that you do not inform on people to the authorities. If I broke this 'sacred norm of street etiquette' (Jacobs, 1998:165) I was aware that I would be labelled as a 'grass' and the successful application of this label would have at best made my presence as a researcher untenable (Morgan and Banks, 1999) and at worst placed me in the physical danger of receiving some 'street justice' (Jacobs, 1998:165). Being labelled a 'grass' would also betray and destroy the relationship of trust I had built up with my respondents and as a result the research project would almost certainly have had to be abandoned.

In addition if I had chosen to inform on the youths' accounts of routine criminal activities it may well have jeopardised the position of the workers on the Estate who had sponsored my entry into the Estate. This clearly could have had repercussions for their safety and their ability to work in the community (Morgan and Banks, 1999). Indeed as the quotation from a professional respondent below indicates, informing could also potentially undermine the level of trust that the workers had with the young people;

"It's down to the reputation of the workers – we introduced you to some-one, we're vouching, we're putting our trust in you – sort of like accreditation. There's been a lot of work going into building relationships with the kids and the community – we don't want that jeopardising, we don't want it fucking up" (Professional respondent)

It is clear that informing on respondents could also serve to discourage both the young people and the workers from engaging with researchers in the future. In addition if I had informed the authorities of the routine criminal activity I was aware of I may have also breached the ethical guideline issued by the British Society of Criminology, which states that researchers should 'be sympathetic to the constraints on organisations participating in research and not inhibit their functioning by imposing any unnecessary burdens on them' (BSC, 2003). Whilst this clearly relates to resource issues, I would argue that informing the authorities could have seriously inhibited the functioning of the workers who had sponsored my entry by undermining one of their major resources; the trust of the young people. As such I felt that informing the authorities of my

concerns regarding the routine criminal activities of my respondents would be inappropriate.

Secondly, the Estate was subject to a high degree of surveillance, which included CCTV cameras, active encouragement by the authorities to persuade residents to inform on neighbours' 'anti social behaviour', covert surveillance by the police and the Housing Department and the insertion of paid professional witnesses. In this context I felt that I could justify a position of not reporting the routine criminal activities I was aware of with a number of reasons. Firstly, the authorities had highly sophisticated technical surveillance equipment operating on the Estate and as such arguably intruded more into the lives of people on the Estate than in any other residential community of the city. As a result the vast majority of what I saw or had concerns about on the Estate would also have been recorded by the CCTV cameras. A number of my respondents also identified the failure of the police to respond when they were informed about routine criminal acts. As such it was apparent that agencies which had a duty to prevent crime were failing to fully utilise all the information being made available to them.

Considering this I did not feel it my duty to inform on routine criminal acts, many of which may well have been easily identified by the authorities through the use of the extensive net of social control operating on the Estate. Indeed this position would also appear to have legal basis. Feenan (2000) identifies a recent Crown Court rejection of an application by the police under the Police and Criminal Evidence Act 1984, for a newspaper to disclose images of a demonstration. This was refused by the Judge who stated that it was not grounds enough that other methods by the police were bound to fail and advised them to go away and check their own video and photographic evidence. I anticipated that any attempts by the authorities to attempt to enforce disclosure of my research data would have come through section 8 and 9 of the Police and Criminal Evidence Act 1984, which this ruling relates to. As such I considered that this ruling would provide some protection for my research data and my respondents.

Thirdly, I had concerns regarding the legality of the activities of the authorities which impacted on young people on the Estate. The young respondents identified a number of times where they had been roughly treated by the police, included being assaulted and being threatened. There were also concerns from a number of workers regarding the way some individual police officers were 'baiting' young people and 'winding them up' to provoke a response. One youth also expressed concerns regarding the legality of a CCTV camera, which was positioned outside his bedroom window and meant that those viewing the film could see directly in, arguably raising issues in relation to the right to privacy under the 1998 Human Rights Act.

I also had a broader concern regarding the legality of how the State treated young people from the Estate who were being held in custody. These institutions have been described as having 'brutal and inhumane' conditions with 'intrinsically abusive' institutional arrangements (HMIP, 2001). Indeed one Young Offenders' Institution where one of my young respondents had been incarcerated was described by the Howard League as having practices which would be 'unacceptable if not unlawful in any other setting' (Howard League, 2002). These clearly raised ethical and moral issues as ultimately reporting the suspected criminal activities of my young respondents could, if they led to a conviction, mean that the young person risked being held in such an institution, where for the majority of the field work the rigours of child protection procedures did not apply². In relation to all of these issues I took no action and as such one could argue that by taking a consistent approach of inaction with the transgressions (or alleged transgressions) of both 'sides' a balanced justification was achieved (Parker, 1974).

In this section I have made reference to the routine criminal activity of young people, which for many young people is part of the transitional process into adulthood. I have also identified a number of justifications for not reporting concerns regarding criminal activity to the authorities. This was covered by the confidentiality afforded to my respondents through the confidentiality statement. Within this statement I fulfilled the 'obligation to inform those who are studied just where the line will be drawn or perhaps just when the line is being approached' (Van Maanen, 1983:235). I therefore reserved the right to share information where I was concerned that a young person was going to engage in very dangerous activities. This identified a line I would not cross which was established early on in the project (Polsky, 1967) and enabled me to build into the research design a route to deal ethically and legally with any 'serious arrestable offences' I became aware of (Police and Criminal Evidence Act, 1984). The confidentiality statement also made specific reference to child protection issues, which will now be considered in more depth.

VULNERABLE YOUNG PEOPLE

"Researchers should give regard for issues of child protection and make provision for the disclosure of abuse" (BSC 2003)

In reviewing the literature relating to youth and crime it was apparent that a large body of previous research (Boswell 1995, Morgan and Zedner 1992, Young and Lea 1993, Muncie 2004), identifies that young people living in marginalised and socially excluded communities are disproportionately the victims of crime and other life trauma. Indeed as my own research progressed the data produced confirmed that a large number of my respondents had been the victims of crime and that a number had suffered emotional and physical abuse from their peers, their families and the authorities. In relation to these issues I felt that I was both morally and legally obliged to act upon any child protection issues under the Children Act 1989.

I was also aware that some professionals 'doubt the effectiveness of the child protection procedures in safeguarding the well-being of young people' (Morgan and Banks, 1999:158) and that young people occupy a somewhat 'paradoxical position' of being over controlled and under protected by the authorities (Newburn, 1997:635). This required careful consideration in relation to my course of action. Central to this research was a desire to ensure that young people's voices were heard. However, if I became aware of child protection issues it was apparent that I would have to override this right to a voice even if a young person decided that they did not want their voice heard by the authorities. This raised concern, as if some professionals questioned the efficacy of agency responses to the child protection needs of young people my respondents, many of whom distrusted authority figures, may have more acute concerns. As such this raised a dilemma regarding how I would negotiate these issues whilst also fulfilling my duty under the Children Act 1989 to ensure that the welfare of the child is 'paramount'.

In the first instance I decided that it would be appropriate to follow the relevant agency policy and procedures, which also allowed me to operate within the strictures of the British Society of Criminology's ethical guidelines. I considered that this was a logical and practical approach due to the relationship I had with the youth workers as a researcher and their responsibility to young people on the Estate. I also utilised my professional biography as a qualified social worker to inform my decisions and to decide upon an appropriate alternative course of action if I did not consider the agency responses to the issues raised as effective.

I also took steps to ensure that young people could access appropriate support regarding their experiences of being victims of crime and was mindful that;

"Researchers should consider carefully the possibility that the research experience may be a disturbing one, particularly for those who are vulnerable by virtue of factors such as age, social status, or powerlessness and should seek to minimise such disturbances. Researchers should also consider whether or not it is appropriate to offer information about support services (e.g. leaflets about relevant self-help groups)" (BSC, 2003)

I felt that, whilst I could provide young people with information on the services available it would also be prudent to ensure an appropriate point of access for support was accessible. In order to achieve this I contacted the local Victim Support team who agreed they would respond, with appropriate support, to any of my respondents who had been the victim of crime and wished to access the support they offered. This would essentially provide the young people with appropriate support if their engagement in the research process opened up the 'wounds' of their victimisation. However, this offer was not taken up by any of the young people.

CONCLUSION

In conclusion, it is apparent that the ethnographic approach employed in this study raised a number of ethical dilemmas related to researching marginalised communities, witnessing criminal activity and potential child protection issues. It is apparent that the risks and ethical dilemmas presented in this study are the result of the subject matter and the level of immersion into the 'brutality' of life on the margins which ethnography afforded. It has been argued that these issues require careful consideration in order to ensure that a defensible position is taken prior to entering the field.

It is also important when considering which methodological approach to adopt that the risks undoubtedly presented by ethnographic research are balanced against the opportunities to generate appreciative criminological data from the perspective of those involved and who experience crime. Hopefully this paper has gone some way to outline how a flexible yet defensible position can be adopted by researchers in the negotiation of the risks and dangers presented when using this approach to research youth and crime. Indeed if we are researching the role of crime in the lives of working class young people we should aim to appreciate not avoid the brutality of how they experience life from their disadvantaged and marginalised positions within our society. This appreciation may go some way to counter the 'institutional intolerance' (Muncie: 2004:142) which currently pervades discussions about young people's lives. Indeed 'without this correcting influence, it is all too easy for those studying crime to lose their sense of reality and begin to perceive offenders not as people, but merely as 'problems' or 'numbers' (Maguire, 2000:149).

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ENDNOTES

- 1 This can be clearly seen in the subpoena and subsequent imprisonment of Brajuha who was criminology graduate student involved in what at first sight was a relatively innocuous area of study (Ferrell and Hamm, 1998). He was imprisoned after refusing to disclose the information he had on respondents to the police
- 2 This was successfully challenged in December 2002 with a landmark ruling in the High Court by Mr Justice Mumby who stated that the Home Office was wrong to say that the Children Act did not apply to young prisoners. This essentially overruled the Prison Service Order, (PSO 4950), which stated that the Children Act did not apply to prisoners under the age of 18. However, although this is a major step, as the Howard League noted after the ruling the whole issue is still not fully resolved. The position is now that whilst respective social services have responsibilities to children in prison under the Children Act the prison service who 'care' for them still do not

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