

An 'historic' year: but who will be penalised?

Tammy McGloughlin and Will McMahon
introduce this issue of *cjm*

It has been just over a year since the 'historic', (in David Cameron's terms) Conservative-led Coalition came to pass. Twelve months of anticipating and assessing who will experience the most hardship and where the greatest social damage will be done as a result of the Coalition's austerity programme.

One of the main outcomes of the last Conservative-induced recession (1979-1982) was the extraordinary levels of social harm experienced by young people. Millions of other lives will, of course, be changed, but the cuts to child benefit, cuts to the Educational Maintenance Allowance for 16 to 18 year olds and the increase in university fees are the signal that another generation of young people, in particular those living in low-income households, may face very bleak prospects over the long course.

Some will end up in the criminal justice system, as either 'victims' or 'offenders' or probably both, as a product of the social distress caused by individuals who have access to power and money in quantities unimaginable to the person on the stand or in the dock. Just imagine, the cuts made across the whole of inner London are about the same as the bonuses received in 2011 by the high-flying risk takers who have yet to be grounded because of the social harm they have caused.

Earlier this year, Nick Hardwick, Chief Inspector of Prisons was scandalised by scenes at Brixton which he compared to 'Bedlam'; he recommended more places be made available in specialist hospitals and care in the community. A redistribution of finance from the Ministry of Justice to the Department of Health would be welcome; the criminal justice system is clearly the wrong place for someone with a mental health problem. Hardwick recognises that those who suffer from a mental illness should not be behind prison bars. Acting on this fact alone would significantly reduce prison numbers by tens of thousands rather than the unambitious target of 3,000 over the next four years proposed by Minister of Justice Ken Clarke.

One way of keeping people out of prison is to ensure that the vulnerable accused have proper representation both in and prior to court. In topical issues **Peter Hungerford-Welch** cautions against attempts to streamline the trial process, arguing that 'speed must not be achieved at the expense of the right of the accused to a fair trial, including adequate time in which to prepare the defence case and the right to present that case fully.'

A recent Bar Council report (2011) details why the future cuts to legal aid will impact on those most vulnerable seeking help, arguing: 'the thrust of these proposals is constrained to the demolition of much of the architecture of legal aid upon which so many disadvantaged members of the public rely'.

Prison warehouses some of those with health problems resulting from addictions to both free market and controlled drugs. The themed section, guest edited by **David Nutt** and **Sophie Macken**, includes articles written by experts who review the UK Drugs Strategy. The editors note that 'no supporting data or corroborating evidence to justify the strategy is provided and the results of a number of differing drugs policies from around the world are ignored. Indeed, when Baroness Neville-Jones, then Minister of State for the Home Office, was asked in the House of Lords on 9 March whether the Government would consider a review of policy to date, her reply was that the Coalition wanted to give the strategy "a good try", on the basis of the newness of the policies contained rather than because of any evidence of their efficacy'.

Helen Mills and **Rebecca Roberts** introduce the In Focus section for this issue with a series of articles highlighting a new project from the Centre, called Reform Sector Strategies. Responses include **George Mair's**, who considers the use of alternatives to custody and questions their efficacy when the prison population is at an all time high; **Jamie Bennett**, who suggests there are 'there are examples of ambitious programmes that illustrate how progressive reform can flourish within a criminal justice system that is properly focussed and professionally diverse'; and **Mick Ryan's** 'support for measures that offer *empowerment* and *consent*, principles which put the offenders back towards the centre of the penal equation, treating them *subjects* and not simply as objects'. Finally, **Rachel Herzing** and **Isaac Ontiveros** describe their work in striving to abolish the 'Prison Industrial Complex'.

For more details of the project visit: www.crimeandjustice.org.uk/reformsectorstrategies.html

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References

The Bar Council (2011), Response of the Bar Council of England & Wales to the Consultation Paper CP12/10: Proposals for the reform of legal aid in England and Wales.