

COMMUNITY

OR

CUSTODY

Foreword

**Peter Osborne, Chief Political Commentator
The Daily Telegraph**



I have always been uneasily aware that political correspondents such as myself report law and order issues in a false and often misleading way. Because we tend to spend so much of our time at Westminster, we rarely if ever explore the underlying realities behind the set piece political debates on crime.

And our reporting is often loaded. For example Home Secretaries such as Michael Howard and David Blunkett are said to be ‘tough on crime’ because they demand longer jail sentences and more police powers. By contrast those on the other side are said to be ‘soft’ or even ‘weak’.

So from the start the debate is framed in favour of those who urge long prison sentences. There are few more damning epithets in the political lexicon than the words ‘soft’ and ‘weak’ and this accounts for a typical Westminster paradox: you have to be a very brave politician indeed to take a liberal view on crime and punishment.

It was for this reason that I was so intrigued when I was asked to Chair the Make Justice Work Enquiry. I hoped that by taking part I might gain a deeper understanding of the truth about the deep and troubling issues that underlay the public debate.

The first point that became shatteringly clear was that alternatives to prison are not a soft option so often portrayed. In Manchester the Intensive Alternative to Custody Project was incredibly impressive and really opened my eyes.

Here young criminals were given very demanding community work. They were monitored night and day. They were obliged to confront their alcohol and drug problems- the issues that had typically got them into trouble in the first place. I was hugely impressed by the social worker who dealt with the offenders’ families. Again and again by talking to parents and siblings she would identify the deep problems that had sent offenders down a life of crime- and then mobilise families to provide support.

A number of the offenders at this Manchester course told us that it would have been much easier to have gone to prison for three months, and that some people did indeed make the decision to drop out and go to jail. But for those who did fully participate in the very intrusive and challenging twelve month alternative programme the rewards were huge.

By the end of it they had often been found jobs. They were far less likely to commit another crime and by the end some were well on the way to becoming fully-fledged members of society. It is perfectly true, as Conservative MPs in particular like to claim, that prisoners cannot commit crimes while in jail. But they are far more likely to reoffend when they have

served their term than those who have been given an alternative punishment. At the woman's project we visited in Bradford the reoffending rate is between 5-10%.

Furthermore the costs do not bear comparison. Three months in prison costs a bare minimum of £11,000 - the full 12 month Manchester course is approximately half that.

During the year we carried out our Enquiry we met scores of committed people who confront the problem of criminal justice on a daily basis: prison governors, social workers, magistrates, policemen, the criminals themselves. Every single one I spoke to saw alternatives to prison as the more sensible, practical, workable option, which offenders on the best community programmes were clear that they were tougher than prison. And if our key goal is to reduce the number of victims of crime then we really need to take seriously the lessons emerging from rehabilitation programmes like these.

By contrast the argument at Westminster can be woefully informed, and it is easy to see why. Let's take the example of the influential recent pamphlet by the former Tory Chairman Michael Ashcroft entitled 'Crime, Punishment and the People.' Lord Ashcroft's study is based on opinion polling and this is what he writes: "Even short sentences, though offering too little time for proper rehabilitation, give the public respite from the prolific offenders who commit the most crime. Community sentences, the alternative to prison, command woefully little public support."

The problem with Lord Ashcroft's comment is that most people, including many of us in the media, have no idea of the range of community sentences that are available - there is a huge difference between a community payback sentence and the ones I visited.

Nobody is arguing that criminals should not go to prison, or that some of the worst offenders should not be locked up for many years. But consulting opinion pollsters is surely one of the worst imaginable methods of devising a criminal justice policy.

It is much more difficult and admirable to reach the best judgment, sometimes even in defiance of public opinion, and to do the unpopular things. That is why by the end of our yearlong study I had reached the conclusion that Ken Clarke's revolution is the most intelligent and realistic answer to many of the most intractable problems in the criminal justice system.

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Executive Summary

Are rigorous community sentences more effective than short prison terms in stopping persistent, low-level offending?

That was essentially the question the “Community or Custody?” National Enquiry had to answer. Set up by Make Justice Work, it was chaired by Peter Osborne of the Daily Telegraph and led by Javed Khan, Chief Executive of Victim Support; John Thornhill, Chair of the Magistrates Association; Lord Blair, former Commissioner of the Metropolitan Police; Dame Anne Owers, former Chief Inspector of Prisons; and Paul McDowell, Chief Executive of Nacro and former governor of Brixton Prison, and Roma Hooper, Director of Make Justice Work.

We were not considering sentences for the perpetrators of serious and violent crime. For those offenders, the panel agree that custody is the only just and effective punishment. We were considering the most effective sentences for the great number of low-level offenders who are currently filling our prisons to breaking point - and who leave prison only to offend again, and again.

The enquiry was set up against a background of national stringency. The need to make economies has not guided our recommendations: effectiveness has been our lodestar. However, quite apart from the substantial savings that would result from putting fewer people in prison, there are huge gains to be made from making the penal system more effective. Currently nearly two-thirds of offenders serving short sentences are reconvicted within a year¹. Latest estimates suggest that this endless cycle of crime costs us between £7bn and £10bn a year². Such reoffending rates also do nothing for victims, who want - more than any punishment - to be reassured

¹ Prison Reform Trust Bromley Briefings Prison Factfile, June 2011 (<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Fact%20File%20June%202011%20web.pdf>)

² Breaking the Cycle: Government Response, June 2011 <http://sentencing.justice.gov.uk/breaking-the-cycle-response.pdf>

59% of adults serving sentences of less than 12 months are reconvicted within one year of being released

Prison Reform Trust

that those who have made their lives a misery will turn their backs on crime.

Over the last twelve months we have gathered first-hand evidence from victims, offenders, judges, magistrates, police and probation officers, prison governors and voluntary and private sector providers delivering intensive community sentences across the country. We have been astonished and impressed by the rigour and impact of much of the work we have seen. It is clear that community sentences are demanding, and that many offenders find them much tougher than prison.

The most impressive aspect of the programmes we saw was their ability to rehabilitate offenders and turn them away from a life of crime, thereby reducing the number of victims. But not only have we witnessed programmes delivering real reductions in reoffending, we learnt that in the right circumstances they are able to cut crime at a fraction of the cost of prison.

So the answer to the question we were set is: Yes. Community sentences do have an important role to play in meeting the expectations of the public and, crucially, victim's, expectations of effective justice while providing far better value for money than prison. But this will only be possible if intensive community sentences meet the necessary standards of rigour and effectiveness we have set out in this Report (see

below) – and if the public understand clearly what they are and can have confidence in them.

We are under no illusions that in order to meet these standards significant upfront investment will be required. But what is the alternative? The prison estate was close to capacity before the riots of August 2011 and now bulges at the seams. At a minimum of £40,000 per year per prisoner, the costs of this situation are eye-watering.

The Lord Chancellor has argued that increasing the use of effective community sentences for low level, persistent offenders will in the long run cut costs and cut crime³. The Prime Minister himself has acknowledged that community sentences have an important part to play in tackling low-level crime.

The British public, however, still tends to doubt whether community sentences are ever effective, and this lack of confidence strongly influences the public debate on this subject, which is often ill-informed and misleading.

If the Government is serious about starting a rehabilitation revolution, corners cannot be cut. If intensive community sentences are to act as a real alternative to short term custody they must meet these minimum standards.

Giving victims confidence in the punishment

Community sentences must not be a soft option.

- While rehabilitation is integral, victims and the wider public must be confident that community sentences are tough and effective.
- Reparation must be a central part of an intensive community sentence. Offenders should understand the impact of their crimes on their communities and victims and work to restore damage caused.
- Victim-awareness activities should be included in all community orders and the option of Restorative Justice conferencing should be available to all courts.

- Offenders who breach the conditions of their order must face a firm and swift response, but this must be balanced by finding better ways to achieve compliance. Offenders (and the wider public) need to understand that an alternative to custody is not a soft-option and that it makes tough demands.

Confronting the causes of crime

During community sentences time should be spent addressing the key drivers of low-level crime in order to help offenders move towards a stable, productive and crime-free life.

- The focus of all community-based programmes must be the underlying causes of criminal activity, with each programme being tailored to the individual's own behaviour, needs and circumstances.
- Further funding needs to be made available to widen the availability of mental health liaison services operating at the earliest possible stage in the criminal justice process
- All offenders should be screened and assessed for low-level mental health needs that may not qualify for serious psychiatric intervention but if properly addressed would reduce the likelihood of reoffending.
- Alcohol and drug misuse must be awarded equal status and alcohol rehabilitation provision must be increased.
- Every programme should provide wider family and community support to help offenders resolve problems in their lives and break away from bad influences.
- Providers of community sentences must work to reduce the barriers to a productive, crime-free lifestyle, such as lack of stable accommodation, low educational attainment and limited employment opportunities.

³ Prime Minister, Press conference announcing Breaking the Cycle: Government Response, June 2011

No passing the buck

Alternatives to custody depend on effective partnerships between multiple agencies.

- The offender, not the individual agencies delivering a community sentence, must be the focus of all interventions. Agencies must operate together on the basis of an integrated offender management plan, sharing information and pooling budgets wherever possible.
- The government should encourage the voluntary and private sectors to provide innovative approaches to community sentences and give them the freedom to build programmes that are tailored to the individual needs of each offender.
- Providers delivering community sentences must cooperate closely with local police forces and wherever possible a police officer should be seconded to work with the delivery team.
- Every programme should function as a 'one-stop-shop' and host representatives from a range of providers, including housing organisations, and local health services.

Holding community sentences to account

Magistrates must be fully informed about intensive community sentences in their area and the public must be helped to understand the role such sentences can play in combating crime.

- A statutory requirement and framework for magistrates and judges to familiarise themselves with all community sentences available in their area by visiting on a regular basis.
- Judicial oversight during the sentence must be maintained and where appropriate offenders should attend court for regular progress reviews.
- Those in charge of each programme must ensure that the local judiciary is informed about its outcomes and effectiveness.
- All programmes must develop initiatives such as the 'Local Crime: Community Sentence' to educate and inform the wider community about the work they do to punish and rehabilitate offenders.

The total costs of reoffending from offenders who have served short term prison sentences is between £7 and £10bn

Ministry of Justice

Background

This Enquiry has been an independent and open-minded exploration of the views of criminal justice sector practitioners and experts around the country. The Enquiry was chaired by Peter Osborne, author, broadcaster and chief political commentator for the Daily Telegraph. The panel members were:



Lord Ian Blair

Former Commissioner of the Metropolitan Police



Dame Anne Owers

Former Chief Inspector of Prisons



Roma Hooper

Director of Make Justice Work



Javed Khan

Chief Executive of Victim Support

(With many thanks to Owen Sharp, Interim Chief Executive of Victim Support)



Paul McDowell

Chief Executive of Nacro



John Thornhill

Chair of the Magistrates' Association

Four in-depth investigatory meetings were held around the country, which enabled the panel to evaluate different types of community sentences and assess whether they were more effective than short custodial sentences – both in reducing reoffending and reducing cost. Each alternative to custody visited by the Enquiry focused on a different category of offender: 18-25 year old men; women; offenders with alcohol or drug problems, and those in need of mental health treatment.

Experts and members of the public were given the opportunity to offer evidence and opinions to the panel about local responses to short term prison sentences and community based alternatives.

Where we went

Manchester

Intensive Alternative to Custody (IAC)

18-25 year old male offenders

In Manchester the Enquiry focused on the Intensive Alternative to Custody (IAC) pilot, which targets 18-25 year old male offenders in the Manchester and Salford area, who have historically been the hardest to engage with and rehabilitate.

Combining intensive probation supervision with a mix of demanding community payback and educational requirements, the pilot caters for those who are facing custody for the first time, as well as 'revolving door' cases who are frequently before the courts and in and out of prison on short term sentences.

The most frequently recorded offences for which an IAC order was issued were violent crimes, theft and handling stolen goods, and burglary. According to the Government's own evaluation of the IAC¹, stakeholders assessed offenders with the following characteristics to be most suitable for an IAC order: a chaotic lifestyle, multiple needs, previous custodial sentences and motivation to change.

The average annual cost of an IAC Order is £5,500.

Evidence Givers

- Garry Shewan, Assistant Chief Constable for Greater Manchester Police
- Cllr Michael Hyman Trafford Council
- Paul Pandolfo, Senior Probation Officer, Greater Manchester Probation Trust
- Chris Noah, Deputy Chief Executive, Greater Manchester Probation Trust
- Susan Puffett, Head of Reducing Reoffending, Salford Council
- Edward, Offender serving an Intensive Alternative to Custody Order

¹ Evaluation of the Intensive Alternatives to Custody pilots - <http://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/intensive-alt-custody-research-summary.pdf>



Leicester

Criminal Justice Drugs Team (CJDT)

Drug and alcohol treatment

In Leicester the Enquiry investigated the CJDT, which provides drug treatment to service-users who have had recent contact with the criminal justice system, and alcohol treatment for those who have been given an Alcohol Treatment Requirement at sentencing. The project adopts an 'end-to-end' treatment model, which works with offenders from their first contact with police through to the end of their sentence.

Offenders who underwent an intervention through the CJDT recorded a fall in their offending by 44% and a fall in the costs of their offending by 48%.

Evidence givers:

- Inspector David Beaumont, Central Drugs Testing Team, Leicestershire Constabulary
- Gillian Kelly JP, former Bench Chairman for Loughborough and member of the Drug Rehabilitation Requirement Panel
- Sarah Smith, Team Manager, Criminal Justice Drugs Team Leicester
- Kieran Simmonds and Leroy Gatwood, Criminal Justice Drug and Alcohol Team peer mentors
 - Bernadette Wharton, Criminal Justice Lead for the Leicester, Leicestershire and Rutland Drug and Alcohol Action Teams
 - Peter Wright, Governor, HMP Nottingham

London

Together – Camberwell Green Magistrates' Court

Mental Health Division Service

The London session focused on the work of the Camberwell Green Forensic Mental Health Practitioner Service run by Together, the national mental health charity.

The service works with London Probation and Camberwell Green Magistrates' Court to screen people with mental health needs on prison or police remand and provide recommendations and specialist advice to the court based on their assessments. Practitioners provide mental health awareness training to court staff, including magistrates and judges, as well as information regarding mental health issues and local borough services.

Key outcomes include increased diversion of vulnerable offenders away from prison into community sentencing, which is likely to include referrals and liaison with health and social care services. This results in a reduction of unnecessary court requests for psychiatric reports (thereby saving time and money) and a reduction in the number of remands – or length of time spent on remand – of offenders with mental health needs.

Evidence givers:

- Heather Munro, Chief Executive, London Probation Trust
- Linda Bryant, Together Service Manager: Forensic Mental Health Practitioner Service
- Police Constable Richard Harwin, Mental Health and Learning Disabilities Liaison Officer, Hackney Police Station
- District Judge Haydn Gott, formerly at Stratford Magistrates Court
- Maria and Tom, service users receiving support from Together mental health diversion scheme
- Dr Andrew Forrester, Consultant and Honorary Senior Lecturer in Forensic Psychiatry

West Yorkshire

Together Women Project (TWP)

Women Offenders

In Bradford the Enquiry focused on the Together Women Project (TWP) which works with women offenders. The centre is a 'one-stop-shop' which is designed to be holistic and needs-centred – each woman referred to it undergoes a detailed needs assessment which identifies issues such as substance misuse, mental and physical health problems, or lack of suitable accommodation. This assessment forms the basis of an individually tailored support plan.

Average orders at the TWP cost between £750 to £1000 per woman per year.

TWP has a compliance rate of 80%, with 83% of women achieving success with one or more of their goals. It has reduced reoffending to between 5 and 10% compared to a national average of 62%¹.

Evidence givers:

- Detective Superintendent Ian Wilson, Strategic Lead on Drugs and Offender Management, West Yorkshire Police
- Nicola Stell, Chairman of the Magistrates' Association Sentencing Policy and Practice Committee
- Clive Chatterton, Governor of HMP Styal
- Sue Hall, Chief Executive of West Yorkshire Probation Trust and Chair of Probation Chiefs Association
- Professor Carol Hedderman, Department of Criminology at the University of Leicester
- Rokaiya Khan, Chief Executive of the Together Women Project, Yorkshire and Humberside
- Julie Eastwood, Together Women Project client

¹ Prison Reform Trust Bromley Briefings Prison Factfile, June 2011
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Fact%20File%20June%202011%20web.pdf>

“ When it came to sentencing, I could have gone to prison. I was sentenced to an Intensive Alternative to Custody Order for 12 months. This meant I would be attending at least 5 appointments every week at Together Women and that I would have some discipline to avoid returning to custody.

The fact that I had appointments I had to comply with worked better for me than prison as I was kept busy. ”

Julie, Together Women Project client

Introduction to the recommendations

Community or Custody set out with an open mind, but was informed by figures suggesting that a year in custody costs more than £40,000 and most offenders released from a short prison sentence go on to reoffend. Nearly two thirds of adults given short-term sentences are reconvicted within a year of release.

It is known that the same offenders are recycled constantly in the courts, and the Government estimates that this cycle costs the economy between £7 and £10 billion per year¹. Considering the constraints on public spending and the imperative to provide value for money as well as reduce reoffending, there is a need to examine the alternatives and consider what works best.

The panel recognises that sentencers do not give custodial sentences lightly. They tend to do so, either when other alternatives are perceived to have been exhausted, or when the offence is considered to be so serious as to warrant custody.

We also recognise that there are numerous different types of community orders available to the courts and each order must be appropriate to the offence. This Enquiry dealt primarily not with first time entrants to crime, where prison may have a deterrent effect, but those who go through the 'revolving door' of prison by virtue of the persistence of their offending, rather than its severity.

Yet another short spell in prison is not an effective deterrent for such multiple, low-level offenders and it offers the community little relief from reoffending (apart from the short time the offender actually spends in custody). Nearly three quarters of adults who have served short prison sentences are reconvicted within a year of release². Because custody isolates the offender from the community in which they live,

prison sentences also make the task of rehabilitation harder.

The categories of offenders the Enquiry investigated, namely women, young people, drug and alcohol-related offenders and those with mental health problems, are most frequently given short prison sentences and have high reconviction rates. For example, 75% of young people released from custody and 68% of young people on community sentences re-offend within a year³.

Our recommendations point towards the need to provide the courts with interventions that can effectively replace custody for these offenders. Not all offenders will require such intensive interventions. But community sentences must appropriately address the causes of offending behaviour and the particular circumstances of each offender.

The following sections of this report summarise the evidence we collected, which has informed our recommendations.

³ Ministry of Justice (2010), Reoffending of adults: results from the 2008 Cohort, London: The Stationery Office

¹ Prison Reform Trust Bromley Briefings Prison Factfile, June 2011
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Fact%20File%20June%202011%20web.pdf>

² Prison Reform Trust Bromley Briefings Prison Factfile, June 2011
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Fact%20File%20June%202011%20web.pdf>

Recommendations

Giving victims confidence in the punishment

Community sentences must not be a soft option.

Every community alternative to custody visited by the Enquiry revealed that such sentences can be robust, demanding and strict. Effective alternatives to custody set high expectations and respond swiftly when an offender breaches his or her conditions.

The Intensive Alternative to Custody (IAC) model we investigated in Manchester is exemplary. IAC orders are a minimum of twelve months but can be as long as two years. The orders are characterised by intensive interventions that occupy the offender five days a week, alongside a private sector-led community outreach service, which monitors behaviour and enforces compliance seven days a week and round the clock.

Coupled with enhanced electronic monitoring arrangements – or ‘tagging’ – for curfew orders, this service controls behaviour to a much greater degree than other forms of community supervision.

The outreach service can respond immediately to non-attendance and other violations of the order, placing additional checks on behaviour, and is able to take action in the evening and at weekends when the risk of re-offending can be highest.

In Leicester, each offender is closely monitored for evidence of continued or escalating substance misuse. The delivery team work very closely with the police and alert them immediately if they suspect such behaviour is serious enough to lead to further criminal activity.

This close relationship with the police is a critical part of improving compliance at all the projects we visited. The understanding that criminal behaviour will not be tolerated among offenders serving their sentence at the Leicester CJDT project is critical in instilling a

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The fact that I had appointments I had to comply with worked better for me than prison as I was kept busy. ”

Julie, Together Women Project client

culture of personal responsibility that most offenders have previously not experienced.

Overwhelming evidence was also presented to the panel which described how offenders often find prison far easier than completing an intensive community sentence. Indeed prison was seen as a break in many cases from a chaotic and destructive lifestyle.

The level of activity required under such programmes and the focus on compliance make an alternative to custody a far tougher prospect than prison.

The panel were concerned to hear that the tough nature of these orders can sometimes lead to unintended consequences. Offenders have been known to breach the terms of their sentences so that they are sent to prison instead. Providers of effective community sentences need to find ways to work with offenders to understand the order and to see it as an opportunity to reform.

The Enquiry found that victim reparation is an effective mechanism to make offenders face up to their crimes and the consequences of their behaviour. Offenders at the Leicester CJDT project stated that understanding the crime from the victim's perspective helped turn their lives around.

Yet victims' needs are often not given enough attention in the criminal justice system. Research carried out by Victim Support reveals that while victims want assurance that the crime will not be committed again, they also want the offender to receive a fair punishment.

Restorative Justice (RJ) is one of the most effective ways of increasing victim satisfaction with the criminal justice system and enhancing victim involvement in a system which can at times seem to marginalise them. RJ has received an overwhelmingly positive response from victims who have had it available to them and offenders alike.

At the Manchester IAC 32% of orders included a specified 'victim awareness' activity that may lead to a victim reparation conference. Victim feedback from

“ Prison for me was a place to rest, to watch TV, get well and fit, then I would be back into the same circles when I came out. But in this project it was different; I had to open up, to engage with strangers, to talk to people about issues that I had kept buried for years.

I had to keep appointments, have courses, and understand the impact of my crimes on victims. I was bored in prison, it was so much easier. ”

Kieran Simmonds, Criminal Justice
Drug and Alcohol Team Peer Mentor

Restorative justice

Restorative Justice should be victim-led, carried out by trained professionals working to recognised practice standards, and should be available to all victims who want it in cases where the offender has pleaded guilty.

Analysis conducted by Victim Support and the Restorative Justice Council shows that if restorative justice were offered to all victims of burglary, robbery and violence against the person where the offender had pleaded guilty (which would amount to around 75,000 victims), the cost savings to the criminal justice system – as a result of a reduction in reconviction rates – would amount to at least £185 million over two years.

Trials conducted for the Ministry of Justice show that RJ interventions reduced reconviction by at least 14% but possibly as much as 27% because offenders are confronted with the real impact of their crime and given the motivation to change.

all such conferences held by Manchester Probation Trust to date has been positive and one victim was so impressed that he is applying to work for IAC as a volunteer mentor.

Research produced by the Restorative Justice Council also suggests that RJ meetings would be very welcome – 70% of victims of crime would choose to meet the offender when such a meeting is offered to them and 85% who do so are happy with the results.

Building understanding among victims and reassuring them that offenders are being adequately punished is essential to improving confidence in the criminal justice system. The panel believes that while robust supervision, intensive interventions, productive activity and strict compliance standards are all necessary elements of punishment and rehabilitation, more must also be done to tailor community orders around victims' needs.

Specific recommendations:

- While rehabilitation is integral, victims and the wider public must be confident that community sentences are tough and effective.
- Reparation must be a central part of an intensive community sentence. Offenders should understand the impact of their crimes on their communities and victims and work to restore damage caused.
- Victim-awareness activities should be included in all community orders and the option of Restorative Justice conferencing should be available to all courts.
- Offenders who breach the conditions of their order must face a firm and swift response. Schemes should be encouraged to explore proactive and positive ways of ensuring compliance. Offenders, their victims and the wider public need to understand that an alternative to custody is not a soft-option and that it makes tough demands.

Recommendations

Confronting the causes of crime

During community sentences time should be spent addressing the key drivers of low-level crime in the offender's life and helping them towards a stable, productive and crime-free lifestyle.

Evidence presented to the Enquiry was conclusive in explaining why short prison sentences do not reduce re-offending among persistent, low-level offenders. The majority of such crime is driven by a toxic combination of alcohol or drug misuse, mental illness and chaotic personal circumstances.

In prison, the time is not available to address the root causes of offending, and the complete absence of supervision by the Probation Service in the community following a short prison sentence means there are no safe-guards against offenders falling back into destructive and ultimately criminal patterns of behaviour.

It is reported that over 70% of prisoners have some kind of mental or personality disorder¹. Many offenders have mental health needs that can be managed through primary care and voluntary sector services. Yet the Enquiry heard that there is currently too little early identification and assessment of offenders with mental health issues, particularly those that don't qualify for serious psychiatric intervention. Most such offenders go undiagnosed for years.

“ They did nothing with you in the prison. I came out with the same problem which was driving my offending, which was being on heroin. ”

Kieran Simmonds, Criminal Justice
Drug and Alcohol Team Peer Mentor

Early assessment and information sharing reduces the need to commission expensive and time-consuming psychiatric reports and to detain offenders on remand while awaiting these reports. The liaison and diversion scheme at Camberwell Magistrates' Court has enabled the court to reduce requests for psychiatric reports by 30% - a clear saving to the taxpayer. Screening suspected offenders at the earliest possible point of contact with the criminal justice system is vital to reducing re-offending and reducing costs.

This is equally true of the need to keep people with mental health needs out of prison where possible, particularly for women offenders who are more likely to have such needs². The Enquiry heard that the need for 24-hour supervision at Styal women's prison cost £500,000 per year.

Leicestershire police believe that 70-80% of crime in the area is low-level and a large proportion of that is drug and alcohol related.

Local statistics showed a significant reduction in offending as a consequence of the 'end-to-end' intervention treatment programme the panel visited, with a reduction in offending of 44% and a 48% reduction in the costs of associated crime.

The Leicester end-to-end model diagnoses serious alcohol or drug-related problems at the point of arrest and ensures this informs the sentencing and punishment of the offender right through to the end of their sentence. Sentences delivered by the CJDT then focus on rehabilitating the offender and helping them move towards an ultimate goal of abstinence.

¹ HM Inspectorate of Prisons, The mental health of prisoners, October 2007 http://webarchive.nationalarchives.gov.uk/+/http://www.justice.gov.uk/inspectorates/hmi-prisons/docs/mental_health-rps.pdf

² Prison Reform Trust Bromley Briefings Prison Factfile, June 2011 <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Fact%20File%20June%202011%20web.pdf>

The potential savings of diverting offenders from custody to drug treatment

Diversion from custody to residential drug treatment produces a lifetime cost saving to society of approximately £200,000 per offender.

Diversion from custody to intensive supervision with drug treatment produces a lifetime cost saving of approximately £60,000 per offender.

£980 million would have been saved if those offenders given custodial sentence of twelve months or less in 2007 had instead been diverted to residential drug treatment.

If those offenders given custodial sentence of twelve months or less in 2007 had instead been diverted to residential drug treatment, an annual cost saving of £60-£100 million per annum would have been made for the first six years post sentencing.

If those offenders given custodial sentence of twelve months or less in 2007 had instead been diverted to intensive supervision with drug treatment, an annual cost saving of £20 million per annum would have been made for the first five years post sentencing.

Source: Are short term prison sentences an efficient and effective use of public resources? Matrix, 2009

Alcohol abuse is a key driver of criminality, yet the Enquiry heard that alcohol-specific provision across the country is patchy in comparison to drug rehabilitation and lacks adequate statutory funding.

At all the Enquiry sessions the importance of relationships and a holistic approach to the offender was impressed upon us. At the Together Women Project a key-worker is responsible for helping offenders solve numerous problems in their backgrounds that may be driving negative behaviour, including inadequate housing, domestic abuse, depression and other mental health related problems, debt and money-related issues, as well as lack of educational qualifications and employment opportunities.

Too often, during short spells in prison, offenders form relationships with other criminals rather than positive role models. We were impressed by the work the Manchester IAC was doing to provide family support to help resolve issues at home. In Leicester, the CJDT peer mentors spent time supporting offenders in their community to help them avoid people and situations that might lead to relapses in substance misuse.

Positive, supportive relationships with service deliverers, key workers and peer mentors play an absolutely critical role in helping offenders see the value of committing to an intensive alternative to custody and seeing it through to the end.

“ Alcohol remains the poor relation to drug abuse, but it can be just as damaging, particularly with violent crime. Early intervention must be pushed up the agenda, which might not happen unless it receives national funding like Drug Intervention Programmes. ”

Roma Hooper, Director,
Make Justice Work

One of the aspects that make intensive alternatives to custody so effective is that they work with offenders to give them the means to move away from crime. For example by focusing on education and employment training or providing qualifications that will improve job opportunities and set them up to succeed.

The Manchester IAC presented results to show that 24% of offenders who had been unemployed at the start of their order were helped to find stable employment. A further 31% were given educational and skills training to make them 'work ready', with 30% of offenders receiving a construction certificate qualification and a further 22% passing their driving theory test.

“ We are not trained mental health professionals... we are not trained drug rehabilitation officers. ”

Clive Chatterton,
Governor of Styal Prison

Specific recommendations

- The focus of all community-based programmes must be the underlying causes of criminal activity, with each programme being tailored to the individual's own behaviour, needs and circumstances.
- Further funding needs to be made available to widen the availability of mental health liaison services operating at the earliest possible stage in the criminal justice process.
- All offenders should be screened and assessed for low-level mental health needs that may not qualify for serious psychiatric intervention but if properly addressed would reduce the likelihood of reoffending.
- Alcohol and drug misuse must be awarded equal status and alcohol rehabilitation provision must be increased.
- Every programme should provide wider family and community support to help offenders resolve problems in their lives and break away from bad influences.
- Providers of community sentences must work to reduce the barriers to a productive, crime-free lifestyle, such as lack of stable accommodation, low educational attainment and limited employment opportunities.

Recommendations

No passing the buck

Alternatives to custody must be effective partnerships between multiple agencies.

Different agencies actively working together is an essential component of an effective alternative to custody. This should see the breaking down of barriers, particularly between treatment services, the projects, the wider Probation Service and the police, which too often stand in the way of successful rehabilitation.

A fully integrated model, like that in Leicester, to reduce substance misuse and reoffending, has proved to work very well. In too many areas, an offender is seen by so many different agencies, repeatedly needing to tell their story at each different stage of the justice system, and undermining progress towards rehabilitation.

At all four evidence sessions, the importance of strong partnerships between criminal justice agencies was considered crucial for successful community alternatives. But it is also essential that such partnerships extend to providers of housing, health, education and employment services, as these needs can have a large impact on reoffending rates.

According to Greater Manchester Probation Trust, the effective collaborative relationship they had built with other agencies, service providers and the police was the primary reason why over 75% of offenders completed their orders satisfactorily.

Given the links between many of the causes driving reoffending, a 'one-stop-shop' community based approach, like the Together Women Project in Bradford, is particularly effective when it comes to preventing breach and supporting offenders to move away from a life of crime.

Effective working relationships and cooperation between a range of public, private and voluntary sector organisations to implement structured sentence

plans enables more efficient use of available skills and resources.

But in order to guarantee integrated work between different agencies we support the notion of a locality-based commissioning model, where outsourced budgets are pooled to tackle intractable social problems which affect the whole area. This draws on the 'Total Place' initiative started by the previous Government and joins up centrally organised public services, for example criminal justice services, with those where the local authority has lead responsibility like housing and education.

Establishing commissioning structures that encourage collaboration between agencies will shift the focus from who delivers offenders services, to what is being achieved. For too long the debate has been driven by a 'heroes and villains' approach to cross sector collaboration, characterized by simplistic and unfair perceptions of the public, private and voluntary sector. Each sector has something unique to offer to the rehabilitation revolution and they should be encouraged to work together to find innovative solutions to offending.

“ There is little point in working with an offender to address their thinking skills if they are homeless ”

Chris Noah, Deputy chief Executive of Manchester Probation

Specific recommendations

- The offender, not the individual agencies delivering a community sentence, must be the focus of all interventions. Agencies must operate together on the basis of an integrated offender management plan, sharing information and pooling budgets wherever possible.
- The government should encourage the voluntary and private sectors to provide innovative approaches to community sentences and give them the freedom to build programmes that are tailored to the individual needs of each offender.
- Providers delivering community sentences must cooperate closely with local police forces and wherever possible a police officer should be seconded to work with the delivery team.
- Every programme should function as a 'one-stop-shop' and host representatives from a range of providers, including housing organisations, local health services.

Recommendations

Holding Community Sentences to Account

Magistrates, district judges and local communities must be fully informed about intensive community sentences in their area.

It is clear that the public is not convinced that alternatives to custody are effective. According to a report published by Policy Exchange¹, more than a third of people (38%) think the best phrase to describe community sentences is “a soft option”, followed by a fifth (22%) who think they are “weak and undemanding”. If we are going to see a real shift away from short prison sentences and towards greater use of community alternatives, this lack of public confidence needs to be addressed.

The role of the media in shaping the public debate about short-term sentences and community punishments was repeatedly raised during the Enquiry. There is a frustration that the media too often fail to base their commentary on evidence of what works to reduce re-offending but instead concentrate on false perceptions. There is therefore a need to challenge politicians and certain sections of the media, who focus on populist soundbites and not sensible policies. The idea that prison works because it locks up criminals and prevents them committing crime is a simplistic answer that wrongly centres on inputs and not outputs.

To build confidence around community sentences, it is vital that both the public and victims are aware of what has happened to the person that offended against them. The Together Women Project successfully deploys women who have completed the programme to speak at events or in the media and explain what it entails.

The programmes in Manchester and Leicester both used the ‘Local Crime: Community Sentence’ (LCCS)

Of local people who attended ‘Local Crime: Community Sentence’ initiatives, 64% of those who initially supported the use of prison changed their minds after the session.

Local Crime: Community Sentence, 2009

initiatives to communicate effectively and engage with the local community. This allowed for probation officers, together with magistrates, to inform the public of what they do. It was agreed that this work made a positive impact, with figures showing audiences shifting their position substantially from custodial to community sentencing. In a recent study, the majority, 64%, of attendees who initially supported the use of prison changed their minds after the session².

While public confidence is vital, it is also essential that the local judiciary are made aware of what effective community alternatives can achieve. During the Enquiry, members of the judiciary argued that they were often unaware of the community alternatives - and what they entailed - available in their areas. At the Bradford Enquiry, Nicola Stell, Chair of the Magistrates’ Association Sentencing Policy and Practice Committee, made clear that she is constantly surprised by the magistrates who are unaware of the existence of the Intensive Alternative to Custody.

An increased effort is now needed to enhance awareness and understanding, through a range of regular visits to programmes for the judiciary to see

1 Fitting the Crime, November 2010, Policy Exchange, http://www.policyexchange.org.uk/images/publications/pdfs/Fitting_the_Crime_-_Nov__10.pdf

2 LCCS A Blueprint for Practical Community Engagement <http://www.lccs.org.uk/dox/LCCS%20blueprint%20report.pdf> (2009)

the options available to them, as well as through pre-sentencing reports which could highlight when an offender is suitable for a particular order. But magistrates must also be more vocal in raising awareness of options which they would like to have at their disposal.

We were also impressed by efforts to incorporate communication with the judiciary as part of a programme's overarching communications plan. Ensuring local magistrates are kept up to date with the successes of community alternatives in their area and are aware of the options available to them should be a priority for effective alternatives to custody.

This need for better understanding has led us to take the view that the Government must provide a statutory requirement and framework for the delivery of awareness programmes for the judiciary, including regular visits to community alternatives in their area. While effective programmes are active in approaching the judiciary, it is important that sentencers also accept their responsibility to develop an appreciation, and an input into the effective delivery of community alternatives in their locality. The judiciary remain independent of all other agencies in the justice system, but liaison and awareness are vital to ensure positive, independent sentencing.

Many of those giving evidence to the Enquiry argued that there should be a role for custody. The public rightly expects prolific offenders to be incarcerated and those who show no propensity for change should soon find themselves behind bars if they do not comply with community orders. But community alternatives

“ The encouragement I was given from the judge at my court reviews, motivated me as it felt like he understood that prison would have made things worse, in fact I know I wouldn't be here now. ”

Together Women Project client

should be configured in such a way that offenders are encouraged to change and the root causes of their offending are addressed.

And this should mean that sentencers develop confidence in community alternatives through regular updates on an offender's progress. We therefore take the view that judges and magistrates need to make greater use of progress reports to ensure that they receive regular updates on an offender's progress and can be confident that the sentence is working to rehabilitate him or her.

Encouraging such interaction between community alternatives and the judiciary will lead to closer working and provide programmes with an added impetus to succeed and strengthen their reputation. The 'Local Crime: Community Sentence' project run by the Probation Service and the Magistrates' Association continues to show that public engagement enhances the confidence in such sentences.

Specific Recommendations

- A statutory requirement and framework for magistrates and judges to familiarise themselves with all community sentences available in their area by including visiting them on a regular basis.
- Judicial oversight during the sentence must be maintained and where appropriate offenders should attend court for regular progress reviews.
- Those in charge of each programme must ensure that the local judiciary is informed about its outcomes and effectiveness.
- All programmes must develop initiatives such as the Local Crime Community Sentence to educate and inform the wider community about the work they do to punish and rehabilitate offenders.

Conclusion

During the course of this Enquiry we have seen community alternatives which not only punish offenders but identify the underlying causes of offending behaviour and work to ensure the offences won't be repeated and there will be fewer victims in future.

This Enquiry has also exposed flaws in the current system and proposes measures that the Government should take to address them. Our report both showcases examples of effective community alternatives and draws out the key components which make them robust and effective. It is these components which should be incorporated into those community sentences that will act as alternatives to custody.

By making specific recommendations, this Enquiry hopes to inform policy makers and guide those responsible for provision. If adopted, the minimum standards we have set out will become the benchmark of successful community-based alternatives to custody.

Our recommendations will enable Britain to finally move away from a misguided approach to criminal justice based on prejudice rather than evidence. It will instil confidence in what actually works rather than what merely looks tough. And it will allow our Government to generate savings that can be reinvested in tackling the deep-seated causes of offending.

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All of our volunteers

Make Justice Work is a campaign launched to highlight the cost and ineffectiveness of short term prison sentences and improve public confidence in community sentences. Make Justice Work is the brainchild of penal reform campaigner Roma Hooper and brings together a coalition of leading experts from the criminal justice system – including former prison governors, charity directors, renowned academics – as well as key players and opinion formers from outside the sector.



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