

Local Criminal Justice Board

Report on the Community Open Meetings, March 2004

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Introduction to the Report

- The two meetings produced some very useful insights into people's perceptions of the CJS and its working, and into specific problems. Whether any of these problems are real or perceived is a matter for future discussion. This report aims to be an accurate summary record of what was said by members of the public at the meetings.
- The Intercom Trust does not necessarily endorse any points recorded here. In this context we have tried to act as scribes, not as journalists or analysts.
- The meetings were not led, but facilitated. The points recorded in this report were made without any leading or prompting from the facilitator.
- We ask the LCJB and the CJS partner-agencies to regard these meetings, and this report, as a useful starting point for further progress.
- The statistics in Annex One are drawn from the forms we asked people to fill in, anonymously. They are worth looking at.

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1. The Meetings

Two community open meetings were held, in Exeter on Saturday 20 March and in Helston on Saturday 27 March.

We also held an “extra”, very informal, meeting of young people. There is a separate report of this meeting at Annex Two. It is well worth comparing these young people’s comments with the comments of the two formal groups, both on young people’s issues, and on attitudes to whether or not to report homophobic attacks.

We would like to thank all those who came to these meetings very warmly indeed, and those who helped to arrange them.

Notes were taken at the two open meetings by David Watson, Intercom’s Community Resources Project Officer. Thanks to David for his careful work. Michael Halls facilitated the discussions, and also made some notes. One other Intercom volunteer was present at both meetings. Michael has excluded himself both as a respondent and as an attender from all figures below. The other two Intercom workers were counted in the figures only for the first (Exeter) meeting.

There were altogether 14 members of the public (plus the three Intercom staff-members / volunteers). These figures are better than we expected. With longer notice we think we could do better still in future meetings in other parts of the two counties.

Each meeting lasted 2 hours 40 minutes, purely by coincidence.

2. Venues and publicity

The **Exeter** meeting was publicised by direct telephone, personal and e-mail contact from Intercom’s office. It took place in the Central Library Music Room at 12:00. There were seven attenders, all from North and East Devon, and two Intercom workers, one from South Devon, one from Exeter.

The **Helston** meeting took place at Helston College at 14:30. There were seven attenders, all from West or Central Cornwall. It was publicised by direct telephone and personal contact, and also by:

- (1) an article in the *West Briton* and two notices in the *Pink Paper*. All of these drew largely on the press-contacts of a supporter in Cornwall, rather than any PR of Intercom’s own (Annex Three);
- (2) a brief notice in the *Packet* newspaper; and
- (3) a live interview with Michael on BBC Radio Cornwall at 08:20 a.m. on the day.

Of the 14 attenders plus 2 Intercom workers, 13 knew of the events by direct or telephone contact from Intercom or from friends who had that contact, and 3 by e-mail from Intercom. The media coverage of the Helston meeting did not bring in one single attender who would not have been there in any case. This is interesting.

3. Local environment of each meeting

We made our bookings for both meetings in the second week of March.

As one would hope and expect, the booking of **Exeter** Central Library Music Room was routine. We would like to thank all the staff for their efficiency and for providing a very cordial environment.

Things were different in **Helston**. We had arranged for the event to be held at 14:30 on 27 March at the Wheal Dream pub-restaurant near Helston golf course. On Monday 22 March, five days before the event, the landlord withdrew permission for the use of her premises, telling us that her regular customers (having seen the coverage in the *West Briton*) had expressed such strong homophobic / transphobic prejudices against the use of the premises for this meeting that she could not risk the threatened loss of goodwill. We had to find another venue, and then do our best to publicise the change. We would like to express our thanks to Helston Community College for making us warmly welcome at very short notice.

4. Survey forms

Short anonymous questionnaires were circulated at the beginning of each session (tabulated results are at Annex One below).

5. General Points

- All discussions were limited to the CJS / LCJB in Devon & Cornwall.
- Out of 16, only 4 attenders had heard of the Criminal Justice Board, 3 of them through Intercom.
- Almost all attenders had had some kind of contact with one or another partner-organisation within the CJS.
- The Exeter attenders concentrated on policing issues.
- The Helston attenders considered all aspects of the CJS one by one.
- Both meetings expressed unprompted concern about the community-safety implications of homophobic attitudes amongst young people. (See 6(j) below.)
- The existence and work of the LCJB, and of the seven individual CJS agencies, are not well known or understood. The idea that the CJS as a whole might be working to prevent (rather than punish) crime was welcomed, but was largely a new idea. Six years after the Crime and Disorder Act was passed, this seems quite worrying.
- However, in distinction to other CJS services, the police service was positively perceived as being “about” crime-prevention.

6. Specific Points

a. Prison service. There was a general feeling that prisons are far more unsafe environments (physically and mentally) for those prisoners who are LGB or T than for those who present as heterosexual. General concern was expressed about the level of homophobic / transphobic prejudice in the prison community. Specific concerns were also expressed about:

- the habitual placing of “out” LGBT people under Rule 43 “for their own protection”, which should be unnecessary, and is dangerous because it confirms the mental association many prisoners may have between LGBT people and child-molesters;
- the prison environment’s scope for respecting the medication régime and other health needs of any prisoners who happen to be HIV-positive;
- a long-standing failure in the prison service to address the health issues around same-sex sexual behaviour between prisoners.

b. Magistrates' Courts Service. There was a general sense that magistrates are not LGBT-aware, and are more than likely to be prejudiced. One participant stated that one magistrate (whom they know socially) was so profoundly ignorant on LGBT issues as to be in effect discriminatory. It was said that when such people are on the Bench one could not expect the conduct of cases involving an LGBT person to reach acceptable standards. Nor was there any confidence that things will improve as younger magistrates enter the system.

“There is no point in applying to be a magistrate, the whole appointment process is designed to sustain an ‘old boys’ network.”

No-one had seriously considered applying to be a magistrate. One person had found it impossible even to get information about applying. The only phone number they could find was out of date (has become someone's private home in Plymouth). An internet search turned up no website for Devon and Cornwall Magistrates. Nor could any link, or even contact details, be found either on the Devon & Cornwall Police website, or on central government websites. They did find one link to something called the Magistrates' Association, but the link didn't work.

c. Crown Court Service. Concern was expressed about the make-up—specifically the level of prejudice—of juries in cases affecting LGBT people.

Two participants had sat on juries, and recounted their experiences, which were very negative.

“If there's one strong-minded juror who's openly prejudiced, all the rest of them will follow.”

In respect of judges, it was felt that it was entirely “hit and miss” whether or not any particular judge was prejudiced, or even LGBT-aware.

One attender said that both Magistrates' and Crown Courts should have easy mechanisms for arranging that certain cases should be heard or tried out of area, so as to reduce any local interest that might have the effect of “outing” people. Otherwise LGBT people cannot get fair access to justice. (*But see also § 6(h) below.*)

d. Legal representation. The Cornwall group raised the point very emphatically that there seems to be no particular understanding of LGBT issues amongst lawyers and barristers. It was felt very strongly that the Criminal Justice Board should be pro-active in setting standards of fairness and equality of access for all professional lawyers working within the Courts systems.

e. Youth Offending Teams. There was very low awareness of the existence of YOTs or of Referral Orders. Of the two attenders who said they had heard of YOTs, one “was not terribly impressed” with the YOT's work on a case which they had observed as a responsible adult. No-one had considered applying to be on a YOT Referral Orders Steering Group. There was little criticism, but no-one spoke up with any positive feelings about fairness or equality in the YOTs. (Michael then reported that he had had excellent dealings with the South Devon YOT, which was received as good news.)

f. Probation Service. Two attenders had had dealings with probation officers, and they both felt strongly that the service seems to be homophobic / transphobic. No-one spoke up to disagree with these statements or qualify them.

g. Crown Prosecution Service. Only two attenders had heard of the CPS Policy for Prosecuting Cases with a Homophobic Element. (Both of those had heard about it through Intercom.) The CPS is traditionally seen as hostile to LGBT people, and this prejudice was apparent: one attender with experience described the CPS as “thoroughly inept”.

However, there was strong approval of the Policy and Guidance after Michael had talked attenders through the basic contents.

“They should do more to raise awareness of these positive measures. They seem to be relying on voluntary organisations to spread the word.”

It was strongly felt that police officers need to be fully aware of the practical effects of this excellent CPS policy.

h. Victim and Witness Issues. There were concerns about media reporting of cases. People will not report incidents if this might lead to victims or witnesses being “outed” (e.g. to their family, or at work). Some said this would be an insuperable barrier to reporting and prosecution, if they were ever attacked. One attender said that this had been discussed at an LGBT youth group, where nine out of ten present had stated that they would not report an attack in case it might lead to their being outed in the media. (And see Annex Two, which reports similar thoughts from a completely different youth group elsewhere in the two counties.)

Michael then reported that the Courts might soon have the power to restrict media reporting of victims’ / witnesses’ names under §46 of the Youth Justice & Criminal Evidence Act 1999. This was enthusiastically welcomed. It was felt that if this provision works effectively, it might make all the difference when victims consider whether to report an attack to the police.

i. Police Service. Feelings here ran quite strongly—in both directions!

There was praise for the fact that people have seen police recruitment advertisements in the LGBT press (they felt this was a good indicator of genuine change), but there was also concern that television recruitment campaigns for the police service “seem to avoid appearing LGBT-friendly”.

There was praise for Diversity Officers, both civilian and uniform, in both counties. However, there were debates about whether they had the right profile in the LGBT communities. Should they, or should they not, be more proactive than they are about visiting LGBT venues or community meetings? Opinion was divided.

There was strong praise from two attenders about individual officers’ handling of two unconnected incidents.

“They couldn’t be faulted.”

There was substantial concern in the Cornwall meeting about the question of who had the power to declare an incident homophobic when it is first reported. One attender said that within the last 12 months when they reported an incident as homophobic the officer dealing had replied, “That’s for us to decide”. Michael assured them of the ACPO and Devon & Cornwall police policy on this. It was felt all police officers need to know it.

Accounts were given of two separate occasions when homophobic crimes had been discontinued because key evidence had gone missing after it had arrived at a police station in Plymouth. This does not build trust and confidence, and leads to worrying thoughts about the police environment in Plymouth (or in the Criminal Justice division).

Of seven who had had recent dealings with the police, four were essentially positive, three were essentially negative. Various people wanted to pay tribute to good policing they had experienced in Exmouth, Teignbridge and Exeter (though there was also a dissenting view about Teignbridge). Apart from the civilian and uniform Diversity Officers, and one named officer in Barnstaple, local police in North Devon and Cornwall were perceived negatively.

Some felt that while younger officers / recent recruits are arriving in the service with fewer prejudices, which is good, awareness-training is failing to reach many other officers who badly need it.

“The homophobia comes from middle-aged career policemen who set a bad example.”

One attender said, “There needs to be more proactive approach to weeding out those that will not change their attitudes.” The meeting went along with this.

There was anxiety that in police training, homophobia may not be being combated on a level of equality with racism.

On public sex issues, we found widespread unawareness both of the Sexual Offences Act 2003 and of the Devon & Cornwall Policy on policing Sexual Behaviour in Public Places. Michael explained the effects of both these. The abolition of “gross indecency” &c. was regarded as a milestone—but the police SBPP policy was greeted as a particularly remarkable and important advance.

Michael circulated copies of an extremely helpful letter from Chief Superintendent Colin Terry, North & East Devon BCU Commander (Annex Four). Attendees agreed they hoped all BCU Commanders would feel able to express the same statement in respect of their Areas.

j. Schools and Young People. Issues of combating homophobia and transphobia in schools were raised spontaneously by the attendees at both meetings. It was interesting that on both occasions the topic was raised in the context of “what the police should be doing”. We broadened the discussion, and were able to speak of positive developments within the LEAs of Devon, Cornwall and Plymouth (but not, at present, unfortunately, Torbay).

One attendee was a member of school staff, and spoke seriously and in detail about active and passive homophobia / transphobia in schools, and in particular amongst senior school staff.

All present felt that schools need to do far more than they are currently doing to become safer and more prejudice-free environments for young LGBT people. Above all, it

was felt that schools must take a strong stand against the use of “gay” and “queer” as casual abuse. It was felt that since families can be so hostile and intimidating, it is vital that young LGBT people should be able to perceive their school as being (at the very least) safer than their family. Only when schools set a strong example, and confidently and decisively challenge homophobic behaviours learned and reinforced in the home, will society as a whole begin to develop less prejudicial attitudes to social difference. This will be a direct contribution to crime-prevention.

“As things are nowadays, the kids leave school prejudiced. The children have grown up to be jobs.”

7. Information and Communication Strategies

It was striking that few attenders had heard of the Gender Recognition Bill, the CPS Policy for Prosecuting Cases with a Homophobic Element, the police Policy on Sexual Behaviour in Public Places, or the Sexual Offences Act 2003. (We were startled to find that the majority of attenders in Cornwall had no idea that Section 28 had been repealed.)

All these developments are good news, and should be contributing to building up trust and confidence and narrowing the justice gap. But on the basis of this small sample, they are not having that effect. Even amongst people who can be reached by Intercom, we found widespread unawareness of developments within the CJS.

Arising from that thought, it is worth noting that:

- half of these 14 attenders do not use e-mail
- only 2 attenders in Cornwall said they could get regular news from the internet
- the Cornwall attenders no longer have access to the useful national weekly free LGBT news magazine the *Pink Paper* (distribution patterns changed a year ago)
- The one thing that was named in Cornwall as an important primary information source was Intercom’s own, very occasional, newsletter called *InterLynx*. (This surprised no-one more than Michael. Issue 6 came out in April 2003. Issue 5 was November 1998!)
- It was felt (especially in the Cornwall meeting) that the CJS (or specifically the police) should make sure there is regular well-articulated coverage of important developments and good news stories in local media. It was felt (interestingly) that the present lack of such stories is not in fact the fault of local prejudiced media, but of CJS partners’ non-proactive approach to the possibilities of using the media.
- Intercom’s own e-mail bulletins, which went out regularly (more or less one a month) in 2002 and 2003, and contained much important information about all these policies and new legislation, were not mentioned at all.

We will re-evaluate the content, style and general effectiveness of our e-Bulletins.

We have learned that there is a demand for more frequent issues of a printed newsletter such as *InterLynx*.

In view of the high profile these issues took at these meetings, we think it would be a very important advance if the LCJB made it a matter of urgency to develop a strong active strategy on public information and communications. We would be glad to be a positive partner in such a strategy.

ANNEX ONE: the survey forms

Table One

LCJB meetings, March 2004

		Totals n=16
[Gender / Sex]		
	Male	13
	Female	2
	Neither	1
	Other	
Transgendered? Y/N		
	Yes	3
	No	11
[Sexual Orientation]		
	Lesbian	
	Gay	11
	Bisexual	3
	Heterosexual	2
[Age]		
	Under 18	2
	18-24	3
	25-34	1
	35-44	2
	45-54	4
	55-64	1
	65-74	3
	75-84	
	over 84	

Note.

Age. The attendance was usefully representative in respect of age.

Gender Identity. Again, the attendance was usefully representative.

Gender. The attendance was strongly weighted towards men, which is a matter for concern. In promoting the Exeter meeting we had in fact made direct contact with more women than men.

Bisexuality. The attendance showed a good representation from those who defined as bisexual.

Direct knowledge of Intercom's community-safety work. Of the 14 members of the public, 5 had had no contact with Intercom at all before the beginning of March 2004, 5 had been aware of Intercom's existence for months or years without being in regular contact, and 4 had been in regular contact for a period of months or years.

Table Two

In my private life, I am "out" to:		
one or two people		2
a group of friends		
most people I know		8
everyone		4
no-one		
At work I am:		
out to a few people		5
out to everyone		6
not out		3
not an issue		2
At GP / Health Centre I am:		
out to doctor		6
out to everyone		2
not out		2
it's not an issue		4

Table Three: within the last five years, in Devon & Cornwall:

I know s/o who has encountered prejudice in:		
Crown Courts		
CPS		
Magistrates' Courts		
Police		9
Probation Service		1
Prison Service		2
Youth Offending Team		2
I have heard things may be improving in:		
Crown Courts		1
CPS		2
Magistrates' Courts		1
Police		9
Probation Service		
Prison Service		
Youth Offending Team		1
I have an idea what the CPS does-- Y/N		
Yes		9
No		7

Table Four

“Other comments re CJS?” (seven respondents)

- “I think the video I/D system is very poor”
 - “I have no knowledge of the system”
 - “Generally fails to provide true justice”
 - “In my experience crime has not been recognised by the Police as being Transphobically motivated & therefore they have not been there for anti-transgender harassment from others”
 - “I have not experienced any problems”
 - “STILL is homophobic at grass root levels”
 - “Very little” [experience?]
-

ANNEX TWO: a Youth Group Meeting

A brief preliminary “focus group” meeting was held by Michael and a youth-worker on 26 February.

Those present were four members of a local LGBT youth group within Devon.

We had not at that time developed the small survey sheets, so these four young people are not included in the figures in Annex One. The attenders were 1 female, 3 male, all around the age of 19-20.

- None had come out at school. This was largely self-protective behaviour, because of bullying. All were at school in or near the Exeter district.

“People don’t see bullying as criminal. It’s just kids being kids.”

- Two thought it might be a good idea to have one named staff-member to whom they could safely talk in confidence about LGBT issues. (“But it depends on the teacher!”) Two had doubts about whether this could be made to work.
 - They go occasionally to LGBT venues. They are used to having strangers occasionally “saying things, mouthing off” when they are seen in the vicinity of a known LGBT venue.
 - If a homophobic attack were serious enough, they would contact the police.
 - But when asked about standing up in court, all four said they would “definitely think twice” before doing anything that might lead to press-coverage that identified them as LGBT.
-