

Rethinking Crime & Punishment: Executive Summary

Background

Rethinking Crime & Punishment (RCP) is a four-year £3 million initiative of Esmée Fairbairn Foundation. It 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 RCP-funded work are set out in this Executive Summary.

Rethinking Crime & Punishment (RCP) is an 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 projects including research studies, awareness and education campaigns, inquiries, events and community involvement exercises. RCP has also sponsored a major independent inquiry looking at alternatives to prison. Throughout, RCP has disseminated the emerging findings from its work with politicians, practitioners and through the media.

This is the Executive Summary of the Rethinking Crime & Punishment Report.

The full report is available at www.rethinking.org.uk or by telephoning 020 7297 4700.

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 also 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.

Children and Young Offenders

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.

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.

Drugs

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.

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 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.



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Chairman: Baroness Linklater
Project Director: Rob Allen

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

Rethinking Crime & Punishment
Esmée Fairbairn Foundation
11 Park Place, London SW1A 1LP

Telephone: 020 7297 4700
Email: info@rethinking.org.uk

www.rethinking.org.uk
www.esmeefairbairn.org.uk

December 2004