

The Criminal Justice System Gets Carter

Una Padel summarises the Carter review and the Government's latest plans for reforming correctional services.

The publication in early January of the Carter review of correctional services *Managing Offenders, Reducing Crime* and of the Government's response *Reducing Crime - Changing Lives* finally gave a more definite shape and timescale to the long-anticipated merger of prison and probation services. The National Offender Management Service (NOMS) is to be introduced from 1st June, with Martin Narey already appointed as its Chief Executive. It will, in the words of *Reducing Crime - Changing Lives* have "responsibility for both punishing offenders and reducing offending. The new service will provide end-to-end management of offenders, regardless of whether they are serving their sentences in prison, the community, or both". Eithne Wallis, previously Director General of the National Probation Service, is taking responsibility for the Change Programme, leading the organisational changes required.

suggests a three tier structure with different levels of intensity to be used according to the risk assessment of offenders. Level 1 would involve community punishment, level 2 community rehabilitation and level 3 intensive supervision and monitoring supported eventually by satellite tracking.

While Carter restates the importance of judges and magistrates being able to make independent sentencing decisions, he also introduces 'the need for the judiciary to ensure the consistent and cost-effective use of prison and probation capacity'. The Government response indicates that this is to be the business of the Sentencing Guidelines Council established under the *Criminal Justice Act 2003*.

The change which will affect most criminal justice practitioners is the birth of the National Offender Management Service (NOMS) which is proposed to improve the continuity of provision in relation to each offender, breaking down the 'silos' of the separate

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Critical of sentences

The review, undertaken by businessman Patrick Carter, is highly critical of the way in which sentences are currently targeted and of variations in sentencing practice. He identifies the limited impact that the correctional services can have on the crime rate (despite which the words 'reducing crime' appear in the titles of both review and response), and the chronic overcrowding which afflicts both prisons and probation and the mismatch between use of both and their capacity to deliver.

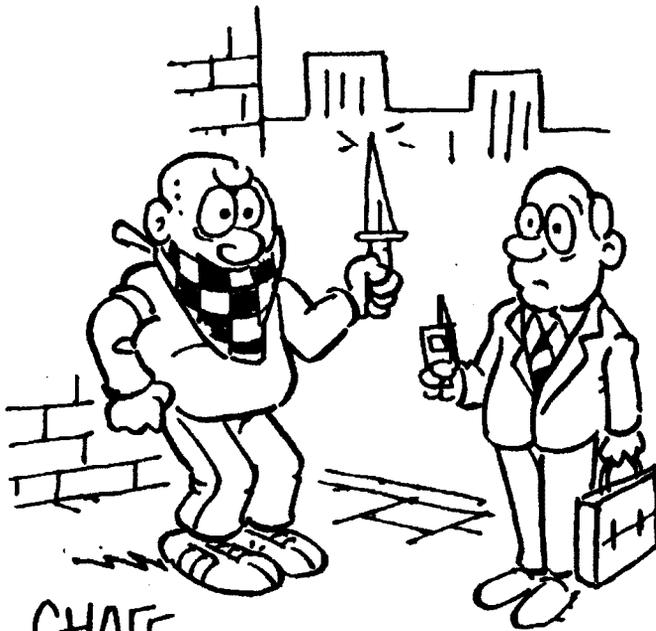
Carter recommends reserving custody for serious, dangerous and highly persistent offenders, with very low risk offenders being diverted out of the court system for punishment in the community. Low risk offenders should, he suggests, receive income-related fines and he proposes the reintroduction of a day fine. The Government seems receptive to this idea, though primary legislation would be required before it could be implemented. Carter also proposes more demanding community sentences for medium risk offenders and greater control and surveillance (including satellite tracking) of persistent offenders combined with help to reduce re-offending. The introduction of the single community order, in place of the range of community sentences available at present, could result in even greater disparities in sentencing practice, so he

services. This is a fine aspiration, but merging the regional management of prisons and probation will not be sufficient to bring together the very distinctive cultures of the two organisations. The NOMS is also designed to provide opportunities for a far wider range of service providers. Although the Government, in its response to Carter, assures us that it is not interested in using the private sector for its own sake, contestability is a word which features prominently in both review and response.

Contestability

The effect that the threat of contestability has had on the running of prisons, with 'dramatic improvements in regimes and reductions in cost at some of the most difficult public sector prisons' is cited in support of its extension in relation to prisons and into the management of offenders in the community. The hope is expressed that the private and 'not for profit' sectors will compete to manage more prisons, and private and voluntary sector organisations will compete to manage offenders in the community. Eventually offender managers will be able to buy custodial places or community interventions from providers, from whatever sector, based only on their cost effectiveness in reducing re-offending.

With the private sector already managing prisons and electronic monitoring, and voluntary sector



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contracts for the provision of criminal justice drug services and youth justice services, the idea of commissioning such services is not new. It is clear, however, that the proposals envisage a commissioning relationship between offender managers and service providers in all areas of work. Apart from the ideological concerns many commentators feel about the whole notion of 'punishment for profit' there are a number of considerations – including the different organisational cultures of voluntary sector, private and public sectors – which must be anticipated if implementation of these proposals is to offer a better integrated system. One positive outcome may be the greater commissioning and use of places in mainstream services for offenders.

Carter's recurring theme is the most effective targeting of resources, and his proposals are designed to reduce the numbers under supervision and in prison.

Sadly that does not mean reductions on current numbers, but smaller increases than had been projected – less than 80,000 in custody by 2009

rather than 93,000 – 240,000 under supervision rather than 300,000. He also proposes the replacement of old and unsuitable prisons, and their replacement with larger prisons to be known, according to the Home Secretary, as Carter prisons.

The Review *Managing Offenders, Reducing Crime* and the Government's response *Reducing Crime – Changing Lives* are available on the Home Office website at the following address: <http://www.homeoffice.gov.uk/justice/sentencing/correctional/reducingcrime-changinglives.html>

The Reducing Crime – Changing Lives consultation period lasts until 18th February 2004. ■