

The probation service in England and Wales had a hard time during the last parliament. It has been the subject of severe cash limits, there has been pressure on caseloads and there has been a fall of 4% in the number of probation staff. In 1994, the Home Secretary commenced his strategy aimed at abolishing probation training. He commissioned civil servants to analyse the effectiveness of the current arrangements. The report pointed to the status quo. He then sought expert opinion on his

for the diploma in Social Work. There is still no replacement. The pain goes on.

The Crime Bill currently in the Commons will diminish parole and will result in minor drug dealers and burglars who are currently being supervised in the community being received into jail on long sentences. The Bill will also see a mass of short community service orders for those unable to pay fines. Thankfully, it is highly unlikely that this Bill will see the light of day. By the time the General Election has been called it may

service on court orders. A further 47,800 offenders were the subject of pre and post-prison supervision. At any one time over 2,000 people who are on bail, parole or supervision are resident at a probation hostel. Eighty percent of those supervised completed their orders without reconviction for breach for failing to follow the requirement of supervision. Last year the probation service completed 216,000 court reports in criminal proceedings. It also completed 35,400 family court reports and 3,800 mediations.

At the end of last year 7,426 qualified probation staff were in posts across England and Wales, a fall of 4% on the previous year.

# Probation - a stressful term

Harry Fletcher's end of session report.

plans for abolition from consumer groups. They voted 493 to 11 against the changes. However he still went ahead. By December 1995 a Statutory Instrument had been laid before both Houses of Parliament abolishing the need

not have passed its parliamentary stages, and in any event the implementation date is either 1998 or 1999. By the spring of 1997 the prison population is likely to have reached 60,000.

The evidence that prison works is still to come. Crime during the last couple of quarters has showed a slight increase. Recent Home Office research has indicated that around 200,000 offences per annum are committed by prisoners in jail. Despite all the hype, the probation service has continued to work in a cost-effective way. In NAPO's view this should be built upon. We do not need new community orders, curfews or compulsory parental training. The probation service has changed dramatically in the last 20 years.

## Protecting the public

The modern probation service affords an effective contribution towards protecting the public, and works to prevent re-offending. It is highly cost-effective. It costs £2,510 per annum to supervise a probation order, £1,840 per annum to supervise someone on community service and £24,388 per annum to keep someone in prison.

Last year 111,200 people were supervised by the probation

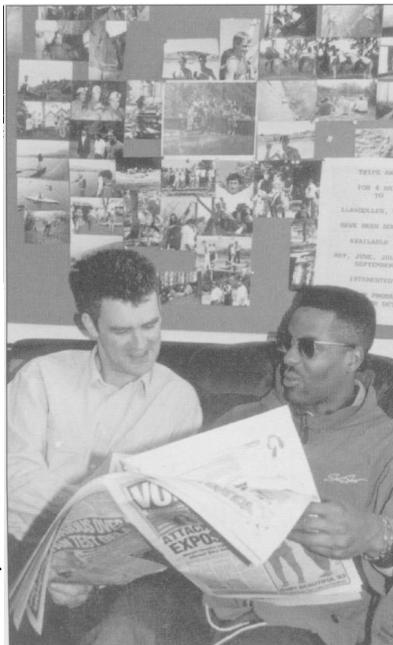
## Working for the community

There are nearly 1,000 probation offices in England, Wales and Northern Ireland. They are all under pressure. All supervise high caseloads, and all are seeing more seriously convicted offenders than at any time in the probation service's 80 year history. Typical is the East London Team which is currently supervising 250 people on probation, combination orders and after care. Last year they provided 452 reports for the four magistrates and crown courts within their jurisdiction. The team comprises a senior, 8 probation staff and 4 admin workers. The offences which probationers have committed have changed over the years. Fifteen years ago only two or three would have been convicted of violence. The majority would have committed less serious offences of theft and handling stolen goods. Now nearly half have been sentenced for a sexual or violent offence.

## The staff

There has been much criticism of late by ministers that probation officers are predominantly female, sociology graduates with little experience of the real world. In fact over 50 percent of probation officers are second careerists who come from an enormous range of previous jobs and professions. The backgrounds of those in the East London team include:

- a social security officer
- an accountant
- a linguist
- a clothing manufacturer
- a law assistant



David Perry, Inner London Probation Service

**“By the spring of 1997 the prison population is likely to have reached 60,000. The evidence that prison works is still to come.”**

- a conference organiser
- a nursery nurse

### The clients

The probation service no longer supervises younger offenders who have committed minor offences. However there is still a belief amongst politicians and the public that this is the case. In 1979 less than 20% of those on probation had already been to prison. That figure is now 45%.

Essentially there are two sides to the work, that of protecting the public and preventing reoffending. It is best described by two case histories:

Terry who is 40 had committed serious offences against children and was released in 1996. He had served a total of 15 years in custody. His previous history included periods in mental health institutions and in care. As a condition of his order he was not to be alone with children. The supervision was intense. Three or four months after his release it was discovered that he had been alone with a small child. Although no offence occurred the probation service believed that the risk was too high and he was recalled to custody. The service continues to work with this man on a fortnightly basis using group work to confront his dangerousness.

Alan who is 20, had a string of minor offences whilst a juvenile, but obtained a decent job. However he was arrested for a serious theft from his employer. He was at risk of custody, but the court report offered a constructive programme and he was placed on probation. His background was difficult and there were very strained relationships with his parents. A probation officer worked with him on the causes of offending and also with the family. The aim was to get him independently settled and then into training and work, and to take an increasing amount of responsibility for his own potential. By the end of the order he was working again and is in part-time education. There have been no further offences.

### Community work

Since 1973 the courts have had

the power to sentence convicted offenders to unpaid work which is of benefit to the community. During 1995, 4.2 million hours were actually worked. Community service is not a soft option. Those sentenced must report for work at the specified time. Failure to do so will result in a return to the court. Around a third of all offenders are taken back to the court setting. They are either fined, ordered to continue their community sentence or re-sentenced. Despite these strict standards, last year 75% of offenders completed their orders as required.

### Accommodation

The service also runs hostels. They have been undervalued in recent times. Sixteen were shut during 1995 and 1996. They offer a structured environment for those on bail who need secure conditions or for those on probation or parole needing supported resident supervision. There is a high occupancy rate and over two-thirds of those whose stay as part of an order complete their period of residence without either breaching the conditions or re-offending.

### Messages

The message to whichever party wins the forthcoming General Election is clear. Soon Britain will not be able to afford more jails even if the Private Finance Initiative may put off the pay date. By 1988 the cost of the first prison building programme had become astronomical and led slowly to punishment in the community. That concept was abandoned two and a half years later. Whichever party wins, it must return to that 80's agenda. The probation service is not rigid, it has changed dramatically over the last 20 years. It is open to new ideas and developments. It is crucial that the role and contribution of the probation service is recognised during and after the election campaigns by all parties.

*Harry Fletcher is Assistant General Secretary to NAPO, the National Association of Probation Officers.*

# A modest yet sensible programme

**Stephen Shaw offers the next government a three-point plan for prison reform.**

**S**o what would you do, Mr Shaw? It is a question I am frequently asked by interviewers on local radio. Often enough, it feels crude and combative: the broadcaster playing devil's advocate, hoping to generate more heat than light, a poor man's Jeremy Paxman.

In fact, it is a good question. For the past 25 years, the prisons have been the most crisis-prone of all our public institutions. What could be done, reasonably and without spending a fortune - and without alienating public opinion - to make prisons better? I offer the following modest yet sensible three-point programme of prison reform.

### Educating public opinion

First, the politicians should try to reduce public expectations of imprisonment. We need no more assertions that "Prison works". (And no more speeches about 'squeejee merchants' for that matter.) Instead, the politicians should dust off the speeches made by Douglas Hurd and John Patten in the late 1980s: speeches designed to lead and educate public opinion, not pander to basic instincts.

We can all agree that some people need locking up for reasons of public protection, and that some crimes are so heinous that only a custodial sentence can be justified. But the vast majority of offences do not fall into these categories. Crime and the fear of crime are a blight on the lives of many of our fellow citizens. But to punish the

**“For the past 25 years, the prisons have been the most crisis-prone of all our public institutions.”**

perpetrators of these acts with imprisonment really can be - in the famous words of the 1990 White Paper - "an expensive way of making bad people worse".

I do not pretend that public attitudes can simply be moulded to the politicians' whim. The desire to punish wrongdoers is as much a human characteristic as criminal activity itself. But I do believe it is possible for politicians to shape public opinion, to give a moral lead if you will. Indeed, there is a lot of evidence that public sentiment is already sympathetic to sanctions which emphasise a restorative approach.

### Reducing overcrowding

The second thing which the politicians should do is accept that the Prison Service can only do its job if there is a better balance between the demand for prison places and the available resources. We do not allow a plane to be overcrowded, we all accept that there must be some waiting lists for hospital beds, we believe that reduced class sizes are good for our children's education. Yet for some reason none of these lessons apply to prisons. Prison overcrowding is regarded as a misfortune not a threat to safety. Queuing for custody is considered absurd (notwithstanding the fact that most prisoners are back on the streets within a few months). Staff-prisoner ratios are thought of as too generous, the private sector allegedly having shown that you can run a prison with fewer staff.

If Government wills a rise in the number of prisoners it must provide the places and staff to keep prisons safe and purposive. Although overcrowding has not yet returned to the levels of the 1980s (albeit the absolute number of people behind bars is much higher), regimes are being cut back under the pressure of numbers and financial restrictions. In many of the local and remand prisons it is back to bang-up.

How we bring supply and demand into balance is a matter for debate. Lord Woolf's suggestion of a Parliamentary 'cap' on the prison population was the only one of his twelve principal recommendations to be rejected outright by Government. Perhaps it would be better to build upon the contractual relationships which now exist between Prison Service HQ and the privatised prisons. But whatever method is used - queuing, a cap, a contract - prisons should not be expected to operate way beyond their proper capacity.

### Revising the law

The third task for the politicians is to bring up-to-date the statutory framework within which the Prison Service works. There are two main requirements. The first is to reflect the administrative changes which have taken place within the prisons in recent years like agency status. Secondly, a new Prisons Act should be used to establish positive rights for prisoners.

Under a draft Bill which the Prison Reform Trust has published, operational control of the management of all prisons would be clearly vested in the Prison Service, thus ensuring that Ministers could no longer interfere on a daily basis. As well as guaranteeing the day-to-day independence of the Prison Service, the PRT Bill would give statutory force to the work of the Prisons Ombudsman and Chief Inspector of Prisons. Other clauses give convicted prisoners the vote, guarantee healthcare for prisoners of a standard enjoyed by the public at large, and give statutory backing to the Criminal Justice Consultative Council, set up after the Woolf Report.

In its 1991 White Paper, *Custody, Care and Justice*, the Government itself accepted that "a more fundamental revision of the statutory framework for the Prison Service would be desirable". The Government concluded: "The Government believes that [new] legislation is necessary to provide a modern structure, approved by Parliament, to take the Prison Service forward into the next century." Sadly, we have heard nothing more in the intervening 5 years.

Once again, the exact wording of a new Prisons Act is a matter for discussion. How much detail should be on the face of the legislation and how much covered by regulations is a question of degree. And not everyone would share the convictions of the PRT draft Bill which gives prisoners the vote and abolishes private prisons in the course of half a page! But what is not in doubt is that the current law is well past its sell-by date.

So, the three elements in Mr Shaw's modest yet sensible programme of prison reform are as follows: educating public opinion; matching supply and demand for prison places; and revising and updating the statutory framework. Easy when you know how.

*Stephen Shaw is director of the Prison Reform Trust.*

# The future of policing

Rod Morgan and Tim Newburn argue for a review of the current direction of policing policy.

Used to boast that we have 'the best police in the world'. But we have recently suffered something of a crisis of confidence in our policing arrangements. Crime rates have risen, continually and often sharply, as has fear of crime and a more general sense of insecurity. The police have repeatedly been embattled with protesters of various kinds. Paramilitary uniforms and tactics have become increasingly familiar. The private security industry has greatly expanded, to some extent providing services that the police are unable or unwilling to provide. There has been a spate of highly publicised miscarriages of justice. Public confidence in the police, as measured in repeated opinion polls, has declined.



David Kidd-Hewitt

**"If we continue with current policies of incrementally adding a police power here, and slapping on an additional sentence there, with the major political parties competitively engaging in policing and penal populism, then we will undermine a policing tradition which, despite its problems, still has much to commend it. The trivialisation of crime and justice has gone on too long."**

### **A new political framework**

The political context of policing has also changed dramatically. 'Law and order' is now the high ground for which the Labour and Conservative parties are struggling. Since the 1970s 'law and order' has been party-politicized. In 1979 the new Conservative government focused the bulk of its law and order attention on the police. A new pay deal was quickly implemented and money was made available for increases in police complements. Mrs Thatcher promised to 'spend more on the police whilst economising elsewhere' in the hope that this would deliver both a supportive service and reductions in crime levels.

During the 1980s, as crime continued to rise, government unease about expenditure on the police also increased. The Financial Management Initiative, together with the spectre of privatisation, became the new frameworks for political discourse on policing. It was but a short step from there to the Sheehy inquiry into Police Responsibilities and Rewards, the Home Office Core and Ancillary Tasks Review which considered possibilities for contracting out, and the White Paper on Police Reform and subsequent Police and Magistrates' Courts Act 1994 which restructured police authorities and introduced national police objectives and local policing plans.

### **The Audit Commission**

Alongside these developments there emerged an important new 'player' in the politics of policing: the Audit Commission. Designed to examine economy,

efficiency and effectiveness in public sector services, it has produced a raft of new performance indicators and, more recently, in its studies of police patrol and, particularly crime investigation, has begun to develop a model for the future of policing that has many supporters within and outside the service.

The Audit Commission espouses an optimistic vision of what the police can do to reduce the level of crime. In its report, *Tackling Crime Effectively*, which all the evidence suggests has been highly influential, the Commission recommended a proactive intelligence-led crime management approach to policing. This is based on the proposition that a small proportion of offenders are prolific in their offending and that these individuals can be better targeted if crime pattern analyses and enhanced use of intelligence are brought to the centre of police operations through the establishment of crime management desks or units staffed by the most able officers available. According to this model every Basic Command Unit should have a Field Intelligence Officer and more personnel resources should be allotted for proactive use on the basis of intelligence. Greater use of surveillance and informants should be used as part of this strategy.

Though the Commission's view of policing is in many ways much more sophisticated than that which the Government appears to hold, it nonetheless incorporates some of the same characteristics. The Commission holds out the promise of controlling crime by means of policing policy. In *Tackling Crime Effectively*, they state:

*'By adopting the recommendations in this report, the police can help to prevent crime and raise clear-up rates significantly, which itself will help to deter would-be criminals. The ultimate prize for the police is the development of a strategy in which the crime rate could be brought under control.'*

### **A dangerous illusion**

Whilst we agree that the police should be encouraged to make the most effective use of the resources available to them, especially intelligence, neither they nor the public should be misled about the causes of crime, and thus the solutions to crime. On the contrary, there is little evidence that anything the police do has much more than a very marginal impact on crime levels. Moreover, to the extent that the Commission, like the government, is suggesting that switching the emphasis in policing towards crime-fighting and away from other aspects of policing will be more effective in preventing crime, they are fostering a dangerous illusion.

Lest we be accused of it, we are not arguing that what the police do, how they do it, and how many of them do it, has no effect whatsoever on the incidence of crime. Rather, we wish to emphasise that the incidence of crime is largely driven by fundamental socio-economic and cultural factors that have little to do with any aspect of criminal justice policy, let alone policing policy.

### **Recommendations**

We are conscious of the danger that we become paralysed by fatalism about crime control, falling back on purely individualistic responses to it. We do not say that nothing can be done. On the contrary. But we insist, first, that the public is ill-served by soundbite remedies and panacea-like fashions. Opinion-formers must unequivocally state that *there are no simple solutions to the crime and policing problems that confront us*. If we continue with current policies of incrementally adding a police power here, and slapping on an additional sentence there, with the major political parties competitively engaging in

policing and penal populism, then we will undermine a policing tradition which, despite its problems, still has much to commend it. The trivialisation of crime and justice has gone on too long.

Second, despite its unpopularity in crime control terms, we think that the police should attempt to increase the emphasis on focused patrolling by 'permanent' beat officers; that the service generally should experiment with auxiliary patrols, and that local authorities should explore the idea of municipal patrols more seriously.

Third, we think that the private security industry should be properly regulated and, once regulated, should be more efficiently integrated into local networks of policing. Fourth, we think there should be a statutory obligation placed on unitary local authorities (or in their absence, district councils) to prepare Community Safety Plans, and that these should be prepared alongside police authorities' policing plans. The intention here is to take the Morgan Committee's central recommendation about community safety, modernise it and dovetail it with the developing practices in local police planning.

Fifth, we think proper systems of accountability should be developed for the regional, national and international policing bodies now in existence. Moreover, we think a longstanding dilemma should finally be confronted and that a properly constituted national police force should be created, fully accountable to parliament, and responsible for 'national' crime problems. There is a serious case to be put for more localised policing. Local policing is vital, not least because the overwhelming majority of crime that concerns citizens is neighbourhood-based: ironically, our local policing tradition will best be safeguarded by creating a genuinely national force responsible for national and international crime.

**Rod Morgan and Tim Newburn's book, *The Future of Policing* is published by Oxford University Press in January 1997.**