

# Stain Theory: Young people, criminal records and rehabilitation.

What this means is that you must learn to use your life experience in your intellectual work: continually to examine and interpret it. In this sense craftsmanship is the center of yourself and you are personally involved in every intellectual product upon which you work. (C. Wright Mills, *The Sociological Imagination*, 1959: 196)

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# Introduction:

- Political context
- Personal troubles: establishing some convictions
- Public issues: establishing the CRB
- Questions for rehabilitation and restorative justice
- Questions about crime, gender and social order

# The concept of a rehabilitated person

- 1972 report *Living It Down* (Justice, NACRO and the Howard League) catalogued the indignities endured by offenders having to reveal their convictions to potential employers or others of social authority, and urged Parliament to draft legislation that constrained disclosure of previous convictions.
- The Rehabilitation of Offenders Act 1974 introduced the idea of 'spent convictions' and gave formal effect to the concept of 'a rehabilitated person': that after a certain period of time a person should be "no longer liable to have his present pulled from under his feet by his past".

# Political context

- November 2012: Elections for Police and Crime Commissioners
- Two candidates excluded owing to criminal convictions as teenagers :
  - Simon Weston OBE, Falklands War hero
    - Crime: 'Allow to be carried in a stolen car'
    - Age: 14
  - Bob Ashford, YJB member, former YOT manager
    - Crime: Trespass; Possession of an offensive weapon
    - Age: 13
    - <http://www.wipetheslateclean.org.uk/>

# Personal troubles

- HMP Norwich 1982
- Lambeth social services, 1987
- Surrey Probation, 2005
- Shalford Infant School, 2005
- US Embassy/US Immigration 2007
  - Gross Moral Turpitude!

“Know that many personal troubles cannot be solved merely as troubles, but must be understood in terms of public issues” Mills 1959:226

# Public issues: Criminal vetting in Britain

- The Police Act 1997 (Part 5), operational from April 1 2002
- The Bichard Inquiry 2004, following Soham murders of 2002: responded to concerns over management of intelligence by the police service about Ian Huntley;
- In 2006, concerns over clearance to teach of Paul Reeve, a PE teacher who had been cautioned in 2003 for accessing internet pornography of minors;
- Also in 2006, concerns over the ministerial clearance to teach of William Gibson, convicted and fined for indecently assaulting a 15 year old in 1980.

# CRB Disclosure epidemic

- In 2004 89% of disclosures were of the 'enhanced' variety, and only 11% were 'standard'.
- 2002-3 = 1.4 million CRB checks issued.
- 2004 -2005 = 2.5 million.
- By 2007 10 million checks issued.
- By 2008-9 CRB issuing 3.8 million checks per year.
- In 2010 it issued 4.3 million.
- By 2011 it had issued 19 million checks
- Fee of up to £54 for each disclosure

# Collateral consequences: 2 case studies.

- Majid Ahmed: Place at Imperial College to study medicine withdrawn for failing to disclose conviction. Referral Order, Age 16
- 'Vicky' – Convictions as a teenager for criminal damage & assault. Now one of Europe's leading Taekwondo practitioners, has problems registering to practice as a trainer with children

# International comparisons

- Netherlands – some employers can request an applicants Mayor to provide a ‘declaration of good conduct’
- New Zealand – Clean Slate Act
- Australia – federal procedures
- Croatia?

# Crime problems or social problems? Signal crimes, gender and social order

- A signal crime can be defined as an incident that is disproportionately influential in terms of causing a person or persons to perceive themselves to be at risk in some sense.
- 'risk is always a social product... the reality of the dangers is not at issue... This argument is not about the reality of the dangers, but about how they are politicised'. (Douglas, 1990: 8)