# Rethinking Crime & Punishment: The Report

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I am delighted to introduce this important report about the Esmée Fairbairn Foundation’s Rethinking Crime & Punishment (RCP) project. The initiative has supported a wide range of very worthwhile work, which has made a significant contribution to the debate about crime and how best to deal with it.

I have followed the progress of a number of the projects with particular interest. Professor Mike Hough’s research which analysed the sharp rise in the prison population over the last 10 years has made a substantial impact as have the various studies of what the general public really think about prison and alternatives. This has provided a salutary reminder that public attitudes are complex and inconsistent but certainly not as uniformly punitive as is often supposed.

I have also been much impressed with the practical work that RCP has supported, particularly the efforts to explain to the public what community sentences actually involve, the demands they make on offenders and the benefits they can produce for victims and local neighbourhoods. A number of RCP projects have also confirmed the potential of Restorative Justice, not only in the field of youth justice where it is already well embedded but also with adults. The Observer programme, funded by RCP, has enabled a number of judges and others involved in criminal justice to experience at first hand the value of what happens when an offender and victim meet together in a restorative conference.

The largest single project funded by RCP has been Lord Coulsfield’s independent inquiry into alternatives to prison. Together with an impressive volume of research, which the inquiry commissioned, the report Crime, Courts and Confidence contains a number of important recommendations backed by a thorough and balanced analysis of the issues.

I hope very much that the Government, politicians of all parties, judges, magistrates and those who work in the prison, probation and voluntary sectors will take notice of these messages:

- that we must do much more as a society to prevent young people becoming involved in crime;
- that we must address the problems of addiction and mental ill health that underlie much offending;
- that we must restrict the use of imprisonment to cases where there is genuinely no alternative.

Taking this agenda forward would do much to create a safer and fairer country for us all.

The Rt Hon The Lord Woolf of Barnes
Lord Chief Justice of England & Wales
Introduction
by Baroness Linklater of Butterstone, Chairman, Rethinking Crime & Punishment

It gives me great pleasure to commend this report on the work of Rethinking Crime & Punishment and its recommendations to all who have an interest in the field of criminal justice. To policy makers, sentencers, professional practitioners of all kinds, press and the public – whose involvement at a variety of levels is so necessary and important to the effective delivery of criminal justice – the conclusions and recommendations in this report address key, pressing issues and, I believe, represent a springboard for future action.

I have been privileged to chair this initiative, working with a Supervisory Board consisting of Esmée Fairbairn Foundation Trustees and external experts, and with RCP’s Director Rob Allen and Project Officer Frances Thompson. I am deeply grateful to all concerned for their consistent hard work and commitment throughout the last four years and to Rob Allen in particular who has choreographed the whole complex exercise with the greatest dedication and skill and who is the author of this report.

RCP is a new chapter in the work of Esmée Fairbairn Foundation. It has been a major, strategic, grantmaking initiative which has sought to make a real difference in an area of social policy. A sum of £3 million was allocated which has been spent over four years on a programme of research and grantmaking. It has focussed on the use of imprisonment and alternatives to custody as a response to crime in the UK, and on public attitudes to them. It has aimed to make a significant contribution to the debate and to make recommendations about how best to deal with this highly complex and difficult area. The intention has been to increase public knowledge of the facts, to raise the level of debate and to develop and encourage involvement by the public and others in the realities of prison and its alternatives. It has taken a multi-faceted approach, looking at how policies and practice affect some key groups, namely children, women, drug users and the mentally ill. The biggest of the grants was the commissioning of an independent inquiry, chaired by the distinguished and newly retired Scottish judge Lord Coulsfield, focussing on alternatives to prison.

We also owe a great debt of gratitude to Baroness Stern of Vauxhall, a specialist adviser to Esmée Fairbairn Foundation, who initially brought these issues to the attention of my fellow Trustees and whose help was very important in helping to shape the approach the initiative should take. Her great knowledge, experience and insights have been invaluable, particularly as the Trustees were in uncharted waters as far as this scale and type of strategic grantmaking was concerned.

Esmée Fairbairn Foundation has always believed in the need to support and maintain a free and stable society, in which people are able to realise their potential and play their part in civil society and democratic life. As part of its efforts to improve the quality of life of people facing disadvantage, the Foundation has a history of supporting radical thinking and is also prepared to take risks. So this initiative has grown naturally out of much of its earlier work. Indeed in the three years before RCP started its work, we approved grants of more than £2 million to projects working with ex offenders and those at risk of being drawn into crime. In embarking on this proactive, strategic initiative we hoped not only to make a difference to the lives of individuals but to make an impact on the framework of sentencing policy and practice – the framework in which offenders as a group are dealt with in the UK.

I believe that this investment of time and money has been amply justified and the learning derived from this report offers real possibilities for change.

Baroness Linklater of Butterstone
Chairman, Rethinking Crime & Punishment and Trustee, Esmée Fairbairn Foundation
Executive Summary: Rethinking Crime & Punishment
Background

Esmée Fairbairn Foundation’s four-year £3 million initiative has funded 57 projects, which have produced a wide range of learning about prison and alternatives and recommended action for policy makers, practitioners and the public. The key findings and recommendations emerging from Rethinking Crime & Punishment funded work are set out below.

Rethinking Crime & Punishment (RCP) is a four-year initiative set up by Esmée Fairbairn Foundation about prison and other forms of punishment. It was set up in 2001 in response to widespread concern about the UK’s growing reliance on imprisonment. Despite its financial, social and human costs, prison has enjoyed a growing appeal as a response to crime in many countries. Numbers in prison in England and Wales grew from 40,000 in 1980 to 64,600 in 2000 with projections that it could reach 93,000 by 2010. A key reason for this has been the perceived pressure of public opinion. Politicians, judges and magistrates have responded to their perception of a climate of opinion that is thought to demand an increasingly harsh approach. By raising the level of public debate, RCP hoped to allow a more rational criminal and penal policy. The specific aims of RCP have been to increase public knowledge about prison and alternatives, encourage public involvement in criminal justice and inject fresh thinking into the debate about crime.

RCP has funded 57 projects, consisting of research studies, awareness and education campaigns, inquiries, events and community involvement exercises. RCP has also sponsored a major independent commission looking at alternatives to prison. Throughout, RCP has disseminated the emerging findings from its work with politicians, practitioners and through the media.
Executive Summary

Crime and Punishment – Key Findings

Public Attitudes
The public support prevention, payback and treatment – but informing and involving them must be a priority

RCP’s work has found that the public are not as punitive about crime as is often supposed. There is scepticism about prison and a great deal of support for prevention. Treating underlying problems of drug misuse and mental illness are popular ways of responding to crime. People want better alternatives to prison.

RCP has also found that currently community punishments have low visibility and neither courts nor the public have sufficient confidence in them. There are substantial variations in public attitudes with better educated people less punitive than those in manual occupations. The media plays an important role in shaping attitudes, but actual experience of and involvement with criminal justice agencies can be very significant.

It is possible to change attitudes. Certain messages about alternatives were found to be more persuasive than others. Rising prison numbers, the costs of imprisonment and the greater effectiveness of community punishment leave many people unmoved. The fact that such punishments can make offenders pay back to victims and show them how to be better citizens has a stronger resonance. RCP recommends a practical strategy of informing, influencing and involving the public through education, work with the media and opportunities for community participation.

Community Involvement in Criminal Justice
Prisons must open up to employers and community organisations

Encouraging opportunities for members of the local community to visit prisons and establish relationships is important in principle and practice. RCP’s projects have identified the value of local authorities and local residents identifying how offenders can pay back to local communities. The work has also shown that employers can be keen to get involved but preparation and follow up are essential if sustainable relationships are to be formed. There is also a need to remove some of the national institutional barriers that make it harder for ex-offenders to find jobs. Employers suggested that taking on an ex-offender would be more possible if certain simple practices were adopted which address their concerns, e.g. the provision of a record of achievement.

Restorative Justice
Paying back should play a more central role in tackling offending

RCP’s work has concluded that there is considerable potential to expand Restorative Justice (RJ) projects, in which offenders take responsibility for their crime and for making amends to the victim. Evidence suggests most victims who take part in restorative conferences are pleased they did so and while the evidence about re-offending is more mixed, judges and magistrates are showing increasing interest in this more creative approach. The public think that alternatives to prison must do more to benefit victims and communities and RJ provides a constructive way of meeting victims’ needs. Yet if RJ is to take off there is a need for national leadership, judicial oversight, local capacity building and procedures that encourage victim involvement. An element of community payback could normally form a part of all sentences, in prison and the community.
Children and Young Offenders
Prevention, education and intensive supervision is the effective, economic and popular approach

The key finding from RCP’s projects is that much more should be done to prevent at risk children from being drawn into crime. Early intervention such as tackling child abuse and neglect through parent training programmes can be cost effective and RCP’s analysis of public attitudes has confirmed that most people think that the key to reducing crime lies in better parenting. The most popular option for spending a notional £10 million on dealing with crime is to set up teams to work with children in trouble. RCP has also established that the education system has a key role to play: tackling underachievement, keeping youngsters attached to mainstream school, and minimising the impact of custodial sentences are particularly important. There is a need to make decisions about young offenders in a forum that prioritises problem solving over punishment and makes appropriate use of measures that make amends to victims. Also needed are alternatives to prison that are sufficiently intensive to meet the needs of often highly damaged young people but which also seek genuinely to involve ordinary members of the community. While these might include residential units of various kinds, intensive community-based programmes are likely to provide the best solution.

Women
Community-based programmes are urgently needed to stem the sharp increase in women in prison and address underlying problems

The rise in the use of prison for women offenders has been particularly sharp in recent years. Many are drug addicts convicted of offences of dishonesty. More than seven out of ten women in prison said that they have been physically assaulted at some point in their lives and two thirds had been sexually assaulted. Two thirds had visited their GP for mental health problems and half reported at least one act of self-harm.

A significant number of women in prison are foreign nationals who import drugs, mainly from Jamaica. They represent more than half the prisoners in one establishment. Many are serving long sentences at great financial and social cost.

The National Probation Service and Youth Justice Board should develop gender specific community programmes that meet women’s needs. These might include local support and rehabilitation centres. Sentencers should take account of the impact that sentences have on women and their families, in particular dependent children. An alternative approach is needed both to British and foreign national women whose involvement in drugs brings them into contact with the courts. This should form part of a wider debate about how best to deal with drug addiction and the proper role for prison and alternatives.

Drugs
Much more residential treatment is needed

RCP’s work has confirmed that the links between dependent drug use, crime and imprisonment are strong. The majority of prisoners have a significant history of substance misuse. In many cases the offending of prisoners is related, either directly or indirectly, to their use of drugs. There are serious shortfalls in drug treatment outside prison, in particular a shortage of residential drug treatment. The drug treatment and testing order (DTTO) is very popular with courts because of the continuing role it plays in monitoring an offender’s progress. There is a good deal of public support for drug treatment. Residential rehabilitation places over the next three years should be substantially increased, with a detailed audit to establish the long-term number of places required. Waiting times for drug treatment should be reduced: while much improved there is enormous variation across the country. An independent audit of the costs and benefits of the current legal framework should be carried out.

Mental Health
A rethink is needed for offenders with mental health problems, with a shift from prison to more appropriate settings

There is widespread agreement that prison is not a suitable place for people suffering from adverse mental health. Most prisoners have mental health problems and 10% suffer a psychotic disorder. Many of those who go in and out of prison also have a range of economic and social difficulties, often compounded by alcohol and drug misuse. A review of arrangements for offenders with mental health problems is needed, with a view to accommodating many more in more appropriate settings.

Alternatives to Prison
Locally based alternatives to prison with increased sentencer and community involvement could help reduce prison numbers

RCP-funded projects, particularly Lord Coulsfield’s inquiry into alternatives to prison, have on the whole found that too many people are sent to prison. As well as increasing public confidence in community penalties, they have suggested that penalties should be delivered on a local basis and that funding arrangements should be more devolved than they are currently.
Conclusion and Recommendations

A number of common themes have emerged from RCP’s work over the last four years. These relate to the importance of:

- public and community involvement in criminal justice;
- the development of sufficient programmes to treat the health problems which contribute to crime;
- using prison as a genuine last resort.

The lessons from the work RCP has funded have given rise to a number of detailed recommendations for action, summarised as follows.

These recommendations are directed at a variety of organisations in central and local government, the courts, prison, probation and youth services and the voluntary sector. RCP hopes that relevant bodies will give careful consideration to what is proposed and where they decide that action is needed, draw up a plan for implementation.

Public, Political and Professional Attitudes

1. Political leadership should be exercised to emphasise the goal of reducing the prison population while promoting the value of alternatives to prison.

2. A major public education campaign about community penalties is needed; the Government should set up a specific media marketing campaign on alternatives to prison, drawing on lessons from RCP.

Involvement

3. Local people should be encouraged to play a greater role in the work of prison, probation and youth offending services.

4. Business Sector Coordinators should be employed in every prison to maintain positive relationships with local employers.

5. The different parties involved in the arts in the criminal justice system – artists, prison staff (including teachers and counsellors), funders, policy makers, evaluators – need to work more closely together to increase the range, quantity and quality of activity.

Restorative Justice

6. Restorative Justice (RJ) should be extended in the adult criminal justice system with proper arrangements for judicial oversight and a presumption that all sentences include an element of reparation.

7. RJ should be organised in ways that maximise victim participation.

8. A national agency along the lines of the Youth Justice Board should be created to oversee arrangements for RJ, which in the longer term should not involve the police as facilitators.
9. Schools and health services should take full responsibility for playing their part in preventing offending by young people with support for parents of teenagers introduced in a similar way to Sure Start. Quick response units comprising police and youth services should be developed to set up positive activities to divert youngsters from anti-social behaviour.

10. Decisions about young offenders should be made in a forum that prioritises problem solving over punishment and makes appropriate use of measures that make amends to victims.

11. Community-based and residential alternatives to prison need to be developed to meet the needs of often highly damaged young people, which also seek genuinely to involve ordinary members of the community in contributing practical solutions.

12. The National Probation Service and Youth Justice Board should develop gender specific community programmes that meet women’s needs by creating local support and rehabilitation centres.

13. Sentencers should take account of the impact that sentences have on women and their families.

14. The Sentencing Advisory Panel and Guidelines Council should review the sentencing guidelines in England and Wales so that drug couriers do not necessarily receive long custodial sentences. Steps should be taken to enable foreign national offenders sentenced in the UK to serve their sentences in their country of origin.

15. Over the next three years residential rehabilitation places should be substantially increased, with a detailed audit to establish the long-term number of places required. The Government should raise the profile of drug treatment to ensure that both drug users and the wider public understand what it involves and its potential benefits.

16. The Sentencing Guidelines Council should issue guidance to sentencers that no one should be sent to prison solely because it is thought that this is the best place for them to receive drug treatment. A timescale should be put in place by the Department of Health and the Home Office introducing drug treatment on demand in the community.

17. An independent audit of the costs and benefits of the current legal framework should be carried out and published.

18. A wide-ranging review of arrangements for offenders with mental health problems should be undertaken.

19. A new generation of units should be piloted outside the Prison Service.

20. Sentencers should be more involved in the implementation of community-based sentences.

21. Stronger links should be made between organisations running alternatives to prison and the communities they serve, by extending the role of youth offender panels and creating mechanisms through which communities decide on the nature of community work to be done by offenders.

22. Localised funding arrangements should be considered so that sentencers are more aware of the costs of their decisions and local agencies are given incentives to develop effective alternatives to prison.
Rethinking Crime & Punishment: The Report
Chapter 1
Rethinking

Why Prisons?

During 1999 and 2000 there was a growing sense that in many respects the British penal system was not working as it should. The prison population had been rising steadily since 1980, but particularly sharply since 1992 (figure 1) and was among the highest per capita in Western Europe. Home Office projections have since suggested it might rise to more than 90,000 by 2010. But there was little evidence that society felt increasingly protected from violence and crime as a result of this. A high proportion of prisoners, particularly young people, were known to re-offend within a short period: three quarters of young prisoners and over half of adult prisoners are reconvicted within two years of release. Most of those leaving prison were not equipped for constructive employment or to take a constructive place in society.

As a result, there seemed to be a strong case for examining alternative forms of punishment for some categories of offender. In 1997 the House of Commons Home Affairs Select Committee had undertaken an inquiry into alternatives to prison, considering evidence from a wide variety of sources. They had reached the view that:

"The rapidly escalating prison population makes it of paramount importance to investigate credible alternatives to custody and to use them wherever appropriate. Prison will always be necessary for the most dangerous and/or persistent criminals, but it must be closely targeted on them, with other offenders being given non-custodial sentences which are effective and in which sentencers and the public have confidence."

Research and experience have shown the many disadvantages of over-using imprisonment. Prison is a very expensive and largely ineffective measure. Imprisonment can harm the chances people have to make amends and fulfill their potential as citizens and by definition limits the opportunities they have to contribute to civil society and democratic life. Prison can also harm the prospects not only of offenders but of their families. In theory, prison could provide its captive audience with decent education, training and employment opportunities. With some notable exceptions in the form of resettlement prisons, such opportunities are not provided on anything like the scale required. Most prisoners therefore leave prison no better equipped to fit into society than when they entered it. Some leave a good deal worse off.

At its worst, prison simply provides a reinforcement of delinquent attitudes and skills, and contact with potential accomplices. It almost certainly involves disruption and severance from family, friends and employment. A third of prisoners lose their homes as a result of going to prison. Almost nine in ten prisoners face unemployment on release.

It is also true that people from black and minority ethnic (BME) backgrounds are sent to prison at a considerably higher rate than white people. The Audit Commission found that young black men are seven times more likely to face detention than young white men. Whether or not this simply reflects a greater involvement in crime, given the way in which imprisonment can compound disadvantage, disproportionate BME detention represents a serious social problem.
Nonetheless, imprisonment has enjoyed growing appeal as a political response to crime, not just in Britain but also around the world. The UK’s use of prison does not yet approach that of the USA, which on any one day locks up 2 million people: a quarter of the world’s prisoners and more than one in 150 of their own citizens. Yet some of the ingredients for a US-style expansion have been put in place here, such as mandatory sentencing and increasingly punitive enforcement of probation violations. A consensus also seems to have been emerging among Labour and Conservative politicians that it might be necessary to have more people in prison in order to deal with law and order problems. The compelling arguments for a sparing use of prison has been often heard but seldom listened to, even when made by such senior and experienced figures as successive Lord Chief Justices and Chief Inspectors of Prisons.

A key reason for this is the increasingly important role in policy making and in practice played by public opinion, particularly as expressed by the media, or more accurately the pressure to introduce harsher measures, which the public is perceived to demand. The Court of Appeal has ruled that sentencing must reflect public opinion and when it decides to frame or revise a sentencing guideline, it must have regard to the need to promote confidence in the criminal justice system. Politicians are ever more sensitive to the perceived electoral consequences of their policies. Since 1993, decisions about the release of prisoners on parole have had to take into account acceptability to the public. In this area all seem to agree that what the public demand is an increasingly tough response. In the words of Lord Bingham:

“So we have the extraordinary paradox that judges and magistrates have been roundly criticised for over-lenient sentencing during a period when they have been sending more defendants to prison for longer periods than at any time in the last 40 years. The increase in the prison population is not explained by any increase in sentencing powers, and I have no doubt that it is related to the pressure of public opinion.”

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Figure 1: Change in prison population 1980-2004 and Home Office projection for 2010

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1 Evidence to Home Affairs Select Committee inquiry into alternatives to prison 1998
If politicians and courts were to rely less heavily on prison, they needed to be confident they would not be punished at the polls or in the newspapers. Public attitudes, and the perception of those attitudes, had become an important issue of public policy. Helping to ensure that those attitudes were based on a better understanding of the facts about crime, the effectiveness of prison and of non-custodial alternatives seemed to be an urgent task. Factual information about prison and the alternatives to it was fragmented, however, and the quality of public debate, particularly in the popular media, left much to be desired. Esmée Fairbairn Foundation decided that this important subject should be seriously studied and debated through a specific and focussed programme of work. Esmée Fairbairn also agreed it was important to understand the attitudes held by the public towards prison and alternative punishments, and particularly how these are formed and changed.

During the lifetime of RCP the criminal justice system has been subject to a great deal of policy development and practice change by Government. The key elements of this are summarised in Annex A.

Planning the Initiative

Aims and Objectives

The overall aim of RCP has been to raise the level of public debate about how to deal with offenders in the UK, and to explore public attitudes in this area in order to contribute to better policy making. Specific objectives were drawn up to guide RCP’s work.

In summary RCP has sought to:

- increase and spread knowledge among the public about the most productive use of prison and the effectiveness of alternative punishments such as Restorative Justice and other community penalties;
- establish good models of practice for actively involving the public in the criminal justice and penal system by stimulating new relationships and activity at local level between civil society groups on the one hand and the prison/criminal justice sector on the other;
- contribute a body of fresh policy ideas about crime and punishment, in particular rethinking alternatives to prison.

Ways of Working

In order to achieve these aims, there was a deliberate intention to bring about and undertake a wide range of activities that tackled the issue of punishment from many perspectives at once. This would involve exploring a variety of subjects, using a range of methods and operating at different levels.

Subjects

Here RCP’s aim was to consider prisons and other punishments from different angles including:

- the social: the impact of punishment on employment, housing and relationships including its links with violence;
- the economic: the fiscal costs of punishment and alternative approaches;
- the moral: how criminal justice observes human rights values and international standards;
- health: dimensions relating both to the physical and mental well being of offenders.
As well as the strong focus on alternatives, RCP set out to spread awareness of actual public attitudes (including those of sentencers) to punishment, to prison and to new perspectives such as prevention and Restorative Justice. While such attitudes are complex and inconsistent, research has consistently shown that they are much less punitive than is often supposed (see Chapter 2).

RCP also intended to concentrate on specific types of offenders of particular interest. These included:

- children and young people, who are subject to criminal punishment at a much earlier stage in the UK than most other developed countries;
- those addicted to drugs, who account for a high proportion of the prison population;
- women, whose rate of imprisonment has grown even more dramatically than men and whose offending profile seems much less serious;
- the mentally ill, whose detention in penal establishments is widely agreed to be unacceptable in a civilised society.

**Methods**
RCP’s intention was to undertake a multi-strand approach, which would include research (and publicity for research findings), and efforts to reach opinion formers, encourage greater public involvement in criminal justice, widen the debate to reach new audiences, and draw comparisons with developments in different countries.

**Levels**
RCP’s aim was to engage with a wide range of stakeholders: central and local government, the judiciary, academic and professional groups, politicians, community organisations, local activists, people working in the criminal justice field, and national and local media.

Turning these intentions into a deliverable programme of work took place during 2001. As well as the constraints of timescale (the original plan was for RCP to close in June 2004 after three and a half years) and funding (£3 million was originally earmarked for the project), the development of a workplan took account of the views of a variety of organisations and individuals who were consulted in the early months of the project. A major piece of work was also commissioned from the Centre for Social Marketing at the University of Strathclyde. Fortunately there was a good deal of common ground in the advice and recommendations made by the various parties with an interest in the development of RCP.

**Opening Event**
In December 2001 an event to launch RCP was held at the Tower of London. A total of 165 people attended, from the criminal justice and prison system, voluntary sector and Government. The launch helped make the project known to senior people in the criminal justice and voluntary sector. It also achieved the support of the Home Office, Prison Service and judiciary. The Home Secretary David Blunkett and Lord Chief Justice Lord Woolf were among those endorsing the need for a properly informed debate.

**The Profile of RCP**
Although the initiative had a distinct identity and name, it was initially intended that RCP would work almost entirely through funding other organisations, with more than three quarters of its £3 million budget to be spent on directed grants and commissioned work. Esmée Fairbairn Foundation’s role was to engender a debate, informed by facts, rather than to take or promote any policy position. At the outset, given the volume of statistics, research and policy analysis available, RCP decided...
that it would not be necessary to fund or undertake a comprehensive inquiry into the role of prison and alternatives, although some specific inquiries relating to the theme were planned.

As the initiative developed, and certain themes started to emerge from the funded work, the importance of communicating the learning both within the criminal justice field and beyond became clear.

How RCP Worked in Practice

The work undertaken by RCP initially comprised three dimensions: grantmaking, commissioned research, and dissemination. These are not mutually exclusive – some grants were awarded for research activity and most funded projects sought to disseminate their findings. A useful way of conceptualising the initiative as a whole is shown in Figure 2. During 2002, Esmée Fairbairn Trustees and the RCP Supervisory Board decided that there was a need to address some substantive issues concerning alternatives to prison. This led to the establishment of a major independent inquiry into alternatives to prison, which was undertaken by Lord Coulsfield.

Figure 2: How the RCP budget was allocated

Grantmaking

The centrepiece of the project has been a directed grantmaking programme to improve the quality and accessibility of information about crime and punishment, and to increase public involvement with the criminal justice system and prisons. A wide range of voluntary organisations, some already funded by Esmée Fairbairn Foundation, were invited to undertake work designed to meet one or more of RCP’s aims. Using the results of research and expert advice, criteria were drawn up for pieces of work and organisations to be funded which would contribute to achieving the project’s objectives.
A total of 57 grants were made over the period, including a major grant to the Police Foundation to undertake Lord Coulsfield’s inquiry. Most of the grants met the full costs of projects, although in several cases additional funding was obtained from other sources. A full list of grants is at Annex B. The grants fall into six main categories, which are listed below with examples.

**RESEARCH**

- **C-Far Evaluation.** A study of the impact of an 11-week residential programme for young adult offenders in Devon.
- **The Decision to Imprison** (Prison Reform Trust/South Bank University). An analysis of the increasing use of prison sentences for adults in England and Wales.
- **The Reputation of Alternatives** (Henley Management College). A study of what magistrates and members of the public think about community based sentences and how they might be improved.
- **Rethinking Child Imprisonment** (Children’s Rights Alliance). An analysis of conditions in young offender institutions in England and Wales.
- **What Works?** (Civitas). A review of research on the effectiveness of prison and community based programmes to reduce reoffending.

**CAMPAIGNS**

- **Making Justice Relevant** (Restorative Justice Consortium). Explaining Restorative Justice to trade unions and professional groups.
- **Out for Good** (PRT/Nacro). Highlighting the housing and employment problems facing offenders coming out of jail.
- **Prison Film Festivals** (University of Central England). Three weekends of screenings, discussion and debate centred on prison movies.
- **Prisoners’ Sunday** (Prison Advice and Care Trust). Information packs for clergy to use in sermons and events around Prisoners Sunday.
- **SHAPE –The Youth Crime Debate** (Children’s Charities). A campaign to highlight the links between child neglect and delinquency and to promote prevention and community based solutions.
- **Using Women** (Drugscope). Highlighting the addiction problems of women in prison and promoting treatment.
- **Votes for Prisoners** (Prison Reform Trust). Calling for sentenced prisoners to be able to vote in elections.

**EVENTS**

- **Crime Days** (Common Purpose). A series of meetings, visits and discussions on criminal justice for opinion formers in private, public and voluntary sectors.
- **European Youth Justice** (Children Law UK). A one day event on lessons from youth justice in Finland, the Netherlands, Scotland and Spain.
- **Getting Offenders into Work** (Bridging the Gap). A one day event at Reading Prison for local employers.
- **International Attitudes to Punishment** (South Bank University). A one-day conference of experts looking at public attitudes and how to change them.
- **International Perspectives on Prison** (Open University). A two-day conference on historical and contemporary uses of prisons.
Chapter 1: Rethinking

### INQUIRIES

- **Costs** (University of York). A study of what an economic perspective can bring to the crime debate.
- **Women and the Criminal Justice System** (Fawcett Society). A study of how the criminal justice system deals with women as victims of crime, offenders and employees.

### INVOVLEMENT

- **Bridging the Gap** (Hooper-Walker). Work with prisons in London and Reading to improve employers’ awareness of what offenders can offer.
- **Employment Inside and Out** (Inside Out Trust). ‘Seeing is believing’ events in seven prisons for employers and local opinion formers.
- **Local Crime Community Sentence** (Magistrates Association/Probation Boards Association). Presentations by magistrates and probation officers to local people to explain what community sentences involve.
- **Thames Valley Partnership**. Projects to promote Restorative Justice in schools, local neighbourhoods and prisons.
- **What Can I Do?** (RCP, Prison Advice and Care Trust, Churches Criminal Justice Forum). An information pack listing volunteering opportunities in criminal justice.

### OTHER

- **Access All Areas: Young People’s Ideas on Crime** (YMCA). Consulting young people about the best ways of dealing with crime.
- **Attitudes to Offending and Education** (Ecotec/Nottingham Trent University). Exploring the attitudes of the public, magistrates and teachers to the education needs of young offenders.
- **Case Study Project** (Staffordshire Probation Service). Training ex-offenders to tell their stories in the media.
- **Policy and Communications on Mental Health** (Revolving Doors Agency). Developing and communicating policy proposals about offenders with mental health problems.
One important feature of RCP has been the extent to which a close and engaged relationship was developed between the RCP Supervisory Board and staff on the one hand, and the funded projects on the other. A series of eight grantholder seminars were held, providing an opportunity for projects to exchange information on key themes including policy developments, the role of the media and evaluation. RCP has also been involved on the steering groups of key projects and provided assistance with communication, enabling projects to disseminate their findings as part of a larger body of work.

Commissioned Research
The grantmaking programme has been underpinned by ten pieces of commissioned research, listed at Annex C. The purpose of the research has been threefold. The first was to build on existing knowledge about the use and impact of prison and alternatives, and in particular the attitudes held by the public, how these are formed and might be modified over time. Second, RCP also commissioned specialist advice on the best ways of informing, influencing and involving the public, targeting the grants programme, effectively disseminating the facts and learning from the project. Third, RCP itself undertook research into key issues that warranted particular attention. These included the links between drug misuse and offending and the specific question of foreign national ‘drug couriers’.

The most significant pieces of research which guided the work of the project included:

- a study by the Centre for Social Marketing at the University of Strathclyde in identifying what needs to be done to encourage change in attitudes to crime and punishment;
- a study, *The Decision to Imprison*, into why the prison population has risen so sharply, undertaken by Professor Mike Hough and colleagues at South Bank University as part of a grant awarded to the Prison Reform Trust;
- surveys of public attitudes undertaken by MORI at the outset of the project.

These are summarised at the end of this chapter.

Disseminating Learning
Complementing the grantmaking and research programme has been a phase of work designed to disseminate emerging learning from the project. This has involved engaging with policy makers, practitioners and other interested parties through seminars, meetings and written submissions; the publication of a series of rethinking briefings and a variety of other reports (listed at Annex D); and the implementation of a communication strategy to establish RCP’s profile with the media. A website (www.rethinking.org.uk) was established, averaging 3,000 hits per month.

The Alternatives Inquiry
RCP started from the premise that prison should be used as a last resort because of its social costs and that non-custodial measures can work at least as well if not better. The original focus of RCP on public attitudes assumed that a satisfactory range of alternatives to prison is available to courts and that it is the climate of opinion that has become harsher and needs to change. This position was to an extent confirmed by *The Decision to Imprison*, which found that tougher sentencing practice has come about through an increasingly punitive climate of political and media debate; legislative changes and new guideline judgments; and sentencers’ perceptions of changes in patterns of offending. The research also found that sentencers were satisfied with the quality and range of community penalties and with the management and enforcement of these sentences. They claimed not to be sentencing people to prison for lack of satisfactory or appropriate community options.

There were, however, widespread concerns among sentencers that the Probation Service, responsible for many of the alternatives to prison, is under-funded. This was seen to have repercussions for the availability and timeliness of pre-sentence reports.
Chapter 1: Rethinking

and for the supervision of offenders on community sentences. The Strathclyde research had found that community sentences do not enjoy the confidence of sentencers because of patchy provision, inferior credibility, poor administration and weak communication with the courts. Similar concerns among Esmée Fairbairn Trustees and RCP Supervisory Board members, and a concern that the content of community punishment programmes could be improved, led to the suggestion of an independent and wide ranging inquiry into the adequacy of alternatives. Although the idea of a comprehensive inquiry had been rejected at the outset of RCP, the Strathclyde marketing plan argued for “independent structures to debate the strategic direction of sentencing policy e.g. by establishing independent think tanks or fora to re-engage with fundamental questions”. By the middle of 2002 the prison population was rising very sharply indeed and the public and political debate had taken a harsh turn.

RCP therefore decided to set up a commission of inquiry, under the day-to-day management of the Police Foundation, an organisation which had previous experience of running inquiries, most notably the Independent Review of the Misuse of Drugs Act chaired by Dame Ruth Runciman. The inquiry was chaired by Lord Coulsfield, a retired Scottish High Court Judge, supported by five Commissioners: Marcel Berlins, legal journalist and broadcaster; Cedric Fullwood, member of the Youth Justice Board and retired Chief Probation Officer; Andrew Fleming Williams, retired businessman active in penal reform; Angela Sarkis, consultant on diversity and member of the Correctional Services Board at the Home Office; and Annabella Scott, member of the Youth Justice Board and magistrate. A summary of the inquiry is included in Chapter 9.

Developing the Programme

Mori Research

In February and May 2001 RCP asked Mori Social Research to undertake two waves of desk research about public attitudes. The detailed findings of all of RCP’s work about public attitudes is contained in Chapter 2. The particular importance of this initial work was in confirming the complexity of attitudes, the apparently contradictory findings from polls and surveys, and the crucial importance of the precise wording of the question asked. The research concluded that although people were less ‘pro-prison’ than anticipated, ‘top of the head’ attitudes are strongly in favour of tougher measures. These in turn are based on limited and inaccurate knowledge: in some circumstances at least, courts are tougher than people think they are and tougher than people are themselves. The research also shed light on the demographic influences on attitudes and on the factors that shape people’s attitudes.
Mori concluded that alongside knowledge, Government policy, the political debate and the media play an important role. Attitudes to prison are affected by what people think is the purpose of punishment. Mori’s research review identified a range of different possible purposes: to educate and reform, give offenders their just deserts, to act as a deterrent, take offenders out of circulation, or be used as a moralising platform. This suggested that to make people more supportive of alternatives there was a need either to challenge underlying attitudes about the purpose of punishment so that they move towards rehabilitation or to persuade people that alternative punishments are as effective as prison at delivering just deserts, deterrence and taking people out of circulation.
The Strathclyde Research

In August 2001, RCP asked the Centre for Social Marketing (CSM) at the University of Strathclyde to apply marketing theory and techniques to the question of how to reduce imprisonment. CSM analysed the main drivers of the prison population and concluded that:

- reducing crime might not directly impact on prison numbers;
- sentencing policy and practice have a direct impact; the courts have become more punitive;
- the political dimension has to be addressed;
- public demand for imprisonment relates to fear of crime and dissatisfaction with the criminal justice system;
- fear and dissatisfaction are increased by media coverage, which in turn encourages political and judicial responses that sustain high prison rates;
- historical trends suggest public punitiveness may be on the cusp of change;
- community sentences do not enjoy the confidence of sentencers.

CSM also analysed the needs and characteristics of the various groups that play a role in crime and punishment. These include:

- the decision-makers: politicians and the judiciary;
- the implementers: the prison, probation, police and voluntary sector;
- the influencers: the media and the public.

Stakeholder Groups

CSM concluded that reducing society’s attachment to the use of prison as a response to crime is an extremely challenging task that will take many years. The marketing challenge is a twofold one of ‘demarketing’ prison and marketing non-custodial alternatives. CSM proposed a plan with four specific aims:

i. to improve public experiences of the criminal justice system;
ii. to reinvigorate debate about the purpose of sentencing;
iii. to reduce demand for prison across all stakeholder groups;
iv. to market alternatives to prison.

The Decision to Imprison

One piece of work suggested by the Strathclyde research was commissioned immediately: a rigorous investigation into the causes of rising custody rates in the UK. The research, undertaken by Professor Mike Hough and colleagues and published in 2003 as The Decision to Imprison: Sentencing and the Prison Population certainly generated agreement among stakeholders about the causes of increasing prison rates. It concluded that policies to restrict prison numbers should involve three levels of intervention:

- adjustment to the legal and legislative framework of sentencing so as to bring down custody rates and sentence lengths;
- softening the climate of political and public opinion;
- improving understanding of the range of non custodial penalties.
However, the report concluded “none of these interventions is likely to meet with much success unless there is clear political will to stop the uncontrolled growth in prison numbers, and visible consistent, political leadership in stressing the need to do so”.

**Implications for RCP**

RCP found a great deal of value in these research reports, in particular a sensible analysis of the issues and a number of ideas, which were subsequently taken forward via the grant making programme. For example the Mori work confirmed the potential value of increasing public understanding of actual sentencing practice, while *The Decision to Imprison* identified the importance of improving understanding of the range of non custodial penalties.

Lord Coulsfield’s inquiry, Civitas’s research and the Justice inquiry into Restorative Justice have all helped to reinvigorate debate about the purpose of sentencing as suggested by Strathclyde. The campaigns to highlight the needs of children, women, drug users and offenders with mental health problems have all sought to reduce demand for prison for these groups. The Probation Case Study project and Local Crime Community Sentence have served to market alternatives to prison. Some of the Strathclyde recommendations, such as those relating to improving public experiences of the criminal justice system went well beyond the remit of RCP. But even here by funding the *What Can I Do?* pack, the Common Purpose crime programme days and other work to encourage public involvement in criminal justice, RCP has been able to play a role.
Chapter 2
Public Attitudes

“Everybody thinks our system is becoming soft and wimpish. In point of fact it’s one of the most punitive systems in the world.”

Lord Bingham

Given RCP’s focus on public attitudes to prison and alternatives, it is not surprising that much has been learned both about what people really do think is the best way to deal with offenders and how attitudes can be changed. The research we have commissioned and the projects funded include three opinion polls conducted by Mori; four substantial research studies; and a number of projects whose primary focus was to impact on public attitudes, in part through the provision of information. These include the Local Crime Community Sentence project (LCCS) in which presentations are made by magistrates and probation staff to community groups; the Case Study Project, which trains ex-offenders to appear in the media; Crimeinfo.net, which has created a website designed to provide accessible, accurate and objective information to the public on crime and criminal justice issues; the Common Purpose project, Broadening the Debate, which has aimed to deepen the understanding and quality of debate about crime and punishment amongst leaders in the UK; and other projects that have sought to raise issues with particular groups: churchgoers, trade unions, professional groups and parliamentarians. The Prison Film Project organised weekend prison film festivals in three cities to stimulate debate and discussion. RCP also produced its own guide: What You Really Need to Know about Criminal Justice.

RCP’s work has identified important lessons in four main areas:

- what the public actually think;
- what lies behind the variability of attitudes of individuals;
- the role of the media;
- how attitudes can change.

What the Public Actually Think

Perhaps the most important finding from the work funded by RCP is that although public attitudes are complex, sometimes contradictory and often highly dependent on the wording of poll questions, they are in general much less punitive than is often thought to be the case. The analysis undertaken by Strathclyde University suggested that the general public have lost confidence in criminal justice and are looking instinctively for a simple and robust solution. They want safety, and fear produces punitiveness. They value a simple approach in which wrong-doers are punished. Public attitudes are full of contradictions but support effective prevention. They are more lenient towards cases where an offender’s decision-
making may have been affected by drugs or mental illness, or where effective preventative action could be taken. RCP’s work has tended to confirm this initial analysis with four particularly significant sets of findings.

First, it is clear that there is a good deal of support for prevention.

Asked to choose from a list of options two or three measures which would do most to reduce crime in Britain\textsuperscript{1} 60\% of people say better parenting, 55\% more police, 45\% better school discipline and 41\% more constructive activities for young people (figure 4). When we asked in 2001 how the public would spend a notional £10 million on dealing with crime, the most popular option was to set up teams in 30 cities to work with children at risk\textsuperscript{2} (figure 5). Nearly three quarters of people think schools and colleges have an important role in preventing young people from offending and re-offending, with teachers seen as more important in this regard than police, courts or custody\textsuperscript{3}.

Second, there is a good deal of scepticism about prison.

About half of the members of the public surveyed think that offenders come out of prison worse than they go in and a third don’t know\textsuperscript{1} (figure 6). Only 2\% choose to spend the notional £10 million on prison places\textsuperscript{2}. When asked how to deal with prison overcrowding, building more prisons is the least popular option with the support of only a quarter of people (figure 6). This reflects the finding that only one in ten people think more offenders in prison would do most to reduce crime in Britain\textsuperscript{1}.

Third, there is a desire for better alternatives.

To deal with prison overcrowding more than half of the public would prefer tougher community punishments to be developed\textsuperscript{1}. Nine out of ten of those surveyed in 2002 agree that there should be more use of intensive community punishments to keep track of young offenders\textsuperscript{3}. Focus group research by Strathclyde University found that people want non-custodial sentences that make offenders pay back and learn their lesson\textsuperscript{2}. Research on the reputation of alternatives to prison found a need to benefit victims, communities and offenders.

Fourth, there is support for treating rather than punishing underlying problems.

More than half of the public think that the best way of dealing with prison overcrowding is to build more residential centres so that drug addicted offenders can receive treatment (figure 7)\textsuperscript{1}. In focus group research, “almost all respondents, including tabloid readers, adopted liberal positions on the issue of drug crime and felt strongly that drug users should be treated rather than punished”\textsuperscript{5}. For young offenders, education is seen as playing an important role. Two thirds of people agree (a third strongly) that under-18s who have offended and cannot read and write should receive compulsory education rather than custody\textsuperscript{1}. Ecotec’s research found that people think that preventing offending, rehabilitation and education are more important than punishment in dealing with young offenders.

These four findings might seem to be somewhat at odds with the prevailing wisdom about public attitudes. Evidence from some opinion polls suggests that people in Britain have harsher attitudes towards offenders than RCP’s work shows. However it is well established that people simply do not know how severe the system actually is, in terms of the use of, and the length of, custodial sentences. The Home Office has found, for example, that over half of people make large under-estimates of the proportion of adults convicted of rape, burglary and robbery who go to prison and recent research conducted for the Sentencing Advisory Panel confirmed this picture. Close analysis would suggest that there is something of a ‘comedy of errors’ in which policy and practice is not based on a proper understanding of public opinion, and public opinion is not based on a proper understanding of policy and practice. As the Home Office put it, “tough talk does not necessarily mean a more punitive attitude to sentencing”.\textsuperscript{6}

\begin{footnotesize}
\begin{enumerate}
\item Mori Omnibus poll 2003
\item Mori Omnibus poll 2001
\item Unlocking Learning, Rethink briefing 2004
\item Mori Omnibus poll 2002
\item What Do the Public Really Feel about Non-Custodial Sentences? Rethink briefing 2002
\item Home Office, Making Punishment Work 2001
\end{enumerate}
\end{footnotesize}
Chapter 2: Public Attitudes

Figure 4: Which two or three do you think would do most to reduce crime in Britain?

- Better parenting: 59%
- More police: 55%
- Schools: 45%
- Activities: 41%
- Programmes: 27%
- Death Penalty: 22%
- ID card: 19%
- Prison: 10%

Figure 5: If you could spend £10 million on dealing with crime what would you do with it?

- Teams to work with children: 31%
- 400 police constables: 27%
- 60 CCTV schemes: 10%
- Incentives for business: 9%
- Surveillance for 1,600 young offenders: 8%
- 5,000 offenders do community service: 5%
- Compensation for victims: 2%
- 400 offenders in prison: 2%
- Other: 1%
- Don’t know: 4%

Figure 6: To what extent would you agree or disagree with the statement 'Most people come out of prison worse that they go in'?

- Agree: 48%
- Neither agree/disagree: 30%
- Don’t know: 7%
- Disagree: 16%
Chapter 2: Public Attitudes

The International Crime Victims’ Survey is often taken to show that, in comparison with other countries, the British tend to want to use prison more readily. Using a burglary case study the survey found UK countries consistently near the top of the table in terms of preference for prison. On average 34% of respondents from 16 countries preferred prison, with a range of 56% in the USA to 7% in Catalonia. Just over half of the British sample opted for prison.

One explanation may be that people in the UK are unaware of what community sentences are available or what they involve. Social psychology suggests that to change minds and inform opinions, people need to know that there are viable alternatives. RCP’s work has confirmed the low visibility of community sentences. The Decision to Imprison found that some sentencers, let alone members of the public, were poorly informed about the full range of community penalties and about their benefits. Sentencers recognised that the general public were ill-informed about community penalties. Research on the role of the media in shaping attitudes found that most viewers had very little understanding or knowledge of alternatives to prison. Where it did exist, knowledge of retributive and rehabilitative elements of justice was much more evident than of Restorative Justice.

Henley Management College’s survey found that many people know little or nothing about prison alternatives. There is a particular lack of knowledge amongst the public about where community sentences have been successful. This causes many people to be unsupportive of community sentences, even though they know that prisons do not work. Ecotec found that, to the general public, community sentences lack a clear brand image in contrast with imprisonment, and are often seen as having ineffective coercive elements with insufficient overtones of both punishment and restitution.

The Lord Chief Justice has said “neither the public nor sentencers have sufficient confidence in the community alternative”. When the Home Affairs Select Committee published a report on alternatives to prison in 1998, they concluded that confidence was key: “Unless the public has confidence, far from reducing the prison population there will be calls for increasing it.” This has, to a certain extent, come to pass.

The communications challenge is to demonstrate that prison alternatives are capable of rehabilitating offenders while involving some element of punishment. Their ability to take account of victims’ views and contribute to community safety is also important to members of the community.

Figure 7: Which one or two of these measures would you most prefer to be used to deal with prison overcrowding?

<table>
<thead>
<tr>
<th>Measure</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build more residential centres</td>
<td>52%</td>
</tr>
<tr>
<td>Develop tougher punishments</td>
<td>52%</td>
</tr>
<tr>
<td>Release offenders early</td>
<td>28%</td>
</tr>
<tr>
<td>Build more prisons</td>
<td>27%</td>
</tr>
</tbody>
</table>

1 Wood, LCJ, Making the Punishment Fit the Needs of Society. Speech to Prison Service annual conference 5 February 2002
Variations in Attitudes

These aggregate findings clearly mask wide variations in attitudes. Strathclyde University identified three groups, which they referred to as:

- hangers and floggers;
- the moderate majority;
- liberals.

A review of psychological research for RCP looked at what might lie beneath the variety of attitudes to crime and punishment\(^1\). It found, for example, that in times of prosperity and optimism, attitudes to offenders are more sympathetic, and in times of economic crisis less so. Studies have shown that older people are more punitive than younger people and manual occupations more punitive than non-manual. RCP's own survey found that while more people are likely to see reducing prison numbers as a 'bad' rather than a 'good' idea in overall terms, the reverse is true among those in social classes A and B and those who read broadsheet newspapers\(^2\). People who fear crime are more likely to think courts are lenient and to advocate heavier sentences. Surprisingly, becoming a victim of crime does not seem to affect punitive attitudes.

There are also links between ideological beliefs and attitudes to crime. Studies, mainly in North America, have shown that highly religious people and those with a strong belief in a just world – the belief that good things will happen to good people and bad things will happen to bad people – held the most punitive attitudes to offenders. Not surprisingly, conservative beliefs – measured by agreement with statements endorsing ‘traditional’ social values – are linked with punitiveness and liberal political views with more lenient attitudes. When, in work undertaken for RCP, Mori asked if it was a good or a bad idea to reduce the prison population, they found that respondents intending to vote Conservative were more likely to think it a bad idea (53%) than Labour voters (45%) or those supporting other parties (37%)\(^3\).

Research carried out for the Coulsfield inquiry found sharply contrasting attitudes to punishment between the residents of two high crime areas. More punitive attitudes were prevalent in an area where residents felt a strong sense of rootedness but experienced increasing disorder in public space and a lack of optimism about the future. Less punitive attitudes were present in an area with more of a sense of social control and safety (even where crime rates were equally high). In both areas most residents were positive about the idea of offenders moving out of crime and going on to lead useful lives. The researchers conclude that there is reasonable public support for the idea that offenders should be allowed opportunities to redeem themselves, and that this is true in areas with high punitiveness as much as in other areas\(^3\).

The Role of the Media

In modern culture, the media might be seen to have taken over the role of primary storytellers, providing many of the signs by which people navigate the complexities of the social world. In general, the media often misrepresent the level of, and nature of, criminal acts. There are links between media consumption and fear of crime. People who watch television most tend to be most fearful, and watching crime programmes increases the desire to see offenders punished\(^1\).

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2. Mori Omnibus survey November 2001
Research carried out for RCP by the Open University looked at the role the media plays in shaping attitudes. It found that viewers often blur the boundaries between information and entertainment programmes. Crime stories, in different forms, are common and a pervasive part of most people's media experiences. A great deal of knowledge about criminal acts, policing and detection is gained from television. In contrast, the sample viewers recall very little knowledge about punishment. The public has high levels of ignorance about sentencing and negative attitudes towards sentencers who are seen as inconsistent and out of touch.

While television plays some part in forming opinions and attitudes, the Open University found that tabloid newspapers are more directly and noticeably influential in conditioning and reinforcing punitive attitudes, and in shaping punitive rhetoric, than television. Saturation coverage of specific (often extreme and unrepresentative) cases may be particularly important in shaping attitudes to crime in general. Viewers are just as likely to gain and recall information about criminal justice from dramas, especially soap operas, as from news, current affairs and documentaries.

### Changing Attitudes

Mike Hough and Alison Park’s analysis of a deliberative poll, in which a random sample of the public was exposed to a weekend of facts and argument about crime and punishment, found that information and discussion could trigger significant shifts in attitudes about the best ways of controlling crime. For example, 35% of participants initially thought that “sending more offenders to prison” would be a very effective way of reducing crime. After the weekend, only 20% took this view. While 50% initially thought that “stiffer sentences generally” would be a very effective way of reducing crime, when followed up ten months later only 36% thought the same. Support for community penalties was originally quite high and remained largely unchanged. Not all people adopted more liberal views after the event; some adopted tougher views. In general, people adopted less extreme views after the event, with a net shift in a liberal direction.

Ecotec found that information about the educational deficits of young offenders reduces popular support for custody. Focus group work conducted by Strathclyde University suggested that key message strategies to engage public support for non-custodial sentences include:

- instillation of responsibility and discipline;
- having to work hard, emotionally and physically;
- putting something back;
- paying back to victims;
- restriction of liberty and requirement to change behaviour;
- treatment of causes of offending.

Messages that focus on the costs of custodial sentences, the rising prison population, or humanitarian arguments are less persuasive.

The Open University found that deeply entrenched views are hard to dislodge but more reasoned responses to the complexities and purposes of sentencing arise when people are confronted with different perspectives and become aware of the gaps in their own knowledge. Focus group discussions suggest the ways in which viewers discuss their media experiences in everyday life. In every focus group, discussion participants, including the most vociferously punitive, worked through some of the contradictions in their views and opinions.

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1 Media and the Shaping of Public Knowledge and Attitudes Towards Crime & Punishment. Rethink briefing 2003
The Henley Management College research concluded that building support for alternatives to prison requires an approach of communicating positive stories about performance with offenders from the perspective of victims and communities. This is not simply a question of public relations.\(^1\)

The actual work undertaken with offenders outside prison must afford a higher priority to the interests of victims and local communities.

This finding was mirrored in a small-scale study conducted for RCP by the Scottish Council Foundation which identified the values which people consider important if criminal justice is to meet the public interest. Sir Anthony Bottoms’s research for the Coulsfield inquiry also found “a high degree of potential support for community penalties even in a high punitiveness area”.\(^2\)

In practical terms, RCP has supported a number of projects which show how attitudes can be changed and confidence increased. The Local Crime Community Sentence initiative (LCCS) found that presentations by magistrates and probation staff about community penalties can change sentencing preferences\(^3\)(figure 8).

**Figure 8:** Number of people opting for prison or alternatives before and after the case study presentations in the Local Crime Community Sentence pilot areas (aggregated data from Evaluation by CCJS 2003)

![](chart.png)

**Implications for Policy**

If members of the public are inclined to exaggerate the extent and gravity of crime on the one hand, whilst under-estimating the nature of sentences on the other, then something should surely be done to correct such misunderstandings. Moreover, if the very same misunderstandings then go on to influence criminal justice policy formation, then the need to inform public opinion arguably becomes more pressing still. Suggested below is a strategy aimed at impacting both on the attitudes which people may hold for *instrumental reasons* (‘more prison keeps me safe’) and those which are held for *expressive reasons* (‘more prison gives offenders what they deserve’). The strategy comprises three prongs: to *inform*, to *influence* and to *involve* the public.

**To Inform**

Communicating accurate and accessible information about crime, the options available to the courts, and their effectiveness and costs must be the cornerstone of a strategy to raise the level of debate.

Research carried out for the Home Office Sentencing Review found that it was possible to raise levels of knowledge through printed information, a video and attendance at a seminar. The ‘informed public’, who had been given key facts, were less punitive in their sentencing preferences than the general public. The Halliday Review recommends that the Home Office should be required to disseminate

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1. The *Reputation of Alternatives to Prison*. Rethink briefing 2004
information about the effectiveness of sentencing as part of its duties under section 95 of the Criminal Justice Act 1991, and should consider ways of increasing public knowledge about how sentencing is intended to work and how it is working in practice.

The Local Crime Community Sentence initiative (LCCS) involves probation officers and magistrates making presentations to community groups such as victim and witness support volunteers, neighbourhood watch groups, Citizens Advice Bureaux and black and minority ethnic (BME) groups. A complete toolkit is now available to all probation areas. At its launch in June 2003, The Lord Chief Justice spoke of the significance LCCS had had in demonstrating that public attitudes could be moved to increase confidence in the effectiveness of community penalties. It is hoped the scheme will be nationwide within a couple of years.

To Influence
As well as informing what people know about youth crime and young offenders, there is a need to influence how people feel about the subject.

Indeed, attitudes are formed on the basis of what people think and what they feel. There is good reason to suppose that however compelling the content and logic of information, attitudes to crime contain a strong emotional element. This may be based on personal experience.

Influence is also needed to counteract the effects of the media. While simple information may be sufficient to dispel common myths, more work needs to be undertaken to identify the impact that different messages have on the public. Reformers have often produced information about the costs of incarceration, assuming that people will be sufficiently shocked to find out that it costs £35,000 a year to keep someone in prison that they will change their views about the desirability of doing so. However, American evidence suggests that for the general public cost may be a marginal issue if they think they are involved in a ‘war on crime’. For some, the lesson may be that prisoners should be kept in more spartan and inexpensive conditions, whilst for others:

‘Jail is cheap at the price; just think of how much more it would cost repeatedly arresting and processing and trying and monitoring him on probation or on community service, which won’t work anyway’.

It is therefore crucially important to promote viable alternatives to criminal prosecution and penal custody. Restorative and reparative disposals, for which surveys suggest there is a sizeable baseline of support, seem particularly ripe for promotion.

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1 Marrin, M The ugly truth is that Britain must build a lot more jails, Sunday Times 10 March 2002
To Involve

The third strand of the strategy to promote positive change in attitudes is to encourage greater public and community involvement in the criminal justice system.

There are a number of reasons for supposing that involvement will not only help to inform and influence attitudes but might bring about a more fundamental shift in the way people think about crime.

Two insights from social psychology suggest that increasing involvement can impact forcefully on attitudes and might therefore be a way of producing more positive opinions towards offenders. First, the so-called ‘contact hypothesis’ argues that prejudice can be reduced through contact between groups, but only under certain circumstances: when the contact is intensive and frequent, has support from the leadership of the groups involved, and where groups are of equal status. These are problematic but not impossible criteria to meet when one of the groups consists of offenders. Second, there is evidence that people who express emotional attitudes to an abstract issue (crime) may develop different attitudes when given responsibility for solving a practical problem in the real world (an individual offender). Attitudes and behaviour are often not closely related. The more people are involved in direct work with offenders the better. RCP’s efforts to increase community involvement are described further in Chapter 3.

**KEY RECOMMENDATIONS**

Political leadership should be exercised to emphasise the goal of reducing the prison population while promoting the value of alternatives to prison.

A major public education campaign about community penalties is needed; the Government should set up a specific media marketing campaign on alternatives to prison, drawing on lessons from RCP.
Chapter 3
Community Involvement

The aims of RCP included the establishment of good models of practice for actively involving the public in the criminal justice and penal system. We have sought to stimulate new relationships and activity at local level between civil society groups and the prison/criminal justice sector.

This dimension of the initiative has taken three main forms. First, we have encouraged participation and involvement by individuals and organisations not normally engaged with prisons or alternatives. Second, we have funded specific work to encourage employers and businesses to become more involved with prisons. Third, we have funded a small-scale research study about arts activity in prison and how it might impact on wider public attitudes. The main findings of the work and implications for policy are summarised below.

Community Involvement

The Thames Valley Partnership’s Confidence in Justice project has included work with Reading Borough Council, HMP Reading and local probation and youth offending teams. This has led to groups of young offenders renovating a public park identified as a priority by local people. This work has shown the value of local authorities and local residents identifying how offenders can pay back to local communities and the scope for increasing community involvement.

Involvement by individuals has been encouraged by the two grants made to the Prison Advice and Care Trust (PACT) for a Prisoners’ Sunday Parish Pack. The pack was sent to all Catholic Parishes in England and Wales. All Anglican Parishes were informed of the pack’s availability and encouraged to order a copy and to focus their day’s worship on 17 November 2002 on prisoners and their families. PACT were greatly encouraged by the take-up rate, with 600 Anglican Parishes making use of the pack. Many other denominations also ordered the pack, including Methodists, Baptists and Evangelical Free Churches.

As a result PACT saw a significant increase in enquiries regarding how individuals and groups within churches might become more practically involved in supporting prisoners and their families. There was a great deal of very encouraging feedback on the pack, with many people seeking assurance that the pack would be re-published on a yearly basis.

In part as a result of this, PACT, in conjunction with the Churches Criminal Justice Forum and RCP produced and published What Can I Do?, a booklet outlining opportunities for individuals to become involved in the criminal justice system, as magistrates, mentors, lay visitors or members of monitoring boards. The booklet has proved very popular at the wide range of events, exhibitions and meetings attended by RCP.

Other RCP projects have led to increased participation. Common Purpose has included criminal justice in its database of civil leadership opportunities www.JustDoSomething.net, and their strengthened crime programme days have led to participants:
applying to become magistrates; 
joining the police; 
revising employment guidelines in respect of ex-offenders; 
offering research capacity to a local prison governor; 
offering training to released prisoners.

Many participants have extended the debates experienced on Common Purpose programme days into the local communities where they live and work.

Survey work carried out by Ecotec to establish the attitudes of magistrates, teachers and the public to the education of young offenders also found that relatively large numbers of the public were interested in volunteering to work in this field.

Given the interest of this kind, and the success that Youth Offending Teams have had in recruiting more than 5,000 volunteers to sit on Youth Offender Panels (which agree programmes for first time young offenders), there seems to be scope for extending the opportunities for members of the public to decide the kind of unpaid work in the community to be undertaken by other types of offenders.

**Prisons**

RCP has not been primarily concerned with what happens inside the walls of prisons. Its focus has been on the way prisons should be used, possible alternatives to them, and on encouraging members of the community to understand more about, and involve themselves more in, criminal justice.

RCP, however, funded several important projects concerned with the attitudes of local community members to prison and prisoners. The most substantial, Employment Inside and Out, a grant made to the Inside Out Trust, and Bridging the Gap, a project carried out by the Hooper Walker consultancy, have primarily been concerned with changing the attitudes of employers to ex-prisoners.

Encouraging public and community involvement in prisons is important for two reasons. The first relates to the values of transparency and participation that should underpin public institutions in a democracy. As closed institutions, prisons are designed to lock inmates away from the community. There will always therefore be difficulty in ensuring a proper and healthy level of public awareness of, and interest in, what happens to people in prison. A very small percentage of the population has been into a prison in one capacity or another. For the majority, their opinions on prisons are second-hand.

The second reason is more practical. All but thirty or so prisoners will be released back into the community at some stage. The majority of those who go to prison each year spend only a matter of months locked up. When they return, like everyone else they need somewhere to live, a source of legitimate income, healthcare and a social life. If the organisations and agencies that provide such opportunities and help are unwilling or reluctant to do so for ex-prisoners, the likelihood of a return to crime is considerably heightened.

Recent figures suggest that effective resettlement is a huge challenge. The 2001 Home Office resettlement survey found that 32% of prisoners were not living in permanent accommodation prior to imprisonment and last year 29% of prisoners left prison without accommodation arranged for their release. The Social Exclusion Unit (SEU) report *Reducing Reoffending* found that more than 80% of people in prison are unmarried compared to 39% of the general population. More than a quarter of prisoners have experienced a period in the care of the state as children. Lack of suitable and sustainable housing is a key problem. SEU found that most prisoners have highly disrupted experiences of school and leave with low basic skills. 52% of men and 71% of women have no qualifications.
The SEU report found that most prisoners have never experienced regular or high quality employment, with more than two thirds of prisoners unemployed in the four weeks prior to imprisonment (compared to 5% of the general population). Three quarters of prisoners do not have paid jobs to go to on release.

The Government has produced a national action plan setting out how it intends to support the rehabilitation and resettlement of ex-offenders. While the sixty action points agreed across Government should make an important impact, the attitudes towards ex-offenders held by the health, welfare and housing agencies and employers will be crucial if good intentions are to turn into local action. The RCP-funded campaign Out for Good sought to highlight accommodation problems facing prisoners.

**Attitudes of Employers**

Employment Inside Out (EIO) organised a series of seven events in English and Welsh prisons between March 2003 and June 2004. The aim was to engage people not usually associated with prisons, and to change attitudes by inviting employers and other key members of the community into prisons to meet ex-offenders and see the work they do and skills they develop whilst in prison. A further purpose of the project was to dispel commonly held myths about prison, and to inform the wider public about the realities of prison and prisoners and the contribution they can make to the community. Local and national media were encouraged to attend the events and report on the positive aspects of what prison can achieve, whilst asking what could be better provided by the community.

**Figure 9:** Delegates attending open days organised by the Employment Inside and Out Project

<table>
<thead>
<tr>
<th></th>
<th>Total no. of delegates (69)</th>
<th>Employers (266)</th>
<th>Opinion formers &amp; stakeholders (192)</th>
<th>Press (29)</th>
<th>Could not attend but wanted more info (83)</th>
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<tbody>
<tr>
<td>Total no. of delegates</td>
<td>69</td>
<td>70</td>
<td>71</td>
<td>68</td>
<td>72</td>
</tr>
<tr>
<td>Employers</td>
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<td>35</td>
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</table>
The events aimed to present evidence to demonstrate that, given encouragement and training, ex-offenders can change their behaviour and become citizens with a role and a stake in the society to which they will shortly return. The overall aim was to develop a more realistic and positive view of offenders and a consensus that getting them into work was good for everyone. The project produced a video, *Unlocking the Future*, and good practice guide.

Hooper-Walker’s role on behalf of RCP has been to encourage prisons to have a more positive and proactive role with the local community, with the intention of impacting on public attitudes to those imprisoned and those being released back into the community. A major initiative was organised at HMP Reading and further work undertaken jointly with the High Sheriff of London, to increase business involvement in prisons in the capital.

Almost 500 delegates attended the seven EIO events, more than half of whom were employers. A further 55 employers attended an open day at Reading Prison in February 2004.

**Findings**
The key findings of these projects are contained in the report *Turning Prisoners into Tax Payers* and fall into six categories.

**First, from the point of view of the prison, community interest and involvement is of value largely in terms of the concrete resettlement opportunities they bring.**

Raising the level of debate about prison may be of secondary interest, but the main reason for getting employers on board is so that they consider taking on prisoners either as part of a pre-release programme or, even better, employing them on release. Both projects have demonstrated to prisons that employers are impressed when they see prisoners learning new skills and taking on considerable responsibilities. It is hoped that this will, in some prisons, contribute to policy decisions ensuring that, wherever possible, prisoners are given challenging, fulfilling work to do, rather than carrying out repetitive production line tasks that create income for the prison but do little for prisoners’ self-esteem or motivation to get a job on release.

**Second, getting employers to attend events like this takes a lot of time and effort.**

The overall acceptance rate was approximately 10% – well above average for direct mail sent cold. Predictably, those already working in the criminal justice arena were most keen to attend. Employers needed more persuasion.

**Third, there was a lot of interest on the part of employers who did attend.**

Some employers offered jobs to prisoners within a few days of the event. Others offered employee-volunteering schemes, help in setting up a job club, basic skills training and job interview training. A need emerged to work with particular groups of employers to develop employment and training opportunities. Local authorities and other public-sector employers need to be persuaded to lead by example and employ ex-offenders in the local community, and also to encourage their sub-contractors to do the same.
Chapter 3: Community Involvement

Fourth, there is a need to remove some of the institutional barriers that make it harder for ex-offenders to find jobs.

This could be done by:

- persuading employers to change application forms to clarify what happens when someone with a criminal record is asked to declare it;
- revising corporate social responsibility guidelines so that they encourage the employment of ex-offenders;
- working with Jobcentre Plus to monitor the impact of incentives to employment staff to place ex-offenders in jobs.

Fifth, employers suggested that taking on an ex-offender would be more possible if certain practices were adopted. These included:

- a phased start on day-release, with half the statutory probationary period carried out while still in prison, the remainder on release;
- evidence of skills learned and achievements made while inside. A practical solution might be for prisoners to have a small book that shows the courses they complete, responsibilities held or skills gained while inside;
- personal references from prisons, signed by the Governor and/or workshop instructor, saying what technical and interpersonal skills prisoners had developed/demonstrated while working in the prison workshop and any responsibilities held. A reference was preferred to a certificate;
- less use by prison staff of jargon, which can be exclusionary.

Finally, it was clear that prisons need to address employers’ concerns if they want to engage them.

This has two dimensions, involving casework and strategic development. On the casework front, given the risks and potential difficulties involved, employers are looking for continuing support and advice to be made available to those taking on people direct from prison. Whether this is provided by prison staff, probation officers or the voluntary sector is less important than that it is done.

Regarding strategic development, when an open day event is organised it is vital that the follow-up work is thoroughly managed. In Reading a principal officer has been given the responsibility of following up all leads with consultancy support. In other prisons the head of resettlement undertakes this role.

There is a strong case for prisons employing a part-time/full time Employer or Business Coordinator whose primary objective would be to bring employers into prisons. Without such a post the valuable impetus gained by Employers’ Days and other one-off events will lose its focus. Employers will fall away if they are not suitably supported.

Arts in Prison and Public Attitudes

Given Esmée Fairbairn’s history of funding arts projects in prisons, it seemed sensible to consider what, if any, role such projects play in changing public attitudes. RCP wanted to find out more about the ways in which the arts influence perceptions of prisons, alternative punishments and the offenders who serve these sentences. We were particularly keen to know how far the arts can help to raise awareness, provide information and education and challenge assumptions and stereotypes. We wished to look at arts activities undertaken by offenders within prisons and other criminal justice settings. By arts activities, we included theatre, music, visual arts, combined arts and creative writing, and for this exercise excluded film, television, radio and new media.
We therefore commissioned a piece of work which sought to answer the following questions:

- does arts activity involving offenders as participants influence the attitudes of audiences or those otherwise engaged in the treatment?
- if so, what kind of influence takes place and how long does it last?
- are there particular kinds of activity that are particularly influential?
- are there particular kinds of audience that are particularly open to influence?

The research, conducted by Phyllida Shaw, Keith Allen and Julie Hall, focused on arts activity with recreational and/or educational aims. This could include studying an arts subject as part of an educational curriculum, watching a performance by a visiting arts company or taking part in a project led by professional artists (e.g. singers, painters, writers, dancers, actors) lasting anything from a few hours to several months and in rare cases more than a year.

The research, published as the RCP briefing *The Art of Rehabilitation*, found that while the impact of arts activity on individual participants and upon the institutions in which they are held can be considerable, levels of awareness and understanding of the role of the arts in rehabilitation remain low, both among those working in the criminal justice system and among the wider public.

The report found that:

- offenders should have opportunities to engage in artistic activities as part of the regime in prisons;
- participation in an arts activity can have direct and indirect benefits. An increase in writing or drawing skills would be a direct benefit. Learning how to work as a team, or increasing self-confidence, as the result of taking part in an arts project would be an indirect benefit;
- public awareness of the purpose and range of arts activity in prisons is very low and both arts providers and prisons are wary of seeking to raise it, for fear of a negative response;
- there need to be more opportunities for enabling local residents, including the judiciary and journalists, to observe and learn more about the role of arts in the criminal justice system;
- evidence of the positive impact of arts activity on offenders is not systematically collected and more studies are needed.

**KEY RECOMMENDATIONS**

Local people should be encouraged to play a greater role in the work of prison, probation and youth offending services.

Business Sector Coordinators should be employed in every prison to maintain positive relationships with local employers.

The different parties involved in the arts in the criminal justice system need to work more closely together to increase the range, quantity and quality of activity.
Chapter 4
Restorative Justice

Restorative Justice (RJ) describes an approach that seeks to repair the damage caused by an offender’s crime through dialogue and negotiation involving the offender, the victim and the wider community.

RCP funded nine projects that explored the potential of RJ, and series of seminars looking at the related question of victims’ and defendants’ rights.

The most significant project was the inquiry into RJ undertaken by legal reform organisation Justice, the findings of which were published in the report *Restorative Justice: The Way Ahead*. The report describes how victim-offender mediation, restorative conferencing and sentencing circles are widely used in Austria, Australia, New Zealand, Norway and the US. The report suggests that if carefully implemented, RJ could provide a framework within which the criminal justice system in England and Wales can move away from over-reliance on punitive imprisonment.

There is already considerable enthusiasm for RJ within Government and social work practitioners. RJ is firmly embedded in youth justice and is widely used with children subject to final warnings, who hear directly about the effect of what they have done and are given a chance to make good. Similarly, Youth Offender Panels dealing with under-18s who plead guilty for the first time in the Youth Court can enable victims to meet the offender. The panel’s decision takes the form of a contract agreed by the participants rather than a sentence imposed by the court. Panels display the other key elements of RJ: community involvement in the form of the volunteer panel members and a highly participative process.

There are already restorative elements in the adult criminal justice system too. Magistrates’ courts are required to consider whether to make a compensation order in each case they hear, although Home Office figures suggest orders are made in fewer than 15% of cases (and only 7% in the Crown Courts). Offenders carry out more than 8 million hours of unpaid work in the community each year. The rationale for the community punishment order, formerly community service, is that offenders should give something back to society to make amends for their offending. Also, courts can defer sentence to enable offenders to make reparation to the victim.

The Home Office has recently consulted on a strategy designed to extend RJ further in the adult system. The strategy would build RJ more systematically into the existing work of the Probation and Prison Services, and into new initiatives such as intermittent custody centres (where weekend imprisonment is available), and community justice centres, which will bring a local, problem solving approach to low level crime and disorder at neighbourhood level.

The Criminal Justice Act 2003 also contains important provisions with “the making of reparation by offenders to persons affected by their offences” defined as one of the statutory purposes of sentencing. The new conditional cautions in sections 22-27 of the Act give opportunities for RJ processes to be used as a condition of the
caution or as the decision-making process whereby rehabilitative or reparative conditions are agreed.

The courts too are taking an increasing interest in RJ. The Court of Appeal ruled last year that participation in a Restorative Justice conference could be taken into account when sentencing an offender. In R v Collins (Times Law Report 14th April 2003), the Court of Appeal reduced a sentence for unlawful wounding and robbery from seven years to five for an appellant who had taken part in an RJ conference (which was organised as part of a major research project in London Crown Courts). The victim and members of her family attended, along with members of the offender’s family. The Court of Appeal observed that RJ was by no means a soft option, and was designed to ensure effective sentencing for the better protection of the public. It concluded: “As it appeared to be going at least some way to achieving its purpose, it should be encouraged.”

One reason for the current interest in RJ is the growing body of evidence, largely from abroad, that it can meet victims’ needs more effectively than conventional criminal justice, reduce the rate of recidivism among offenders, and boost public confidence in the response to crime. The research does not show that RJ invariably works. Indeed, it is becoming clear that it is more likely to reduce re-offending in certain kinds of cases rather than others. The evaluation of the RISE project in Canberra, currently being replicated in the experiment in London Crown Courts, found the greatest impact in cases of violence. The effect on juvenile property offenders was much less pronounced and in cases of drunk driving, offenders involved in restorative conferences were slightly more likely to re-offend than those dealt with in court.

What this suggests is that RJ works best when an offender, confronted by the reality of the harm they have caused, is able to appreciate the wrong they have done, feel a sense of shame and express genuine remorse. This can be the start of a process of conscience building, which can bring about positive changes in both attitude and behaviour. Magistrates and others working with young offenders are all too familiar with the way bad behaviour can be justified through what the sociologist David Matza called techniques of neutralisation: “It wasn’t my fault”, “They were insured”, “They deserved it”, are examples of barriers to taking proper responsibility for one’s actions. RJ can remove those barriers. Where the harm is less palpable, as in cases of shop theft or drunken driving, being held accountable is likely to produce less of an impact or may even be counterproductive, because it increases a sense of unfairness or alienation.

The body of research is generally much more positive about the effects of RJ on victims. By being given a voice that is denied to them in conventional criminal justice, a chance to put questions to the offender and to express the hurt and loss they feel, victims are at best able to achieve what is called ‘closure’. This enables victims to put the crime behind them and psychologically move on. The evidence suggests most victims are satisfied with the experience of RJ but there are important lessons about the need to prepare victims properly and ensure that the restorative meeting is not centred on the offender. Expanding RJ is likely to provide better results for victims than some of the other measures recently introduced by Government to ‘rebalance the system’ in their favour.

These measures, and the need to balance the rights of victims with those of offenders, have been analysed in a series of RCP-funded seminars held by the Legal Action Group. A series of ten papers presented at the seminars have been published in a book, Reconcilable Rights. This concludes that victims of crime should be better treated by the criminal justice system but that this need not be at the expense of the rights of defendants. For example:

- victims need to be treated with greater understanding and respect at all stages of their case – by the police, the Crown Prosecution Service (CPS), the court, and prosecution and defence lawyers;
Chapter 4: Restorative Justice

- victims could benefit from having the legal right to be kept informed by the CPS about the progress of their case; they should also be given information to help them understand the trial process and the basis on which a decision on sentencing is likely to be made;
- victims and witnesses could be better protected against unwanted media publicity during the trial process, including in relation to assertions made about them during pleas in mitigation by the defence;
- opportunities for victim participation in the trial process could be explored, perhaps giving victims more dialogue with prosecution lawyers and access to relevant documents;
- compensation under the Criminal Injuries Compensation Authority should be made less restrictive.

If RJ is to assume a more central role in criminal justice, RCP’s work suggests that there will be important issues to be resolved. Five aspects seem particularly important.

First, there are basic questions about the role to be played by legal representatives in RJ processes.

Key to the whole philosophy of RJ is the idea that the offender and other participants should speak for themselves, rather than through others. Reconciling this with the requirements of due process and human rights is an important practical task.

The second related issue concerns the role of the court.

Agreements reached in RJ forums must properly respect the rights of offenders and victims. An agreement between an offender and victim will not always satisfy all that public interest demands.

If RJ were to be more deeply embedded in criminal justice, an agreement could be reached in a meeting to be put forward to a sentencing court for ratification, as happens in New Zealand and parts of Canada. The court’s role is an important one, providing an impartial backstop to ensure what is proposed is neither unreasonably harsh nor unduly lenient given the requirements of proportionality and the wider public interest.

Third is the question of which agency or agencies should run RJ schemes.

Up to now, the police have played a key part in developments in the UK, particularly with juveniles. But concerns have been expressed about whether it is right in principle for the police to facilitate restorative meetings. Independence is a prerequisite for such a role, and police involvement could give the impression that they are acting as investigator, prosecutor, judge and jury. Moreover, it is questionable whether the police should be involved in activities that could be construed as shaming offenders. At a more practical level there is the question of value for money. Police officers’ time is relatively expensive. The Way Ahead report argues that the necessary capacity and infrastructure should be built up in local areas so that the support and interventions needed by participants are available. Done properly, RJ is labour intensive, time consuming and full of numerous communication challenges. In most jurisdictions, RJ is carried out by trained members of the local community, often paid a sessional rate for their time both in preparing the case and running the meeting. In England and Wales, the answer probably lies in a mixed economy of providers working to a set of requirements enshrined in national standards.
Fourth, there is a need to find ways of involving more victims in restorative processes than is currently the case.

Victims participate directly in fewer than one in six youth offender panels and diversion conferences for juveniles – in Australia the rate is two in three. While there is scope for indirect involvement – by letter, or proxy – much of the impact of RJ flows from the face-to-face contact and the expression of feelings about the crime. Developing a model in which victims want to take part must be a priority. There is obviously a tension between the demand for a speedy resolution of cases and the time needed to enable victims to make an informed decision about participation in RJ. It is universally accepted that victims should not be coerced to participate. Yet given the state of research on victim satisfaction, it is important that they are given every encouragement to take part in a process which has a good chance of making them feel better about what has befallen them.

Finally there is the question of the scope of RJ.

The approach is obviously closely related to the kinds of alternative dispute resolution that are used in the civil sphere, with mediation a common denominator. There is growing interest in using the techniques of RJ to resolve conflicts in schools, work places and neighbourhoods. At the other extreme there are examples of RJ techniques being offered in cases of homicide, with offenders convicted of murder meeting face-to-face with the relatives of those they have killed. At a societal level, the values underpinning the Truth and Reconciliation Committee set up in post-apartheid South Africa have much in common with RJ. RJ proponents disagree about whether any conflicts are off limits. Some suggest that domestic violence, sexual crimes and racial assaults are not suitable for RJ. Others say that RJ can be a good way of addressing offending which has taken place in the context of a relationship between victim and offender.

Many of those who work in RJ are convinced that it offers a way of dealing with crime that provides a better deal all round. While it will not be appropriate in every case, there are almost certainly cases going through the courts each day that could benefit from an RJ approach. Whether or not they will depends on professional and public attitudes. A small scale study carried out for RCP by the Restorative Justice Consortium found that police officers had limited knowledge of community sentences generally and RJ in particular. After training about RJ, almost all thought that RJ could benefit victims and reduce fear of crime, with eight out of ten thinking it could help reduce re-offending.

The public seem even more positive. In focus group research carried out for RCP when the concept of RJ was introduced, ‘justice’ summarised notions of fairness and truth, while ‘restore’ was interpreted as putting things right, fixing the damage or righting a wrong. According to the researchers “these were the very values respondents wanted their criminal justice system to embrace”.

KEY RECOMMENDATIONS

Restorative Justice (RJ) should be extended in the adult criminal justice system with proper arrangements for judicial oversight and a presumption that all sentences include an element of reparation.

RJ should be organised in ways that maximise victim participation.

A national agency along the lines of the Youth Justice Board should be created to oversee arrangements for RJ, which in the longer term should not involve the police as facilitators.

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1 What the Public Really Feel about Non-Custodial Sentences. Rethink briefing 2002
Chapter 5
Children and Young Offenders

“Which is best, to pay for the policeman or the schoolmaster – the prison or the school?” (extract from The Times 1867)

Despite widespread consensus that children should only be locked up as a last resort, under 18s in the UK are detained in prisons and other secure units at the rate of more than one every two hours. Exploring how best to deal with young offenders has been an important priority for RCP. 15 of the projects funded by RCP relate specifically to the problem of youth crime. The findings from these fall into four areas: prevention, education, deciding about young offenders and locking up children.

Prevention

Perhaps the most important finding is that much more should be done to prevent children growing up into violent or persistent offenders. There is a broad political and professional agreement that more constructive early intervention in the lives of young people most at risk could produce dividends. The consortium of children’s charities working together on a project called SHAPE – Reshaping Children’s Lives and the Youth Crime Debate – have argued that dealing with the causes of child neglect and abuse will help to address the causes of youth crime. The view of the consortium, comprising Barnardo’s, Children’s Society, Nacro, the National Children’s Bureau, NCH, and NSPCC is supported by the Children Rights Alliance report Rethinking Child Imprisonment, which concluded that if you select at random any inmate of a Youth Offender Institution (YOI) “you will almost certainly find a heartbreaking history of personal misery, professional neglect and lost opportunities”. Official studies have found that two fifths of girls and a quarter of boys in prison report violence in the home, with over half having had a history of care or involvement with social services.

Work funded by RCP has not only identified the problems but also proposed solutions. A consultation with young people undertaken by the YMCA found a great deal of support for the introduction of parenting education for mothers and fathers of young offenders “to induce a sense of responsibility”. The Inquiry into Youth Crime undertaken by NCH in Scotland argued for a new Home Care service, and greater use and availability of family support and advice centres. RCP’s work on Restorative Justice has highlighted the role which family group conferencing can play in strengthening the way children are brought up. While more projects on the ground will undoubtedly make a difference there are important implications for policy too.

What is not always appreciated is that there is a good deal of popular support for a preventive approach. Chapter 2 shows particular support for programmes which

1 Rethinking Child Imprisonment, Children’s Rights Alliance for England 2002
aim to improve parenting and work with children at risk. This suggests that the public would back an expansion of Government initiatives such as Sure Start, which aim to support children from a very early age who are most at risk of crime and other social problems. There is also likely to be support for an expansion of educational and prevention programmes aimed at discouraging children from taking drugs. Particular gaps in the current range of Government-funded initiatives relate to services and support for the parents of teenagers, and the ability of local youth work and social services to respond quickly and visibly in cases of anti-social behaviour by young people.

Education

The second key finding relates to the important role which education should play in dealing with offending. Research by Ecotec has found four main areas where there appear to be significant links between education and offending by young people:

- educational underachievement, particularly with respect to literacy and numeracy;
- detachment from mainstream education through persistent truancy or exclusion;
- the impact of custodial sentences and periods spent in care;
- the efficacy of school organisation.

These four areas have complex and negative interrelationships. It is highly likely, for instance, that the barrier to learning represented by low levels of basic educational attainment is a significant factor in pushing young people out of formal learning. Once outside mainstream education, a young person's attainment will tend to fall even further behind. Despite the interplay between these areas, there is evidence to support the argument that each area represents an independent risk factor for youth offending.

In view of this it is not surprising that nearly three quarters of people think schools and colleges have an important role in preventing young people from offending and re-offending, with teachers seen as more important in this regard than police, courts or custody. The RCP Mori surveys found that almost half of respondents chose better school discipline and more constructive activities for young people as being among the best ways of dealing with crime. For the young people consulted by the YMCA, tackling bullying and truancy was a key approach to prevention. Interestingly, school suspension and exclusion for bullies was not seen as an effective means of punishment as it gives offenders a 'holiday' from school. More, not less, schooling should be used as a punishment instead of suspension and exclusion.

Deciding About Young Offenders

In Scotland, children who commit crimes do not generally go to court but are dealt with in a Children's Hearing, along with those who suffer neglect or abuse or fail to attend school. NCH's comprehensive inquiry into the Scottish system of children's hearings recognised current social anxiety about youth crime but found great strengths in the relatively informal, child-centred approach in which a panel of lay members decide when compulsory measures of care or supervision are needed. NCH concluded that there should not be a return to court based approaches and punishments for errant young people and their parents. They did think that the operation of the hearings could be improved in a number of ways. Most important was their concern that mainstream education and social work services provided by local authorities should be able to cope with many child and family problems without recourse to a hearing but as part of their normal activity. A hearing should not be a first port of call to gain access to a social worker or a special education placement, but rather a last resort when normal services had been exhausted.

NCH also attached importance to increasing the diversity of panel members, better
evaluation and dissemination of the results of interventions and greater involvement of young people themselves – both in panel meetings, as mentors and in the training of panel members.

The inquiry also felt that the hearings should place a greater emphasis on personal responsibility and accountability on the part of the young offender but did not believe that an increasingly punitive response would be right or effective. Instead the Inquiry recommends an extension of community mediation and the enforcement of children’s rights to receive full time education and the health services they need. It also thought that a greater role for the police would make hearings more effective and credible in responding to the more persistent offenders.

The young people consulted by the YMCA did feel that harsher punishments should be given to young offenders and their parents, but argued that part of the offenders’ rehabilitation should involve meeting their victims, or participation in a victim awareness scheme. This growing interest in Restorative Justice was strongly supported by an inquiry into RJ conducted by legal reform group Justice. They found the introduction of RJ in England and Wales to be “largely successful” and suggested there is further scope for RJ to develop as an alternative to prosecution and custody for all age groups. NCH had reservations about making the repair of the harm done the sole or primary aim of youth justice because this might detract from meeting the needs of the offender. Civitas suggested a graduated response with a welfare approach should be attempted initially. However if serious offences continue to be committed, the reaction of the authorities should escalate.

It seems likely that RJ will grow in significance in Europe. Starting a victim-offender mediation process is one of the options open to the Juvenile prosecutor in Spain, one of several continental youth justice systems explored by Children Law UK. Their work confirmed that in almost all European countries the age of criminal responsibility is higher than in the UK jurisdictions, in some cases as high as 15. Further study of how such jurisdictions deal with serious and persistent offenders under that age seems well worth pursuing.
Locking Up Children

The final set of findings from RCP in this area relate to the use of prison for children. Most RCP projects reached the view that too many children are being locked up, in the wrong kind of establishments, for longer than necessary and not always as a last resort.

At an international seminar, it was heard that the UK detains youngsters at a higher rate than other European countries. Although Government Minister Hilary Benn MP told them “We do not want to lock up children – let us be absolutely clear about that,” he went on to say that “custody is clearly appropriate for the most serious and dangerous young offenders and may be necessary in the case of many persistent offenders”.

The NCH Inquiry was highly critical of the financial and human cost of the increased detention of young people in England and Wales over the last ten years, describing it as “a criminal waste of money and an appalling waste of young lives”. The Children’s Rights Alliance argued for a system which “strictly limits the deprivation of liberty to those who need to be locked up in order to stop them damaging others” and that decisions to detain should be subject to frequent reviews. They also wanted a radical reduction in the numbers of locked places for children and the responsibility for those that remain to be moved to a welfare-based department of state – not the Home Office or Prison Service. Civitas, on the other hand, felt that an effective system must be willing to punish individuals who commit crimes. They suggested that once an offender has been convicted three times, they should be sent to secure institutions for a significant period, with no possibility of early release without a prolonged period of demonstrated good behaviour. This view was exceptional however; Ecotec’s survey suggests that the public consider that education, training and rehabilitation are at least as important as punishment as a purpose of criminal justice.

If detention is to be reduced, the question remains how else to deal with those young people who offend seriously and persistently. A comparative analysis of incarceration of young people in England and Wales and Finland found that Finland has tiny numbers of young offenders locked up but accommodates “very large numbers of children and young people in non custodial residential institutions of one type or another”. These include reformatories, children’s homes, youth homes and family group homes. By far the largest number – almost 4,000 – are held in special psychiatric units. Consideration could usefully be given to whether this kind of residential infrastructure is sufficiently developed in the UK.

SHAPE’s proposal, that we need to support and expand community penalties that work at reducing re-offending, perhaps received most support from RCP projects. Whatever the legal framework or type of decision-making forum, intensive community based programmes, offering 25 or more hours a week supervision contact, are needed to turn round the lives of the most troublesome young offenders. More than nine out of ten of the public surveyed told an RCP Mori poll that there should be more use of such intensive punishment, with only 3% disagreeing. But our work has revealed that there is still more to do to in building magistrate and community support for community alternatives to prison, particularly for the more serious and persistent offenders. Hilary Benn MP told Children Law UK that we need better public understanding of what sentences involve, evidence that they work by a reduction in re-offending, and a better connection between the individuals and communities that have suffered from the crime and the whole criminal justice process.

This last theme was echoed in research into the reputation of community sentences undertaken by Henley Management College. This found that both sentencers and the wider community would like information about prison alternatives’ performance on three dimensions: performance with victims, performance with communities and performance with offenders. Applying a business metaphor, they describe this as a ‘triple bottom line’. It is clear that community-based

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1 Speech to Children Law UK Conference 23 May 2003
programmes must do more than meet the needs of young offenders. Introducing an element of paying back into all community sentences, or requiring such sentences to include compulsory education, would make them significantly more demanding.

What then should we conclude are the priorities for youth crime policy? First of all we need much greater emphasis on prevention initiatives with children at risk. RCP hosted a seminar in March 2004 looking at the scope for the US concept of justice reinvestment: transferring resources away from the negative spend of incarceration to the more positive development of social programmes. There is further discussion of costs in Chapter 9. Second, we need to make decisions about young offenders in a forum that prioritises problem solving over punishment and makes appropriate use of measures that make amends to victims. Finally, we need to develop alternatives to prison that are sufficiently intensive to meet the needs of often highly damaged young people, but also seek genuinely to involve ordinary members of the community. While these might include residential units of various kinds, intensive community based programmes are likely to provide the best solution.

**KEY RECOMMENDATIONS**

Schools and health services should take full responsibility for playing their part in preventing offending by young people with support for parents of teenagers introduced in a similar way to Sure Start. Quick response units comprising police and youth services should be developed to set up positive activities to divert youngsters from anti-social behaviour.

Decisions about young offenders should be made in a forum that prioritises problem solving over punishment and makes appropriate use of measures that make amends to victims.

Alternatives to prison need to be developed that are sufficiently intensive to meet the needs of often highly damaged young people and which also seek genuinely to involve ordinary members of the community in contributing practical solutions.
Chapter 6
Women in Prison

One of the most troubling aspects of criminal justice in the last ten years is that the number of women in prison has tripled. Often detained many miles from home and family, imprisonment on remand or under sentence can represent a harsher punishment for the 4,500 women prisoners than for the 70,000 men. Yet women represent some of the least dangerous and most vulnerable offenders to come before the courts.

RCP has funded a number of projects which look at how best to respond to women offenders. The most significant of these have been the Fawcett Society’s Commission on Women and the Criminal Justice System, which published a major report in March 2004; the Drugscope campaign Using Women, which has sought to focus attention on the specific problems of women who end up in prison because of drug related offending; and a specific piece of research on the problems faced by so-called drug mules: foreign national women who are convicted of importing illegal drugs into the UK.

The Fawcett report on women offenders states that women can fare badly in a system where they make up around 20% of the offending population and just 6% of the prison population. Three quarters of women in prison have received a short sentence of less than one year and most have been convicted of non-violent property or drugs-related offences. Many women in prison have dependent children, have experienced some form of abuse and have mental health and substance abuse problems. Incarcerating women does little to address these problems and can have a very destructive impact on themselves and their families. Home Office figures show that the re-conviction rate for women leaving prison is 55%, now equal with adult men for the first time.

The Commission suggested that the system could be improved by the development of adequate community provision for female offenders and an amendment to the Sex Discrimination Act to impose a positive duty on all public bodies, including those in the criminal justice sector, to promote sex equality. There are specific recommendations for:

- the National Probation Service, which should develop gender specific community programmes that meet women’s needs. Local support and rehabilitation centres established in Glasgow and in Worcester offer models worthy of replication;
- sentencers, who should take account of the impact that sentences have on women and their families.
Many women remanded or sentenced to prison are involved with illegal drugs. At HMP Styal (a women’s prison), an estimated 75 per cent of the total number of new prisoners have drug problems. Some are charged with, or convicted of possession, intent to supply or trafficking. Others have committed theft from shops, fraud or other acts of dishonesty to finance a drug habit. Many will be caught up in a network of exploitative and violent relationships, with their drug use often associated with that of boyfriends and other significant men. An RCP funded campaign, Using Women: Women Drugs and Prison, has sought to raise public awareness of the links between drugs and prison and to promote more constructive solutions to the underlying problems.

Judges, magistrates and probation officers up and down the country struggle to find effective and humane ways to deal with addicted offenders. While the question of how best to deal with drug addicted offenders is covered in the following section, drug misuse is so central to the imprisonment of women that the specific issues relating to them are discussed here. Home Office research found that in 2001 almost three quarters of women in prison reported using at least one illicit drug in the twelve months prior to detention, with more than two in five reporting heroin and crack cocaine use. The researchers estimated that half of women in prison were dependent on drugs, and one in six of these women were additionally assessed as harmful drinkers. In fact, heroin and crack use was more widespread prior to prison among women than among men.1

The research paints a sorry picture of the characteristics of women drug users in prison. More than seven out of ten of all women in prison said that they have been physically assaulted at some point in their lives and two thirds had been sexually assaulted or had had unwanted sexual experiences. Women subject to this kind of abuse were more likely than others to be drug dependent or heavy drinkers. Three quarters had no qualifications and a fifth had been assessed as having special educational needs. Two thirds had visited their GP for mental health problems and half reported at least one act of self-harm.

With such a catalogue of physical, emotional and social problems to contend with, it might be tempting to see a spell in prison as some sort of respite, an opportunity to come off drugs and start to make plans for a fresh start. It is not unknown for women (and men) to ask the courts to send them to prison for these reasons.

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It is true that while in prison, some women can start to undergo the process of detoxification and treatment that is essential to coming off drugs. At HMP Send in Surrey, the Rehabilitation of Addicted Prisoners Trust (RAPT) runs an abstinence based programme using the 12 step recovery method developed by Alcoholics Anonymous. However, prison-based programmes at best can only provide a start. Longer stays in rehabilitation programmes relate to better outcomes, with the benefits of treatment closely related to duration. Nearly half of women are sentenced to prison for six months or less and over three quarters for less than a year. The most consistent finding in the research literature is the need for adequate support after treatment both within prison and following release. So called ‘through care’ involves helping ex-addicts to find the kind of accommodation, work, education and leisure pursuits which minimise the chances of relapse back into drugs. All too often, release from prison can mean a return to the familiar but destructive lifestyle that went before.

This is certainly not an argument for longer prison sentences. While it may be the case that in prison women take fewer drugs than on the outside, it would be a mistake to think that prisons are entirely drug free environments. Indeed, almost half of the women in the Home Office study reported that they had used an illegal substance while in custody: 27% heroin, 21% cannabis and 17% tranquillisers, albeit less frequently than in the year prior to imprisonment. Even more worrying is the fact that the prevalence of drug use among women in prison rose significantly between 1997 and 2001, with a particular increase in the use of heroin and crack cocaine. Home Office researchers suggest that this may in part be a consequence of mandatory drug testing in prison, which can encourage switching to harder drugs which are detectable in urine tests for shorter periods than cannabis.

If prison can make drug use worse rather than better, it can also exacerbate the underlying problems of mental ill health suffered by many of the women who offend. The estimated 40% of women prisoners who have received treatment for mental health problems the year before imprisonment is double the proportion for male prisoners. Given the concentrations of distress in women’s prisons, suicide and self-harm are an everyday risk, with 13 deaths occuring between January and November 2004. The issue of mental health in prisons is discussed in Chapter 8.

Imprisonment can also damage the relationships that women have with their children. Almost half of female prisoners have children under the age of 16; of these a third have children under five and two thirds children under 10. It is estimated that 8,000 children are affected every year by the imprisonment of their mother. Most of these children are unable to remain in the family home during their mother’s incarceration. While family members look after some, others go to foster parents or even residential care, where the outcomes are often poor.

**Foreign National Women**

There is one significant and growing group of women in prison, who share some of the problems outlined above but whose drug-related problems require an altogether different approach. These are the foreign national women charged with, or convicted of, trying to import drugs, mainly cocaine, into the country. RCP undertook a piece of research into the issue following a report in August 2003 suggesting that for the first time, a majority of prisoners in one women’s prison comprised foreign nationals. At the end of June 2003, one in five women in prison in England and Wales did not hold a British passport. Almost half of these – 425 – were Jamaican, almost all of whom were in prison for drug offences. 90% were first time offenders, mostly single parents in their mid thirties with three or more dependent children.

So-called drug couriers, or ‘mules’, are almost always minor links in the international drugs trade and are largely hired by organised criminal gangs. Yet on conviction they face some of the longest prison sentences. Nearly three quarters
of women foreign nationals in prison are serving sentences of more than four years, compared to a third of UK national women, two thirds of foreign national men and half of UK national men. Almost all are deported at the end of their sentence. The maximum sentence for supply, intent to supply or importation of Class A drugs such as cocaine is life imprisonment. A prison sentence of at least ten years is recommended in sentencing guidelines for importing 500 grams or more.

The rationale behind such long sentences is deterrence – that other would-be couriers will be discouraged by the prospect of a long period of imprisonment thousands of miles from home and family. Consideration of the length of sentence is generally related to the quality and quantity of drugs involved. Little account is taken of personal mitigation relating to the individual circumstances and culpability of the offender or the impact of the sentence on any dependents. Such an impact is substantial. Over a thousand children from outside the UK are kept apart from their mother because of her imprisonment. In Jamaica, where there is no effective child welfare system, children are left to fend for themselves and are vulnerable to abuse, rape and recruitment into crime.

The impact on the UK prison service is significant too. It currently costs £25million a year to keep foreign national women drug couriers in prison. With the prison population at record levels, there is a strong argument for developing a new approach for this particular group.

The RCP briefing paper *A Bitter Pill to Swallow* has suggested a series of new policy proposals. These include that the Sentencing Advisory Panel reviews the sentencing guidelines in England and Wales so that drug couriers do not necessarily receive long custodial sentences. These new guidelines should allow courts to take account of the individual circumstances of the offender, in particular the effect of sentencing on the welfare of children dependent on the offender.

The Government has recently published policy proposals aimed at reducing crime by women and the use of imprisonment for women offenders. While welcome, RCP’s work suggests that a more fundamental rethink is needed.

### KEY RECOMMENDATIONS

- The National Probation Service and Youth Justice Board should develop gender specific community programmes that meet women’s needs by creating local support and rehabilitation centres.

- Sentencers should take account of the impact that sentences have on women and their families.

- The Sentencing Advisory Panel and Guidelines Council should review the sentencing guidelines in England and Wales so that drug couriers do not necessarily receive long custodial sentences. Steps should be taken to enable foreign national offenders sentenced in the UK to serve their sentences in their country of origin.
Chapter 7
Problem Drug Users

Many RCP funded projects, whether researching crime problems, seeking effective ways of rehabilitating offenders or improving public understanding, have found themselves considering issues of addiction as much as crime itself.

The specific problems of dealing with women with addictions described in the previous chapter reflect broad links between drugs and crime, which RCP has investigated in a number of ways.

*The Decision to Imprison* found that sentencers explained the increasing use of imprisonment by reference to more prolific offending, which in turn they thought reflects the activities of a growing number of drug dependent persistent offenders. The researchers could not be definitive about whether the sentencers were right – it is certainly not the whole explanation for the rise in prison numbers – but found some plausibility in the claims. There is little doubt that dependent drug use rose rapidly during the 1990s. There are estimated to be between a quarter and half a million hard drug users. It is also known that a large proportion of people arrested test positive for heroin and cocaine. Moreover *The Decision to Imprison* found an increase between 1993 and 2000 (from 21% to 26%) of males convicted of theft and handling stolen goods offences who had 10 or more previous court appearances. Shoplifting, often the way in which addicts raise money for drugs, falls into the theft and handling category, so the finding is consistent with the hypothesis that there are more drug dependent persistent offenders.

Civitas conclude that these kinds of offenders are among the most difficult to reform. Their review of American research suggests that a therapeutic community approach within prison, provided it is followed up by intensive support and supervision after release, can produce highly effective results for those who complete the programme. A similar finding emerged from a two-year follow up study on reconviction rates for participants on an Alcohol Education Probation Programme published by Sacro in March 2004. This showed that those who completed the programme had much lower reconviction rates than those who failed to complete.

Given the centrality of the drugs problem to crime, RCP decided to undertake specific work in this area itself. In September 2003 RCP hosted a seminar to identify ‘a road map to a better drug policy’ and as a follow-up produced a research report on the links between drugs and crime and the adequacy of the current efforts to prevent drug-related crime and rehabilitate drug-using offenders. *Searching for a Fix* was published in May 2004.

There has been increasing recognition by Government of the links between the misuse of drugs and crime. A whole raft of reforms, including the establishment of the National Treatment Agency in 2001 and the introduction of sentences such as Drug Treatment and Testing Orders (DTTO) are intended to lead to more effective solutions to problem drug use. The Government’s updated drug strategy, published in December 2002, sets out the action to be taken to tackle the harm caused by drugs, including increasing the annual spending on treatment services.
to £537 million by 2005. Using the criminal justice system, including prisons, as a gateway into drug treatment is a key component of the Government’s drug strategy. From April 2004, the Government’s Criminal Justice Interventions Programme (CJIP), which targets offenders believed to be committing crimes to fund their drug habit, has been introduced in high crime areas. CJIP aims to identify problem drug users through drug testing when charged by the police, refer offenders to drug referral workers while in police custody and then guide offenders into treatment. The Home Office’s five year plan aims to get 1,000 drug-using criminals a week into treatment by 2008.

Against this background, work undertaken for RCP has shown that while attempts to tackle the links between drugs and crime are welcome, there are limits to the extent to which it is appropriate to use the criminal justice system in general, and prisons in particular, as a gateway to drug treatment, and that investing in early interventions and community drug treatment could prevent some problem drug users from entering the criminal justice system at all.

Key Lessons

The key learning from RCP’s work falls into six areas.

**First, although there are complexities, the links between dependent drug use, crime and imprisonment are strong.**

The majority of prisoners have a significant history of substance misuse. In many cases the previous offending of prisoners was related, either directly or indirectly, to their use of drugs. The Audit Commission estimate that one half of drug misusers’ annual £1 billion expenditure on drugs is raised through crime. The Home Office reports that over half of prisoners said that they had committed offences connected to their drug taking. The need for money to buy drugs was the most commonly cited factor. One in six of all prisoners are held for drug offences. Not all of these were necessarily drug users before imprisonment, as the majority were in prison for supply offences. The Criminality Survey 2000 found that 73% of respondents had taken an illegal drug in the 12 months before entering prison.

**Second, despite a major expansion of drug treatment within prisons, there are limitations to this approach.**

Because so many prisoners have a history of drug misuse, prisons have been increasingly used as a location for drug treatment. In 2002-03, a total of 50,701 prisoners received drug detoxification, 51,970 received the CARAT (Counselling, Assessment, Referral Advice, Throughcare) service and 4,386 received drug rehabilitation (House of Commons written answers. 10 February 2004). It has been found that drug treatment in prisons can be effective in reducing reoffending, “particularly when it is of adequate length, meets individual needs and is followed through by aftercare”.1

However, according to the Criminality Survey, the proportion of prisoners who had used drugs in the last year who were receiving drug treatment only amounted to 10%. More than four out of ten prisoners who had used drugs in the previous 12 months were interested in receiving drug treatment but were not yet receiving any. Home Office research has found that less than one in four (22 per cent) drug dependent men in prison were on a drug free wing, compared with 35 per cent of drug dependent women.

Concerns have also been raised about the adequacy of arrangements for drug detoxification in prisons. Research has found that “…arrangements for detoxification appeared to vary considerably between different prisons”, with prisoners reporting that detoxification programmes were not long enough. Although the Prison Service carries out a substantial number of drug detoxifications, there is no routine recording of what proportion of prisoners who were given detoxification subsequently entered one of the Prison Service’s drug rehabilitation programmes. As a result, it is impossible to know whether prisoners who enter prison drug dependent are actually receiving the continued drug services that they require.

Third, despite major investment there are still shortfalls in drug treatment outside prison.

The number of people in drug treatment in the community is increasing. In 2003 around 154,000 accessed drug treatment, a 54 per cent increase on 1998. There has also been a four-fold increase in the length of time clients stay in treatment (from 57 days in September 2001, to 203 days in June 2003).

It is estimated that in 2003-04 90,500 problem drug misusers successfully completed treatment (including being referred on to other drug treatment agencies) or were retained in treatment at the end of year, compared to around 75,500 in 2001-02. The Government has said that its updated drug strategy is on track to double drug treatment capacity by 2008, with 200,000 problem drug users to be treated each year (House of Commons Written Answers, 17 July 2003).

According to the National Treatment Agency, average waiting times have been cut by almost two thirds since December 2001 – from nine weeks to just 2.7 weeks in March 2004. Longest waits are for specialist community prescribing and residential rehabilitation, where average waiting lists are 3.9 weeks and 3.7 weeks respectively.

Despite this increased investment in community drug services and significant improvements in waiting times, many problem drug users are still unable to access appropriate treatment without delay. Current delays may still deter problem drug users from accessing treatment. Presenting for drug treatment is often a major step for someone to take and if treatment is not immediately available, motivation may well be lost. While national average waiting times have improved, in some parts of the country people still face very lengthy waits. In Peterborough, for example, waiting times for specialist prescribing are 16 weeks and in Somerset waits for residential rehabilitation stood at 36 weeks in September 2003.

In much of the country it appears that drug treatment is more readily available in prisons than outside. Streets Ahead: A Joint Thematic Inspection into the Street Crime Initiative, the review of the street crime initiative stated: “In HMP Liverpool, where community residential detoxification waiting times were reported as lengthy, the local authority had requested permission to send community patients to the local prison for faster treatment provision.”

People leaving prison can find it especially difficult to access appropriate drug treatment in the community. The Social Exclusion Unit found that the chances of “continuing drugs programmes and support on release are very slim”. The need for effective post-sentence work, particularly for drug users, was also highlighted in Streets Ahead. It found that the availability of accessible, speedy and effective drug treatment, as a means of helping people break free from crime, was an area in need of improvement. Although examples of good practice across all areas and all agencies were found, this good practice tended to be in isolated pockets.

Three fifths of prisoners report that their drug use caused problems in areas such as employment, finances and relationships. These are all issues that may have to be addressed when someone is released from prison, or by alternative sentences. Drug users who also have mental health needs face particular problems. Drug treatment providers often refuse to treat people with mental health problems, and mental health providers often refuse to treat people with substance misuse problems. There is a need for greater joint commissioning of services, with an emphasis on an integrated social care approach.

The Criminal Justice Act 2003 will enable courts effectively to require defendants addicted to Class A drugs to undergo treatment on bail, and drug treatment is one of the conditions that courts will be able to include in the generic new community sentence. Increasing treatment capacity is an urgent priority so that alleged and convicted offenders can access treatment on demand. As well as expanding provision there is a need to ensure the quality of treatment. The Penal Affairs Consortium, in their RCP-funded paper on the causes of crime, recommend the establishment of minimum standards.


2 SEU Reducing Reoffending by Ex-Prisoners, London: Social Exclusion Unit 2002
Chapter 7: Problem Drug Users

Fourth, there is a shortage of residential treatment facilities in parts of the UK.

The Government has set a target of getting 200,000 problematic drug users into treatment by 2005. However the definition of ‘treatment’ includes those who have been assessed and placed on a waiting list as well as those who are actually undergoing a substantive programme. While the Government’s commitment to increasing treatment provision will be undoubtedly welcome to courts, it is important to remember that residential and hospital based programmes account for only a small proportion of treatment options currently available. Of treatment episodes in the six months to March 2001, only about 7% involved in-patient or residential treatment. The vast majority involved community based drug services of some form. While these may provide the right kind of treatment for most addicts, for those offenders who are facing a de facto residential placement in prison, a health service or the court should at least consider the voluntary sector residential option.

Removing problem drug users from their home community as part of their drug treatment can prove beneficial if accompanied by intensive and ongoing support. Residential drug treatment, when followed up by ongoing support, can provide some of the benefits of prison-based treatment by temporarily enabling people to leave behind the environment in which they were problem drug users, without the negative impacts that imprisonment can present.

Fifth, although results have been mixed the drug treatment and testing order (DTTO) is very popular with courts.

The DTTO enables courts to review progress while offenders undergo a programme of treatment. Results from research into the three pilot DTTO areas published recently showed that almost four out of five offenders (male and female) who were made subject to the orders reconvicted within two years. Only a third of offenders completed their orders successfully, but those who did were significantly more likely to stay out of trouble than those whose orders were revoked. The lesson from the evaluation is not that treatment does not work but rather there is a need for a major expansion of the range and type of treatments available so that offenders can gain immediate access to the most suitable programme. Contrary to what was the prevailing orthodoxy, research has shown that drug users within the criminal justice system who are coerced into treatment achieve the same outcomes as those who enter on a voluntary basis. The Decision to Imprison found strong support for the DTTO among sentencers, who found the sentence demanding and potentially constructive.

Sixth, there is a good deal of public support for drug treatment.

In Chapter 2 we noted the Mori poll for RCP, which found that rather than build more prisons, most people thought that prison overcrowding would best be dealt with by building residential drug treatment centres or by developing tough community punishments. The research into public opinion about non-custodial penalties carried out by the University of Strathclyde on behalf of RCP found “almost all respondents, including tabloid readers, adopted ‘liberal’ positions on the issue of drug crime, and felt strongly that drug users should be treated rather than punished”.

A survey of 1,001 people in England, reported in Treatment Works: Fact or Fiction, found that:

- 95 per cent of people surveyed thought that letting drug users know where they can get hold of information to come off drugs was an appropriate way to tackle drugs;
- 91 per cent of people surveyed thought that providing drug treatment was an appropriate way to tackle the drugs issue.¹

There were high levels of support for the principles of treatment and rehabilitation, with 95 per cent of respondents saying that treatment centres were a good idea for their area. However, the research found that ‘when questioned in depth, many people were negative about the prospect of actually living near a treatment centre’.

This suggests that there is a need to reassure communities of the benefits of drug treatment, and of the low risks of having a treatment centre nearby.

In conclusion, RCP’s work suggests that a serious attempt to expand alternatives to imprisonment needs to recognise the central role of drug misuse and look to develop the infrastructure of treatment and other services, which can reduce dependency.

It is clear that considerable progress has been made in responding to the treatment needs of problem drug users – especially those who are in prison. More people than ever before are accessing drug treatment services. This is a welcome development. However, with the Government placing an increasing emphasis on using the criminal justice system as a gateway and fast-track into treatment, there is a very real danger that increasingly the best way to receive treatment will be through being arrested. This will create a perverse incentive for problem drug users to commit crimes. It is also an approach that does not do enough to intervene in someone’s drug taking before they have started committing serious crimes.

The key implications for policy relate to three areas:

- the overall regulatory framework for drugs;
- the accessibility and availability of treatment;
- public and sentencer support.

First, many of the links between drugs and crime appear to result from the policies of criminal prohibition in place nationally and internationally. RCP has not been in a position to review these but such a review seems to be an essential part of future policy development.

Second, the expansion of drug treatment is very welcome but current waiting times, while much-improved, are still too long and need to be further reduced with a timescale put in place for effectively introducing drug treatment on demand. Guidance should be issued to sentencers that no one should be sent to prison solely because it is thought that this is the best place for them to receive drug treatment. There is a need to create substantially more residential places over the next five years. Local authorities should be actively encouraged to grant planning permission for drug services where these meet local treatment needs. A better system of funding the revenue costs should be introduced.

Third, there is a need to raise the profile of drug treatment and to ensure that both drug users and the wider public understand what it involves and its potential benefits.

**KEY RECOMMENDATIONS**

Over the next three years residential rehabilitation places should be substantially increased, with a detailed audit to establish the long-term number of places required. The Government should raise the profile of drug treatment to ensure that both drug users and the wider public understand what it involves and its potential benefits.

The Sentencing Guidelines Council should issue guidance to sentencers that no one should be sent to prison solely because it is thought that this is the best place for them to receive drug treatment. A timescale should be put in place by the Department of Health and the Home Office introducing drug treatment on demand in the community.

An independent audit of the costs and benefits of the current legal framework should be carried out and published.
Chapter 8
Offenders with Mental Health Problems

There is widespread agreement that prison is not a suitable place for people suffering from adverse mental health.

Lord Fellowes, shortly after becoming the chairman of the Prison Reform Trust, told the House of Lords in March 2002 that an aspect that he had found especially shocking and moving in his visits to prisons was “the number of sufferers from mental illness who are, by any humane standard, quite wrongly held in prison”. It does not take an expert to see how the gloomy conditions in large Victorian jails, with their limited space for activities, can worsen the health of offenders with mental health problems. Nor is it hard to imagine how overcrowding, and the day-to-day placement decisions currently needed to manage the population, add to already high levels of stress.

The most significant project funded by RCP in this area has enabled the Revolving Doors Agency (RDA) to develop its policy and communications capacity. RDA is the UK’s leading charity concerned with mental health and the criminal justice system. RDA runs practical schemes in police stations, prisons and courts to support people who have ‘fallen through the net’ of mainstream services. What RDA learns enables the charity to provide project development support to other agencies and to conduct research and policy work at local and national level.

Key Issues

In July 2003 RDA published research into the experiences of over 1,000 people with mental health problems referred to their four experimental Link Worker schemes in London and the South East. Key findings include the facts that:

- there is a chronic shortage of housing for people with mental health problems in the criminal justice system, a problem routinely tackled by Link Workers. Just 13% of prison referrals had somewhere permanent to live before being sentenced; 31% were sleeping rough. Link Workers helped 78% of clients with housing issues;
- incomes are unstable and very low; most clients are unemployed. Link Workers actively pursue benefit applications and act as advocates for clients. The unemployment rate among RDA clients is 99%; 46% are receiving no benefits at all when referred. LinkWorkers help 61% of clients with their benefits. For 25% of clients they arrange benefits appointments, half of whom they then accompany to the office;
- many clients need a doctor but do not have one. Link workers help them get a GP. 34% of referrals need to see a GP but are not registered at a surgery. Link workers have arranged for 41% of clients to register with a doctor and 36% to have a mental health assessment.

1 House of Lords 27 March 2002 col 298
2 Snakes and Ladders. From the Revolving Doors Agency Link Worker Schemes July 2003
In addition, problems with drugs and alcohol are the norm; most clients have multiple needs. There is also a serious lack of support for adolescents.

Research has shown that the scale of the problem of mental illness among offenders is substantial. Research on the prison population by the Office for National Statistics in 1997 found that 14 per cent of women, 10 per cent of men on remand and 7% of sentenced men had a functional psychosis such as schizophrenia or manic depression in the year leading up to their imprisonment. The percentage of young men with these serious mental health conditions was 10%. The proportion of prisoners with neurotic symptoms, such as depression and phobias, was far higher than in the general population. Research suggests that more than 5,000 adult men, 600 girls and women and 1,000 young men may be in prison today with the most serious illnesses with a majority of the rest suffering a range of other mental health problems.

While there is no central record of re-offending among prisoners with mental health problems, we do know that only 6% of restricted patients under the Mental Health Act discharged in 1999 were reconvicted with only 1% convicted of a grave offence. Contrary to what is often thought, people with mental illness seldom commit seriously violent acts, posing more of a risk to themselves than they do to others. About 1,000 people who commit suicide each year (a quarter of UK suicides) and about 40 of those who commit homicide (about 8% of all UK homicides) have had some contact with the mental health services in the year before death. People with a primary diagnosis of schizophrenia commit fewer than 10 homicides each year, although personality disorder and substance misuse are very common among those convicted of all kinds of crime.

According to Lord Fellowes, asking the prison system to care for these offenders is “a gross imposition”, because it is a job for which it is unqualified and ill equipped, and for which it is not funded.

A Way Forward?

There have been a number of welcome improvements to prison healthcare, but there is a strong case for a more fundamental rethink of the way in which the police, courts, prisons, health and social services deal with offenders with mental health problems. If, as a society, we want to respond to those who are sick with care and treatment rather than punishment, proper consideration needs to be given to how that should best be done and how the necessary resources should be found and deployed. Such a rethink should address questions such as:

- do all of those with mental health problems who currently go to prison need to be detained at all? Are there some, such as those remanded for medical reports, who could be properly dealt with in the community? Are new diversion, remand or sentencing options necessary?

- what infrastructure of health and social care services is needed to cope with those who currently go to prison? How many more places are needed in medium secure units, and how should greater numbers of places in supported hostels or other forms of accommodation be made available?

- what mechanisms are needed for diverting cases from police and magistrates’ courts into the health and social care settings? Could the default accommodation for offenders in need be a secure mental health bed rather than a prison cell?

- what training and resources are needed if the police, courts, probation and prison services are to play their roles effectively? What should be the role of the voluntary sector?

It may seem odd to recommend yet another review so close on the heels of the Halliday Review of Sentencing, the Auld Review of Courts and the Carter review of the Correctional Services, but none of these had much to say about responding to offenders with mental health problems. There is a suggestion from three pieces of research that such a review might be needed to establish the right level of provision and that such a review would strike a chord both with criminal justice practitioners and the public.
Chapter 8: Offenders with Mental Health Problems

The first study is the research carried out for the Halliday Review, in which practitioners were asked to rank the aggravating and mitigating factors other than an offence's seriousness which should be taken into account when sentencing adult male offenders. Whether the offender was mentally ill at the time of the offence was among the factors ranked most highly, with 81% of judges, 89% of district judges and 76% of magistrates saying a great deal of notice should be paid to this. 94% of solicitors, 89% of barristers and 81% of justices’ clerks agreed, and while there was less agreement among other practitioner groups, the proportion fell below half only among police officers (44%).

The second study shows that mental illness is also important to the general public. In research on public attitudes to domestic burglary carried out for the Sentencing Advisory Panel in 2001, one of the two principal mitigating factors cited by respondents was the mental illness of the offender. Out of a list of 11 mitigating factors, mental illness was thought to be the most important, mentioned by 60% of the sample. Moreover, mental illness was thought to be more relevant for a reduction in a prison sentence than factors such as the previous good character, youthfulness or the minor role of the offender in the crime. The research found that mental illness moved the crime into a different category in the minds of respondents. One said: “If they are mentally ill then this is different. They should go to a psychiatric hospital or something like that ... they might not be responsible for their actions.” Another said “they shouldn’t be locked up with other prisoners – they need help... they need treatment”.

The third is the RCP-funded comparative study of youth justice in Finland, which found very large numbers of young offenders treated in mental health facilities. In Finland in 2002, almost 4,000 children and young people were held in hospitals and Special Psychiatric Units. This would be equivalent to 40,000 patients in the UK. It appears that the concern about child and adolescent mental health in Finland has eclipsed concerns about youth crime and it would follow from this that behaviour that might be viewed as criminal in the UK, could well be dealt with in Finland, first and foremost, as psychiatric disorders. The researchers suggest that the use of psychiatric units reflects a philosophy of highly individualised treatment which is out of favour in the UK. However, “when we consider recent research undertaken in Greater Manchester by the Youth Justice Trust, which reveals that in 147 randomly selected Youth Offending Team cases, serious and untreated problems of loss or bereavement were present in 92% of cases, the fact that in the Finnish system, places in special psychiatric units for children and adolescents outnumber places in reformatories in a ratio of 160 to one, appears rather less outlandish.”

The Chief Inspector of Prisons has recommended recently that a new generation of institutions be created outside the prison service to deal with offenders with mental health problems. RCP agrees that giving thorough consideration to this proposal should be a priority.

KEY RECOMMENDATIONS

A wide-ranging review of arrangements for mentally disordered offenders should be undertaken.

A new generation of units should be piloted outside the Prison Service.

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1 Russel and Morgan R Sentencing & Domestic Burglary 2001
2 Pitts J & Kuula T Incarcerating young people: an Anglo-Finnish comparison 2004
Chapter 9
Alternatives to Prison

“Perhaps the biggest challenge facing us in the United Kingdom is convincing the public that there are meaningful alternatives to long prison sentences or, in appropriate cases, to any use of custody.”

Lord Woolf

On the face of it, courts should have no problem passing alternatives to prison in appropriate cases. There is no shortage of sentencing options and, as described in Annex A, recent and planned changes will introduce even more flexibility, albeit under the regimen of new sentencing guidelines. But as we have also described, the sharp increase in the use of imprisonment since the mid-1990s suggests that there may be something seriously wrong with the way alternatives to prison are being applied by the courts, delivered by the Probation Service and voluntary sector, or understood by sentencers and the public.

A number of RCP’s projects have explored different aspects of alternatives to prison. Most started from the premise that the use of prison should be kept, in the words of Lord Woolf, to “an irreducible minimum”, although research from one organisation, Civitas, suggested that alternatives to prison could not adequately protect the public from crime.

In order to explore these more fundamental questions about the proper role of prison and alternatives RCP launched a major inquiry in 2003 chaired by Lord Coulsfield. As an independent body, the inquiry was asked to examine alternatives to prison against the background of the soaring prison population. It began collecting information in June 2003 by inviting submissions from over 500 organisations and individuals in the UK. Some 120 submissions were received. The inquiry commissioned a major programme of research under the direction of Professor Sir Anthony Bottoms, from the Cambridge Institute of Criminology. The Coulsfield Inquiry published its findings in November 2004 in the report Crime, Courts and Confidence.

The key findings of the inquiry resonate strongly with the wider learning from the RCP initiative as a whole. The inquiry rejected the arguments for increasing the use of prison to control crime. This was on the grounds that these arguments exaggerate the effectiveness of imprisonment, underrate the damage which prison does to an already largely disadvantaged sector of the population, and involve treating some members of society as, in effect, outlaws. The report found that many of those subject to community penalties, and some of those who are in prison, present a low risk of reoffending and an even lower risk of causing significant harm. Our prisons are overcrowded and the number imprisoned is projected to continue rising over the next few years. The number of women and offenders from BME backgrounds in prison has risen particularly steeply. The Probation Service is overstretched because the volume of community penalties has also increased, and its morale is low following two major changes in structure since 2000.

1 Speech at Anglo-Australasian Lawyers’ Society, 9 April 2003
Chapter 9: Alternatives to Prison

The bulk of the report is concerned with finding ways of restoring the lack of trust and confidence in criminal justice and community penalties, which has led to such pressure for increased severity in sentencing over recent years.

Lord Coulsfield’s report suggests that recent increases in the harshness of sentencing needs to be reversed in three main ways:

- by developing a sentencing framework which restricts the imposition of custody and which embraces alternatives wherever possible;
- by taking concrete and specific steps to increase sentencer and community confidence;
- by improving the local delivery of community penalties and strengthening links with sentencers.

A number of the key findings are supported by RCP’s wider work, including that:

- the Government sends out mixed messages to the public and the courts about sentencing. It wants to reduce the prison population but, at the same time, introduces policies and legislation that have the opposite effect. These often fail to take account of the research evidence, which the Government itself has sponsored;
- public opinion, or rather public opinion as perceived by the mass media and politicians, is presented as considerably more punitive than research shows it to be – this should be recognised when developing policy;
- for community penalties there are positive benefits which could be usefully emphasised- that they are demanding, can provide training and benefit local communities;
- alarmist media reporting of high profile cases gives a distorted picture. However, it is not solely the media's responsibility to ensure that the public know the real facts – that rests with the Government and individual parts of the criminal justice system. The inquiry concluded that they should all supply more information to the public in a readily understandable form (i.e. not just complex statistical tables, but what courts take into account in sentencing and what sentences really involve); it also suggested that education about the criminal justice system should form part of the national curriculum.

The inquiry reached the view that successful delivery of community penalties is crucial to increasing confidence in them from the public, politicians, judiciary and the Probation Service. The report contains recommendations that:

- community penalties and programmes should be delivered locally and the local community should be much more closely involved in their delivery. For example, members of the community should play a key part in deciding on the work which offenders will undertake as part of community punishment orders. The projects identified should be delivered by local people, including local businesses to maximise the possibility of longer term employment for offenders;
- community penalties and associated programmes need to be properly targeted. The research evidence shows that improperly targeted programmes can worsen rather than improve reoffending. The programmes need to be developed with realistic expectations of offenders’ learning abilities;
- judges and magistrates need better to understand what the various programmes and projects used in their area involve. They should be required regularly to visit these initiatives. This will enable them to make better use of the pre-sentence reports prepared by probation staff;

Community Sentences
Available to Courts

From April 2005, there will be one generic community sentence available to courts, the contents of which will depend on the circumstances of the case. They can include requirements for offenders to undertake:

- unpaid work;
- an activity, course or programme;
- drug, alcohol or mental health treatment.

The sentence can also include prohibited activities, a curfew requirement, an exclusion order or a residence requirement. In addition courts will have powers to suspend a sentence (Custody Minus), to defer a sentence, or to impose a sentence of intermittent custody.
communication between the Probation Service and the courts should be improved with formal liaison arrangements reinstated at both national and local levels. The courts need to ensure that the Probation Service is aware of their needs in relation to pre-sentence reports and the Probation Service needs to improve its service to the courts, for example by ensuring that properly qualified staff attend court to provide information and answer queries;

while some interventions designed to reduce offending and support rehabilitation must clearly focus on issues to do with offending behaviour, not all interventions need to be delivered in a penal context. For example, drug treatment, parenting skills, literacy and numeracy can usefully be delivered in the mainstream;

the needs of specific groups of offenders should be given a higher priority, with more appropriate community penalties for women, and initiatives to establish why there has been a disproportionate increase in the imprisonment of people from BME backgrounds and women and on ensuring that the courts get better information about the mental health of offenders.

Many of the recommendations made by the inquiry and RCP more widely will require resources if they are to be put into practice. To help assess the possibilities of reallocating resources, RCP commissioned a piece of work by the Centre for Criminal Justice Economics and Psychology at the University of York. Their report on an economic approach to offending, sentencing and criminal justice interventions suggests that there is indeed scope for giving greater weight to the costs of punishments and interventions.\(^1\)

Crime costs the country something in the region of £60 billion a year, with spending on crime, justice and communities accounting for just under £20 billion per annum. This represents about 2.5% of GDP: about the same proportion as defence spending. Almost half the share of spending goes to the police, but the Prison Service is the next largest item, costing £2.5 billion, which is just over four times the amount spent on the Probation Service. Prison costs work out at roughly £700 per week per prisoner, and the annual spending on a prison place is about eight times that on a school place.

The economic perspectives on offending reported by the York research provide a variety of insights which are consistent with other findings from RCP:

- criminal convictions carry heavy reputational effects; discharged prisoners find it difficult to rent a house, get a job or a credit card – the kind of market exclusion effects which may be more debilitating than a term of imprisonment itself;
- the costs of effective reintegration of ex-prisoners are high and seldom taken into account;
- raising educational attainment and reducing social exclusion offer promise as a route to reducing offending;
- Restorative Justice offers opportunities for offenders to give greater thought and weight to the consequences of their actions, particularly for victims.

Perspectives on the economics of criminal justice interventions and sentencing suggest:

- reducing the scale of substance misuse would have a major impact on crime;
- intensive enforcement is worthwhile for fines: current avoidance of fines – only 73% are collected – is equivalent to 20,000 offenders escaping prison each year;
- unit costs of community based orders for juvenile and adult offenders are several times less than detention;
- short sentences are very costly;
- sentences on their own do not have a major impact on reconviction.

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\(^1\) Costs and Criminal Justice. Rethink briefing
A study of the costs and benefits of sentencing found that prison was cost effective for male offenders only for medium and high risk violence-against-the-person offenders. Fines are effective and cost-beneficial for low-risk sexual offenders, low and medium-risk burglary offenders and for medium and high-risk drugs offenders. Community penalties and fines are both effective and cost beneficial for high-risk fraud and forgery offenders.

An economic analysis of persistent female offenders found that an intensive resettlement programme for offenders coming out of prison (involving at least four contacts per week) not only reduced problems relating to accommodation, employment, finance, alcohol and drugs but reduced re-offending compared to a control group of offenders who received more limited help. The crime reduction impact gave benefits well above the cost of the intervention.

Earlier interventions could produce bigger returns. A US study put the cost to society of losing one youth to a life of crime in the range $1.7 to $2.3 million. Measures which can keep youngsters in their families, in school and away from drugs can potentially produce significant economic returns. The research suggests that:

- multi-agency working is likely to be important for young offenders with multiple problems;
- interventions to tackle offending through schools may be able to exploit links between education outcomes and offending;
- interventions to tackle persistent offending need to be targeted at children well before they are first convicted at the age of ten or eleven onwards;
- interventions at secondary school level for males can exploit the very clear age profile and concentrate on the 11-14 year old range.

Finally, the economic approach suggests a more decentralised mechanism for allocating resources. The York report looks at three models: giving courts a fixed budget, giving sentencers more information, or more radically making sentencers explicitly the guardians of public safety. At the very least there is scope for using the Local Criminal Justice Boards to improve cooperation between sentencers and the organisations responsible for enforcing decisions. In March 2004 RCP hosted a seminar on Justice Reinvestment, an approach which tries to put these ideas into practice in the US.

### KEY RECOMMENDATIONS

- Sentencers should be more involved in the implementation of community-based sentences.
- Stronger links should be made between prison alternatives and the communities they serve, by extending the role of youth offender panels and creating mechanisms through which communities decide on the nature of community work to be done by offenders.
- More localised funding arrangements should be considered so that sentencers are more aware of the costs of their decisions and local agencies are given incentives to develop effective alternatives to prison.
Chapter 10
Conclusions and Recommendations

Conclusions

RCP’s work has explored a very wide range of issues concerned with crime and responses to it – from prevention to prison. The work has comprised research, awareness campaigns, events and a variety of other activities. The projects have produced a number of detailed recommendations for action, which are summarised below.

There are however three overarching themes, which have emerged from RCP’s work over the last four years. These relate to the importance of public and community involvement in criminal justice; the development of sufficient programmes to treat the health problems which give rise to crime; and the restriction of imprisonment to cases where it is unavoidable.

Detailed Recommendations

Public, Political and Professional Attitudes

1. Political leadership should be exercised to emphasise the goal of reducing the prison population while promoting the value of alternatives to prison.

2. A major public education campaign about community penalties is needed; the Government should set up a specific media marketing campaign on alternatives to prison, drawing on lessons from RCP.

Involvement

3. Panels of local people should help to decide what form unpaid community work by offenders should take in their areas and community penalties should include some element of reparation.

4. Business Sector Coordinators should be employed in every prison to maintain positive relationships with local employers.

5. The different parties involved in the arts in the criminal justice system – artists, prison staff (including teachers and counsellors), funders, policy makers, evaluators – need to work more closely together to increase the range, quantity and quality of activity.
Restorative Justice

6. Restorative Justice (RJ) should be extended in the adult criminal justice system with proper arrangements for judicial oversight and a presumption that all sentences include an element of reparation.

7. Ways should be found of increasing levels of victim participation in RJ.

8. A national agency along the lines of the Youth Justice Board should be created to oversee arrangements for RJ, which in the longer term should not involve the police as facilitators.

Children

9. Schools and health services should take full responsibility for playing their part in preventing offending by young people with support for parents of teenagers introduced in a similar way to Sure Start. Quick response units comprising police and youth services should be developed to set up positive activities to divert youngsters from anti-social behaviour.

10. Decisions about young offenders should be made in a forum that prioritises problem solving over punishment and makes appropriate use of measures that make amends to victims.

11. Alternatives to prison need to be developed that are sufficiently intensive to meet the needs of often highly damaged young people but which also seek genuinely to involve ordinary members of the community in contributing practical solutions.

Women

12. The National Probation Service and Youth Justice Board should develop gender specific community programmes that meet women’s needs by creating local support and rehabilitation centres.

13. Sentencers should take account of the impact that sentences have on women and their families.

14. The Sentencing Advisory Panel and Guidelines Council should review the sentencing guidelines in England and Wales so that drug couriers do not necessarily receive long custodial sentences. Steps should be taken to enable foreign national offenders sentenced in the UK to serve their sentences in their country of origin.
Chapter 10: Conclusions and Recommendations

Drugs

15. Residential rehabilitation places over the next three years should be substantially increased, with a detailed audit to establish the long-term number of places required. The Government should raise the profile of drug treatment to ensure that both drug users and the wider public understand what it involves and its potential benefits.

16. The Sentencing Guidelines Council should issue guidance to sentencers that no one should be sent to prison solely because it is thought that this is the best place for them to receive drug treatment. A timescale should be put in place by the Department of Health and the Home Office introducing drug treatment on demand in the community.

17. An independent audit of the costs and benefits of the current legal framework should be carried out and published.

Mental Health

18. A wide-ranging review of arrangements for offenders with mental health problems should be undertaken.

19. A new generation of units should be piloted outside the Prison Service.

Alternatives to Prison

20. Sentencers should be more involved in the implementation of community-based sentences.

21. Stronger links should be made between organisations running alternatives and the communities they serve, by extending the role of youth offender panels and creating mechanisms through which communities decide on the nature of community work to be done by offenders.

22. More localised funding arrangements should be considered so that sentencers are more aware of the costs of their decisions and local agencies are given incentives to develop effective alternatives to prison.
Annexes: Rethinking Crime & Punishment
Annex A: Policy Developments 2001-04

Since RCP began in 2001 there has been a great deal of change in the criminal justice and penal system. More is planned for the near future. This section summarises policy developments. In the analysis it is hard to discern what Hough et al referred to as the “clear political will to stop the uncontrolled growth in prison numbers, and visible consistent, political leadership in stressing the need to do so”\(^1\). Rather, the thrust of Government policy in England, Scotland and Wales has been somewhat inconsistent and ambiguous.

**England and Wales**

The Government has decided to seek to put a limit on the prison population at 80,000 and reserve custody for serious, dangerous and highly persistent offenders. Substantial resources have been put into early intervention with children at risk, alternatives to custody for young offenders and drug treatment. There has been a cautious commitment to expand Restorative Justice and strategies for reducing the imprisonment of women and improving resettlement prospects for all prisoners.

However, the modernising agenda, with its emphasis on reducing crime and building public confidence, has given high priority to catching, convicting and punishing more offenders, particularly the most persistent. The Prime Minister’s commitment to mark the end of the “1960s liberal consensus” on law and order is typical of the rhetoric that has surrounded policy development. High profile crackdowns on street robbery in 2002 and anti-social behaviour over the last year have created a punitive climate in which the police, courts and other services do their work.

When RCP started work, two important reviews were underway: a review of the criminal courts in England and Wales by Lord Justice Auld and a review of the sentencing framework by senior Home Office civil servant John Halliday. While these came too early for RCP to contribute to them, we have been able to submit evidence to reviews that followed: the Home Office Review of Correctional Services and the subsequent Cabinet Office Review led by Patrick Carter. Although the Auld and Halliday reports were not published until after the general election in June 2001, many of the key proposals were put forward in the paper *Criminal Justice: The Way Ahead* published in February 2001 and in the Labour election manifesto. Apart from recommending more formalised opportunities to divert minor adult offenders from prosecution and the development of Restorative Justice, Auld’s proposals were concerned with processes. Halliday, in contrast, contained more than 50 recommendations on sentencing. Many were subsequently proposed by the Government in the White Paper *Justice for All*, published in July 2002 and enacted in the Criminal Justice Act 2003.

**The Halliday Review**

Halliday’s review, published in July 2001, identified a number of deficiencies in the existing system, including:

- an unclear and inconsistent approach to persistent offenders;
- the pointlessness of short prison sentences;
- the scope to make much more of effective rehabilitation practice;
- Restorative Justice;
- lack of public confidence.

The review concluded that both the principles and structures of sentencing should be refined. It recommended that:

- principles should ensure that, while sentences should continue to be proportionate to the seriousness of the offending, severity should increase if an offender has previous convictions;
- guidelines should be produced to help sentencers match severity with seriousness;
- prison should be used only when no other sentence would be severe enough;
- consistency should continue to be a goal measured by uniformity of approach rather than outcome;
- the structure of sentences should be modified so that most prison sentences of under 12 months should be replaced by a new sentence of Custody Plus: between two and 12 weeks in prison followed by six months or more supervision in the community (which could include curfews and tagging);
- all sentences over 12 months should be served half in prison, half under community supervision;
- dangerous offenders should be eligible for a special sentence, with discretionary release by the Parole Board and extended periods of supervision;
- there should be a single non-custodial sentence to replace existing community sentences and a new interim review order which would allow courts to defer sentence to assess an offender’s progress.

The report estimated that the changes might produce anything from a decrease of 1,500 in the prison population to an increase in 9,500, with the Probation Service working with up to 80,000 more offenders at any one time. The impact on prison numbers would depend on how these new measures are used and the prevailing climate of opinion.

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1 Hough et al *The Decision to Imprison* PRT 2003
While the Government was developing policy, the prison population continued to rise, reaching 71,000 in May 2002, almost 5,000 higher than 12 months previously. This was partly fuelled by a crackdown on street crime. With the Prime Minister leading a strategy to solve the problem in 10 robbery hotspot areas, the prison and secure accommodation systems in the UK were placed under increasing pressure. Partly as a result, a review of correctional services was announced in July 2002 in the Government’s White Paper *Justice for All*.

**Correctional Services Review**

The review was set up to examine the entire range of correctional services, looking particularly at effectiveness and value for money in the delivery of services to reduce re-offending, and at how to improve the ability to manage the prison population. The first part of the review, which was completed at the end of 2002, concentrated on the short-term demands on the correctional services. It was carried out within the Home Office in conjunction with the correctional services, and reported to the Correctional Services Board, chaired by the then Prison and Probation Minister Hilary Benn. The second phase of the correctional services review was led independently by Patrick Carter and reported at the end of 2003. This aimed to consider a strategy for correctional services over 2005-08 so as to meet the Government’s objectives of “protecting the public and sustaining public confidence, reducing crime and ensuring an affordable, cost effective and financially sustainable approach to correctional services”.

RCP contributed a major submission to the review and made a number of presentations, highlighting emerging findings. These included the realities of public opinion and the need to rebuild the use of fines, target alternatives to prison, establish multi-agency teams on the Youth Offending Teams (model, market alternatives to the public and involve ordinary people and civil society groups. RCP also recommended the setting of custody reduction targets and a public commitment from Government to reduce the role of custody.

The Carter report was published with the Government response in January 2004. Key among the proposals was the creation of a new National Offender Management Service (NOMS) to integrate the work of the Prison and Probation Services, with a greater role for the voluntary and commercial sectors in providing programmes for offenders at different stages in the criminal justice process. The Government has backed Carter’s proposals to try to stem the rise in the prison population. The Home Office estimated that unless action was taken the number locked up would reach 93,000 by 2009, with 300,000 under supervision in the community. By revitalising the use of fines, increasing the credibility of community punishment and changing sentencing practice, the numbers could be reduced: 80,000 in prison and 240,000 in the community. This would still represent a near doubling of the prison population over 15 years, but nonetheless would mark a break with the rises in recent years and rebalance the way we respond to crime in England and Wales.

**Future Developments**

There are three important developments in the framework of law, policy and practice which will shape the use of prison and alternatives over the coming years. First, the Criminal Justice Act 2003 contains measures such as Custody Minus, Custody Plus and Intermittent Custody, which if used properly could provide alternative options for courts. This will limit the overall growth in the prison population and minimise the disruptive impact of imprisonment on individual offenders. These measures along with the generic community sentence could be successful if properly resourced and managed. If not they could lead to a greater use of prison. Key will be the Sentencing Guidelines Council, which produced its first draft guidelines in September 2004.

Second, the National Offender Management Service, which is being created to combine the work of the Prison and Probation Services, should enable a more integrated approach to meeting the needs of offenders in prison and the community. It offers the prospect of a range of public, voluntary and private sector organisations providing a range of drug and alcohol treatment, mentoring programmes, job training and Restorative Justice programmes, which are not systematically available at the points at which offenders might respond to them. Commissioning these and other services at a regional level from voluntary and commercial providers as well as the Probation Service should lead to better outcomes for offenders on community sentences, in prison or after release.

Third, the action plan *Reducing Reoffending* sets out what needs to be done at national, regional and local level to improve the prospects of offenders leaving prison. Sixty action points have been agreed across seven ‘pathways’. These relate to: housing and accommodation, employment and education, physical and mental health, drugs and alcohol, finance benefit and debt, family ties and offender attitudes. While the plan is long on the need for partnership working, strategic planning, and systems for the assessment and referral of offenders to suitable services, it is short on how those services themselves are to be provided and paid for. While national and regional plans are important, without a substantial injection of funds practical local projects that address the highly complex problems faced by people leaving prison could remain in short supply.

How these developments work in practice will depend on the climate of opinion. There is a danger of an increasingly tough political rhetoric in the run up to a general election.
Scotland

When RCP commenced work Scotland was beginning a major new chapter in its political history. Though Scotland has had its own separate legal system since the Acts of Union in 1707, the creation in 1999 of the devolved Scottish Parliament sitting in Edinburgh brought major changes in public policy-making. As part of the devolution arrangements a new Scottish Executive was created and policy responsibility for criminal and youth justice passed from the UK Scottish Office to the Executive. Prior to devolution, Scottish criminal justice policy rarely featured in debates in the UK Parliament; policy development and discussion lay mainly with relevant professional groups and the civil service.

Devolution, in setting up a national assembly with elected members directly responsible to local electorates, has changed this. Since then, there has not only been much more policy activity but also increased politicisation of debates about crime and justice in Scotland.

Much of this activity and debate has focused on concerns about reoffending, public confidence in the youth and criminal justice systems and the relentless rise in the prison population. In addressing these concerns, the recent policy and legislative context reveals contrary tendencies. Some policy and legislative initiatives seek to promote the use of alternatives to custody aimed at reducing the prison population, especially in relation to women who offend, whereas others imply increased use of imprisonment, especially in relation to high risk offenders. Thus, whilst a number of the pilot initiatives are aimed at reducing youth crime and addressing anti-social behaviour, these could have unintended consequences in terms of criminalising more rather than less young people. These initiatives include the creation of pilot ‘fast-track’ Children’s Hearings for persistent offenders under 16, a pilot Youth Court for persistent offenders aged 16-17 years and National Standards for Scotland’s Youth Justice Services.

Whether any or all of these initiatives will assist the Executive in meeting its target to reduce the number of persistent young offenders by 10 per cent by 2006 is obviously unclear. What is clear however is that, through the increased politicisation of debates on youth crime in post-devolution Scotland, there has been a deeper entrenchment of two parallel systems of youth justice and a consequent shift in policies away from the social education and welfare approach of the diversionary Scottish Children’s Hearings System.

Policy Reviews

In relation to adults several policy reviews since 2001 have focused on reforming various parts of the criminal justice system. At the heart of these reforms lies the Executive’s commitment to addressing reoffending and the growth in Scotland’s prison population. The progressive rise in the prison population, overcrowding and the poor condition of the prison estate led to a consultation by the Scottish Executive in 2002 on the Future of the Scottish Prison Estate. Based on the trends in prisoner numbers, that consultation envisaged a prison population of almost 8,000 within the next ten years. When RCP began the prison population was just over 6,000; it is now over 7,000. Scotland’s rate of imprisonment (129 per 100,000 of the general population) is one of the highest in the European Union. At the same time Scotland has amongst the widest range of non-custodial penalties available anywhere in the world.

The Scottish Executive’s Prison Estates Review proposed the building of three new private prisons. Amidst a great deal of opposition to these proposals, reflected in much of the evidence given to the Justice 1 Committee of the Scottish Parliament during its Inquiry into the Prison Estates Review, the Executive announced its intention to build one new private prison – to replace an existing prison – and to upgrade other parts of the prisons estate. In addition, the Committee initiated a further wide-ranging Alternatives to Custody Inquiry. That inquiry, which began in July 2002, made a number of recommendations based on its consideration of the appropriate use of custody, available community disposals, levels of service provision and resources, the effectiveness of community disposals, sentencing, and public perception of community disposals.

Many of these recommendations are being followed through, though, to date, without any noticeable effect on the prison population. Due to the continuing rise in prisoner numbers, the Executive is now committed to building two new prisons rather than the one announced in 2002. Prisons are overcrowded, the Scottish courts in 2004 ruled that prison conditions – notably ‘slopping out’ – constitute degrading treatment in breach of human rights, and the Scottish Prison Service is spending £1.5 million a week on ‘upgrading’ the prison estate. Against this background, the Executive has taken a number of measures, including plans to introduce intermittent custody, aimed at reducing the prison population. There are also other recent policy developments, with direct relevance to the use of custodial and non-custodial sentences, which have the potential to make an impact on the inexorable rise in the prison population.

One of these is the Executive’s establishment in 2003, for the first time in Scotland’s history, of a judicially led Sentencing Commission with a remit to review sentencing and make recommendations on the use of bail and remand, the basis on which fines are determined, the effectiveness of sentencing in reducing re-offending, the scope to
improve consistency in sentencing and the arrangements for early release from prison, and supervision of short term prisoners on their release. The Sentencing Commission is currently considering responses to its first consultation document on the use of bail and remand; remands in custody have made a significant contribution to the growth in the Scottish prison population over the past decade.

Other Executive commitments may also make an impact, for example, plans to further develop alternatives to custody and specialist courts such as Drug Courts. Above all, the Executive’s Consultation on Reducing Reoffending in Scotland has the potential to lead to action that could at least halt if not reverse the growth in the prison population. In that consultation document the Executive’s stated goal is that prison “be viewed by Scottish society as the ultimate sanction for the punishment of the most serious offenders and for those who present an unacceptable risk to society”. The document emphasises that “the answer to reducing offending does not lie simply in more imprisonment” and stresses the financial and human costs of maintaining Scotland’s large and rising prison population. For example, it notes that in 2002-3 it cost an average of £29,839 to provide a prisoner place, that the two new prisons planned to cope with the growth in numbers will cost £500 million each over the next 25 years, and that it is estimated that 13,000 children in Scotland each year are affected by the imprisonment of a parent.

The consultation exercise, conducted from the beginning of March until the end of May 2004, was far-reaching and in-depth. The exercise took written submissions, held focus groups and seminars and sought views on five main issues connected with how best to address reoffending and the rising prison population. The five issues concerned roles and responsibilities in reducing reoffending, the purpose of prison, addressing reoffending, an integrated approach to reducing reoffending, and effectiveness and value for money. In particular, the consultation sought views on the proposal that some form of single agency for the management of custodial and non-custodial sentences might be more effective than present arrangements where the Scottish Prison Service is responsible for custodial sentences and local authority social work departments have responsibility for the supervision of offenders on community orders. The overwhelming majority of responses to the consultation were not in favour of a single agency approach.

Most responses underline the human and financial costs of imprisonment and suggest ways to reduce the prison population through the use of alternative community sentences and investment in communities rather than in prisons.

The Executive's plans further to the Reducing Reoffending Consultation could have a major impact on the future of custodial and non-custodial sentences, though the direction of change will depend not only on the plans but also on how they are received by professionals working in the criminal and youth justice systems as well as on the wider climate of political, media and public opinion.
### Annex B: List of Grants Made by Rethinking Crime & Punishment

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Society of Criminology</td>
<td>£2,000</td>
<td>Funding to provide subsidised places to enable participation by victim and</td>
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<tr>
<td></td>
<td></td>
<td>other charitable bodies in a major national conference, Justice Through</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sentencing, on sentencing policy.</td>
</tr>
<tr>
<td><a href="http://www.britsoccrim.org">www.britsoccrim.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catholic Agency for Social Concern</td>
<td>£3,475</td>
<td>Conference costs and publicity for a Restorative Justice Conference – aimed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>at providing information about Restorative Justice schemes and ideas as to</td>
</tr>
<tr>
<td></td>
<td></td>
<td>how Christian denominations could support these.</td>
</tr>
<tr>
<td>Centre for Adolescent Rehabilitation (C-FAR)</td>
<td>£200,000</td>
<td>(Split grant RCP £40,000 and Esmée Fairbairn Social Development Programme £160,000)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Purchasing and developing a residential centre of excellence for the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>rehabilitation of young adult offenders and promotion and replication of the</td>
</tr>
<tr>
<td><a href="http://www.c-far.org.uk">www.c-far.org.uk</a></td>
<td></td>
<td>C-Far model.</td>
</tr>
<tr>
<td>Centre for Crime and Justice Studies</td>
<td>£2,025</td>
<td>Explanatory seminar of relevant statutory, non-governmental organisations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>and academics, to discuss establishing an Institute of Mediation and</td>
</tr>
<tr>
<td><a href="http://www.kcl.ac.uk/ccjs">www.kcl.ac.uk/ccjs</a></td>
<td></td>
<td>Restorative Justice. The aim being to promote research, teaching and public</td>
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<tr>
<td></td>
<td></td>
<td>awareness of mediation, including theory, ethics, public policy and good</td>
</tr>
<tr>
<td></td>
<td></td>
<td>practice.</td>
</tr>
<tr>
<td>Centre for Crime and Justice Studies</td>
<td>£7,300</td>
<td>UK Criminal Justice Weblog which will provide specialists and the general</td>
</tr>
<tr>
<td><a href="http://www.ukcjweblog.org">www.ukcjweblog.org</a></td>
<td></td>
<td>public with daily news and information on criminal justice issues and provide</td>
</tr>
<tr>
<td></td>
<td></td>
<td>links to further information and promote debate.</td>
</tr>
<tr>
<td>Centre for Crime and Justice Studies</td>
<td>£77,500</td>
<td>Development and maintenance of a factual and interactive public information</td>
</tr>
<tr>
<td><a href="http://www.crimeinfo.org.uk">www.crimeinfo.org.uk</a></td>
<td></td>
<td>criminal justice website, to act as a useful resource and provide learning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>material for those outside the criminal justice field.</td>
</tr>
<tr>
<td>Children Law UK</td>
<td>£6,000</td>
<td>European conference to discuss and compare European Youth Justice systems.</td>
</tr>
<tr>
<td><a href="http://www.childrenlawuk.org">www.childrenlawuk.org</a></td>
<td></td>
<td></td>
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<tr>
<td>Children Law UK</td>
<td>£1,000</td>
<td>Reducing Custody seminar bringing together 30-40 experts to discuss ways</td>
</tr>
<tr>
<td><a href="http://www.childrenlawuk.org">www.childrenlawuk.org</a></td>
<td></td>
<td>of safely reducing the use of penal custody for children.</td>
</tr>
<tr>
<td>Children's Rights Alliance for England</td>
<td>£1,000</td>
<td>Legal opinion to check the compatibility of the Antisocial Behaviour Bill</td>
</tr>
<tr>
<td>Children's Rights Alliance for England</td>
<td>£25,000</td>
<td>Production and dissemination of an accessible compilation report on the</td>
</tr>
<tr>
<td>Common Purpose UK</td>
<td>£85,000</td>
<td>Cost of a criminal justice worker to stimulate awareness of and commitment</td>
</tr>
<tr>
<td>The Diocese of Winchester</td>
<td>£3,000</td>
<td>Cost of Crime-Who Pays? seminar, which aims to challenge assumptions,</td>
</tr>
<tr>
<td><a href="http://www.winschamber.org">www.winschamber.org</a></td>
<td></td>
<td>stimulate debate about the criminal justice system and help engage churches</td>
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<tr>
<td></td>
<td></td>
<td>with criminal justice issues.</td>
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<tr>
<td>Drugscope</td>
<td>£95,600</td>
<td>Using Women campaign to help highlight addiction problems of women in prison</td>
</tr>
<tr>
<td><a href="http://www.drugscope.org">www.drugscope.org</a></td>
<td></td>
<td>and the availability and effectiveness of alternatives to custody such as</td>
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<tr>
<td></td>
<td></td>
<td>drug treatment and testing orders.</td>
</tr>
<tr>
<td>Essex Restorative Justice Group</td>
<td>£6,000</td>
<td>Essex Restorative Justice Website project. Design, establishment and</td>
</tr>
<tr>
<td><a href="http://www.essexcrim.org">www.essexcrim.org</a></td>
<td></td>
<td>maintenance costs of a website to promote understanding and acceptance of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restorative Justice within Essex and to encourage community participation</td>
</tr>
<tr>
<td>Fawcett Society</td>
<td>£40,000</td>
<td>Commission on Women and the Criminal Justice System, to raise awareness</td>
</tr>
<tr>
<td><a href="http://www.fawcett.org.uk">www.fawcett.org.uk</a></td>
<td></td>
<td>among the general public of women’s experience and gender issues within the</td>
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<tr>
<td></td>
<td></td>
<td>criminal justice system, to influence policy experts and legislation and to</td>
</tr>
<tr>
<td>霍Lek County</td>
<td></td>
<td>challenge gender inequalities.</td>
</tr>
<tr>
<td>Henley Management</td>
<td>£51,100</td>
<td>College, Centre for Organisation Reputation and Relationships (CORR)</td>
</tr>
<tr>
<td><a href="http://www.henleymc.ac.uk">www.henleymc.ac.uk</a></td>
<td></td>
<td>A research study looking at how the reputation of two alternatives to prison</td>
</tr>
<tr>
<td>Howard League for Penal Reform in Scotland</td>
<td>£4,623</td>
<td>are perceived by sentencers and the broader public and how they can be</td>
</tr>
<tr>
<td><a href="http://www.howardleague.scotland.org">www.howardleague.scotland.org</a></td>
<td></td>
<td>improved.</td>
</tr>
<tr>
<td>Inside Out Trust</td>
<td>£70,336</td>
<td>Employment Inside and Out community involvement programme, working in</td>
</tr>
<tr>
<td><a href="http://www.inside-out.org">www.inside-out.org</a></td>
<td></td>
<td>prisons to draw attention to the realities of prison life and find ways of</td>
</tr>
<tr>
<td>Institute for the Study of Civil Society (CIVITAS)</td>
<td>£28,500</td>
<td>contributing to the resettlement and employment of prisoners on release.</td>
</tr>
<tr>
<td><a href="http://www.civilitas.org">www.civilitas.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Justice</td>
<td>£122,000</td>
<td>Inquiry into Restorative Justice (RJ) to examine the potential for extending</td>
</tr>
<tr>
<td><a href="http://www.justice.org">www.justice.org</a></td>
<td></td>
<td>RJ within the criminal justice system in the UK and its effectiveness in</td>
</tr>
<tr>
<td></td>
<td></td>
<td>reducing re-offending based on experience overseas.</td>
</tr>
</tbody>
</table>

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**Annexes**
Justice Research Consortium £63,750
Programme to involve opinion formers and policymakers as observers in Restorative Justice conferences. The conferences bring together victims and offenders with a mediator and enable the victim to express their feelings and the offender to express remorse.
www.sax.upenn.edu/jerrylee/jrc

Legal Action Group £9,800
Series of high profile seminars: Reconciling rights within the criminal justice system. Aimed at promoting debate on the relationship between the rights of defendants and of victims and the impact of changing that relationship on the criminal justice system.
www.lag.org.uk

The Magistrates’ Association £25,000
Local Crime, Community Sentence pilot programme, run in conjunction with the Probation Boards Association. Teams of magistrates and probation officers will be trained to deliver presentations to local people about how sentencing decisions are reached and what happens when an offender is sentenced to a community penalty.
www.lcs.org.uk

NACRO – the crime reduction charity £9,950
Out for Good campaign, including a joint (NACRO, Big Issue & Prison Reform Trust) fringe meeting at the main party conferences in 2002 and a specialist seminar in 2003, to address the issues and problems around ex-offenders and homelessness.
www.nacro.org.uk

NCH Scotland £3,000
Production and publication costs of the report and recommendations of the Where’s Killbrandon Now? inquiry into youth crime policy and review of the Children’s Hearing system in Scotland.
www.nch.org.uk

National Probation Service for England & Wales, Staffordshire Area £13,667
Set up phase of a case study project which develops case studies of ex-offenders for national and regional outlets. The aim being to establish a properly resourced and organised system for identifying, recruiting and supporting suitable case studies and for making the individuals available to responsive media.
www.staffordshireprobation.org.uk

Nottingham Trent University £80,000
(Grant split equally between RCP and the Esmée Fairbairn Education Programme)
Research study to examine public and professional attitudes towards the role of education in relation to crime and the punishment of young offenders.
www.ntu.ac.uk
www.ecotec.co.uk

The Open University £10,000
The Persistent Prisoner International Perspectives conference in Dec 2003. The aim of the conference will be to discuss why penalty has developed in the way that it has over the last two centuries and to highlight contemporary international variations.
www.open.ac.uk

Payback £39,864
Broadcast development work to encourage relations between broadcasters and the criminal justice sector in partnership with the Media Trust.

Payback £9,800
Broadcast Liaison Officer and other specialist researchers to build relationships with broadcasters and build the foundations for improved diversity and accuracy of TV and radio programmes about crime and sentencing.

Penal Affairs Consortium £10,000
Production of a set of key criminal justice policy briefing papers, each covering a distinct element of the functioning of the criminal justice system.
www.penalaffairs.co.uk

The Police Foundation £430,000
Lord Soulsby’s independent inquiry into alternatives to prison.
www.police-foundation.org.uk

Powys Challenge Trust £10,000
Challenge For Change programme, which aims to develop awareness and understanding of crime and the criminal justice system in Powys and encourage participation through volunteering within local communities and schools.
www.powyschallenge.org.uk

Prison Advice & Care Trust £9,080
Design and production costs of the Prisoners’ Sunday parish pack which raises awareness of the needs of prisoners and prisoners’ families and informs a more humane debate on crime and punishment amongst the Christian community.
www.prisonimprisonment.org.uk

Prison Advice & Care Trust £3,000
Design, production and distribution of a What Can I Do? information pack. The pack raises awareness of the opportunities for volunteering within the criminal justice sector and the benefit of volunteers to this sector.
www.prisonimprisonment.org.uk

Prison Reform Trust £17,851
Production and distribution of a Prisoners’ Sunday Parish Pack to Anglican and Catholic Parishes in England and Wales. The pack contains information about volunteering opportunities in the criminal justice system and will help to raise awareness of the needs of prisoners and their families.
www.imprisonment.org.uk

The Prison Reform Trust and South Bank University £40,500
Research study into sentencing decisions by magistrates and judges. The study considers the reasons magistrates and judges sentence offenders to prison and what alternative options they think would reduce the need to pass such sentences.
www.prisonreformtrust.org.uk

Prison Reform Trust £27,000
Dissemination of The Decision to Imprison: Sentencing and the Prison Population – research findings from the study looking into sentencing decisions by magistrates and judges.
www.prisonreformtrust.org.uk

Prison Reform Trust £72,000
From Rhetoric to Reality – a project providing opportunities for prisoners and their families to contribute to the public debate on crime and punishment, provide detailed information on local prisons, local alternatives to custody and inform debate at national regional and local level.
www.prisonreformtrust.org.uk

Restorative Justice Consortium (RJC) £92,246
To pay for a range of activities to raise the level of debate about criminal justice among targeted groups, such as Members of Parliament, trade unions and professional bodies and local voluntary organisations and to promote the values of Restorative Justice.
www.restorativejustice.org.uk

Revolving Doors Agency £3,617
Recruitment of the Head of Communications post to help raise the profile of those with mental health problems in contact with the criminal justice sector and supplementary grant to establish a policy and communications unit.
www.revolving-doors.co.uk

Revolving Doors Agency £54,264
Establishment of a new policy and communications unit, to help raise the profile of those with mental health problems in contact with the criminal justice sector.
www.revolving-doors.co.uk

Annexes
Safeguarding Communities, Reducing Offending in Scotland (SACRO) £100,000
Public information and education campaign, to improve knowledge of community penalties and Restorative Justice in Scotland. SACRO uses a variety of methods to disseminate evidence about the use of imprisonment, alternatives available, and their effectiveness.
www.sacro.org.uk

Salvation Army United Kingdom Territory HQ £3,000
Costs of Birmingham University, to chair 12 sessions of the Community Chaplaincy National Advisory Board
www.salvationarmy.org.uk

Scottish Council Foundation £10,000
Criminal and Youth Justice: the Public Interest programme, to promote a closer alliance between members of the public and justice professionals and to create practical proposals for criminal and juvenile justice in the future in Scotland.
www.scottishcouncilfoundation.org

Scottish Consortium on Crime & Criminal Justice £36,500
Investigation into judicial reactions to options for sentencing reform. The project examines sentencers' views on options to redirect sentencing policy in Scotland, to maximise the use of community sanctions compatible with public safety.
www.scccj.org.uk

SHAPE £152,000
Shape – The Youth Crime Debate – public awareness campaign to highlight the links between child neglect and delinquency and to promote prevention through education, health and social welfare measures and community based solutions. The campaign is based on a partnership of five charities; Barnardo's, Children's Society, NACRO, NCB, NCH, NSPCC.
www.shapethedebate.org.uk

South Bank University £7,500
Conference to improve understanding about attitudes to punishment and ways of shaping attitudes.
www.lsbu.ac.uk

Thames Valley Partnership £50,000
Confidence in Justice project to promote Restorative Justice work in prisons and encourage more communication between criminal justice agencies and the public to generate informed debate. The project aims to strengthen links between communities, voluntary organisations and prisons.
www.thamesvalleypartnership.org.uk

University of Central England £3,000
Proposal development costs for a prison film season, using prison films to stimulate localised public debate about the nature of imprisonment and publicise the penal reform agenda.
www.theprisonfilmproject.com

University of Central England £38,880
Prison film weekends in London, Birmingham and Glasgow during 2004. The weekends comprised screenings of prison films and pre and post screening talks to increase public understanding of issues of imprisonment and use issues portrayed in prison films to inform the current debate on punishment.
www.theprisonfilmproject.com

University of Luton £1,500
Comparative study of responses to serious and persistent young offenders in Finland and England to help improve our understanding of how non-custodial policies can be developed, and responses consolidated within professional practice.
www.luton.ac.uk

Victim Support London £1,500
Restorative Justice conference and dissemination of the findings regarding the importance to victims of the Restorative Justice process.
www.vslondon.org

Winchester RJ International £10,000
Conference Committee Restorative Justice Press/Media Officer, to help promote and publicise Restorative Justice through the media to the public, opinion formers and criminal justice professionals.

YMCA England £9,950
Access All Areas project for young people. The project used the YMCA Youth Parliament in Prague to stimulate young people's ideas about crime and punishment, prison and alternatives to prison and allow comparisons to be made between European countries.
www.ymca.org.uk
Research Projects
Hooper & Walker
Bridging the Gap project – to develop a prison/neighbourhood partnership to establish links between Reading prison and its local community in order to enhance resettlement opportunities and increase community involvement in the prison.

Mori Surveys 2001 & 2003
- Mori – Public Attitudes to prison: an analysis of MORI trend data Feb 2001
- Mori – Public Attitudes Towards Prisons – a review of evidence May 2001
- Mori Omnibus Survey Nov 2001 & Nov 2003
  www.mori.co.uk

National Centre for Social Research
  www.natcen.ac.uk

Open/Swansea University
  www.open.ac.uk

Phyllida Shaw & colleagues
Report on the impact which offender arts projects make on public attitudes (Keith Allen, Julie Hall & Phyllida Shaw May 2002).

The University of Strathclyde – Centre for Social Marketing
Social marketing report on how to bring about change in attitudes, policy and practice re prison and non-custodial sentences (Professor Gerard Hastings, Dr Lynn MacFadyen, Martine Stead 2001/02).
  www.strath.ac.uk

University of York
An economic approach to offending, sentencing and criminal justice.
  www.york.ac.uk

Wood J & Viki GT
Public Attitudes to Crime & Punishment (2001)

Main RCP Publications
- What Can I Do? How you can get involved in the criminal justice system
- What you Really Need to Know about Criminal Justice
- Rethinking Crime & Punishment – Five Ideas
- Tackling Crime in the Community – Proposals for Action
- Exploring Alternatives to Prison (Summary of RCP funded projects)
- Right From the Start – An Evaluation Toolkit for Funded Projects

RCP Briefings
- What Does the Public Think about Prison published June 2002 – summarising the Mori findings re public attitudes
- Attitudes to Crime & Punishment: the Results of a Deliberative Poll of Public Opinion (September 2002)
- What Do the Public Really Feel about Non-Custodial Penalties? (November 2002)
- Media and the Shaping of Public Knowledge and Attitudes Towards Crime & Punishment (June 2003)
- A Bitter Pill to Swallow – The sentencing of foreign national drug couriers (November 2003)
- Restorative Justice
  An idea whose time has come? (March 2004)
- The Art of Rehabilitation – Attitudes to offenders’ involvement in the arts (March 2004)
- The Reputation of Alternatives to Prison: Building community and magistrate support (May 2004)
- Searching for a fix – Drug misuse, crime and the criminal justice system (June 2004)
  www.rethinking.org.uk

The Governance of RCP
RCP has been co-ordinated at the centre by two full time members of staff, employed by Esmée Fairbairn Foundation: Project Director, Rob Allen and Project Officer, Frances Thompson. RCP has also been assisted by two part-time media advisers, Richard Gaside and then Joe Levenson.

The Project Director has worked directly to the Esmée Fairbairn Foundation Director Margaret Hyde, with Baroness Stern as special adviser to the project. Strategic direction has been provided by a Supervisory Board, which met 12 times during the life of the project. Chaired by Baroness Linklater, the Board included four other Esmée Fairbairn Trustees with nine external experts. These were:

Trustee Members
Baroness Linklater (Chairman)
Sir Antony Acland
John Fairbairn
Jeremy Hardie
William Sieghart

External Members
Sir Edward Cazalet
Professor Michael Hough
Marion Janner
Professor Rod Morgan
Sir David Ramsbotham
Sally Sampson
Baroness Stern
Charles Wilson
Anthony Simonds-Gooding (until 2003)

The Supervisory Board provided a model which combined Foundation oversight with wider ownership, external expertise and risk mitigation. A quorum of Esmée Fairbairn Trustees – at least two – have needed to be present in order to authorise expenditure up to £100,000. The Supervisory Board reported regularly to the full Esmée Fairbairn Trustee body, who remained responsible for authorising any expenditure over £100,000.
The purpose of the Supervisory Board has been to:
- provide strategic direction to Rethinking Crime & Punishment, drawing on expert advice and report on progress to meetings of the full Esmée Fairbairn Trustee board;
- agree an overall annual work plan and budget for recommendation to the full Esmée Fairbairn Trustee board;
- monitor the progress of the project against its work plan and targets;
- agree grants and other expenditure up to £100,000 and consider proposals for larger expenditure, recommending them to the full Esmée Fairbairn Trustee board as necessary.
Evaluation

Esmée Fairbairn Trustees decided at the outset that the impact of RCP should be evaluated, with an external element to ensure objectivity. The purpose of the evaluation has been to provide learning for Esmée Fairbairn about how successful RCP has been in achieving its aims, and any other benefits or learning to come out of the initiative. An interim review of grant making progress and resulting issues for the remainder of RCP was carried out, and reported in February 2003. A final evaluation will also be carried out.

A number of monitoring activities over the lifetime of RCP have contributed data and information to the evaluation. RCP grant recipients completed a progress report on each year of RCP funding and a final project report. Monitoring visits (and subsequent reports) from a number of funded projects have taken place. RCP projects have been asked to write a quarterly update prior to grantholders’ meeting to share progress.

In addition, an evaluation toolkit was commissioned for use by funded projects. A number of the more substantial projects have had independent evaluations of their work.
Credits

Photography
Richard Berelson
Gus Campbell Photography
Dawn Collins
Fallon Photography
National Probation Service

And thanks to all the projects that contributed photographs.

Design
www.red-stone.com

Print
Printed by Beacon Press using their pureprint® environmental print technology. The printer is registered to environmental management systems ISO 14001 (Certificate number E9586) and EMAS, the Eco Management and Audit Scheme (Registration number UK-S-00011).
Beacon Press is a Carbon Neutral® company.

Rethinking Crime & Punishment is a strategic initiative of the Esmée Fairbairn Foundation, charity number 200051.

December 2004.