

Rethinking Crime and Punishment

Stimulating debate based on sound evidence

Over the last seven years the Esmée Fairbairn Foundation has spent approximately £4 million on some 60 projects to determine the viability of alternatives to prison. It has been one of the most substantial programmes ever to investigate the subject and involved research, inquiries, demonstration projects, events, campaigns and surveys. In 2008, the final report on this work was launched.

Crime in the UK is a subject of national concern. So, in particular, is the growth in the prison population and prison overcrowding. These facts of 21st century life prompted the Esmée Fairbairn Foundation to seek to raise the level of debate about how this country responds to crime, its uses of custody and to identify effective alternatives to imprisonment. Appropriately, *Rethinking Crime and Punishment* (RCP) had its launch at that ancient symbol of incarceration, the Tower of London, in December 2001 under the Chairmanship of Baroness Linklater.

In the first phase of the programme, which lasted until 2005, RCP funded 57 projects. These consisted of research studies, awareness and education campaigns, inquiries, events and community involvement exercises.

Significantly one of these was a commission of inquiry headed by Lord Coulsfeld, a recently retired Scottish Judge. Its findings resulted in the report *Crime, Courts and Confidence*. The Coulsfeld inquiry recommended that the sentencing framework should restrict the imposition of custody and embrace alternatives wherever possible and that the trend towards increasing sentence severity should be reversed. It further concluded that confidence in criminal justice should be increased through more transparent sentencing, better measures of effectiveness and greater public education, and that the delivery of community sentences should be undertaken locally in close cooperation with the courts and the public.

Other key projects included:

- A public education initiative by the Magistrates Association and Probation Boards to inform the public about community sentences called: *Local Crime, Community Sentence*
- A restorative justice observer programme involving politicians, judges and journalists
- A programme to develop more effective approaches to offenders with mental health needs

From the start, RCP also commissioned regular research on public attitudes. This established that there is widespread scepticism about prison and found that there is considerable interest in alternatives.

This work has succeeded in one of the programme's original objectives: to stimulate debate and pave the way for change.



The culmination of this second phase was the launch of *RCP: The Manifesto* at a House of Lords event with RCP Chair and Esmée Fairbairn Trustee Baroness Linklater as host. Since work on RCP began in 2001, statistics suggest that the promotion of alternatives to prison shows signs of having a positive impact. The population of offenders to be sentenced to immediate imprisonment fell from 7.9% in 2001 to 6.7% in 2008. The numbers receiving imprisonment for a year or less peaked at 83,000 in 2002 and fell to 69,000 six years later.

Specific initiatives that might be attributed, at least in part, to RCP include government efforts to support and increase confidence in community penalties, greater community involvement in criminal justice through community and problem-solving courts, reviews into the ways of reducing the imprisonment of women, children and the mentally disordered and greater emphasis on residential drug rehabilitation.

But these achievements are only the start. Although RCP's work is now completed, it leaves a considerable body of evidence and practical proposals that probation practitioners, judges, magistrates and others involved in the criminal justice system can apply in their work. It also leaves a legacy for government. According to the House of Commons Justice Committee:

“Local areas and individuals cannot operate in a vacuum. The government needs to implement a sustained strategy for increased use of community punishments. This is crucial for boosting public confidence in the robustness and efficacy of non-custodial sentences.”

Clearly the debate, which the Foundation helped to stimulate through RCP, will continue.

RCP's first phase of work closed in December 2005 with the publication of *RCP: The Report*. 22 recommendations were identified based on the evidence of RCP. Among these was the need for:

- Greater public, political and professional awareness of alternatives to prison
- More opportunities for sentencers and the public to engage constructively with the work of probation and locally available programmes as alternatives to custody
- Wider availability of restorative justice options at different stages of the criminal justice process
- Stronger commitment to prevention and community-based options for young offenders
- New and specific measures to strengthen community-based sentences for women
- A more adequately resourced treatment-based approach to drug-dependent offenders
- A broader range of initiatives outside prison for mentally disordered offenders

RCP's second phase began in December 2005. Its aim was to put into practice some of the specific recommendations of *Crime, Courts and Confidence*, and *RCP: The Report*. This phase had three strands. One was a large-scale pilot project, based in the Thames Valley, that tested new ways to engage with the public and to influence what forms of unpaid work should constitute community sentences.

The second strand involved magistrates and judges obtaining first-hand experience of their local probation and community based projects and programmes and then joining in a dialogue about how they might be used and improved. This took place in three places: the Thames Valley, Cheshire and Greater London.

The third strand supported a national awards scheme run by the Howard League for Penal Reform to recognise, encourage and publicise best practice in community work with offenders through the publication of a handbook describing the work of the winners.