

# cjm

## update

**Una Padel** reviews new developments on collecting fines, dealing with domestic violence, comparing rates of imprisonment and witnesses.

### Not fine

New measures to collect more unpaid fines are to be introduced in an attempt to reverse the decline in the use of fines by the courts. Research undertaken for the Department for Constitutional Affairs found that last year in Merseyside 67% of fines were unpaid, in Cambridgeshire 65% and in London 60%. The overall figure for England and Wales was 45%, or £191 250 000. £70M of fines were written off last year.

The Department for Constitutional Affairs has responded to the research by saying that in future fines will be chased until they are paid, rather than being written off. Individual fine collection officers will be provided with incentives to collect fines and private sector fine collectors will be brought in where courts are not collecting effectively. Offenders who simply can't afford to pay will be able to undertake unpaid community work instead.

The use of fines has declined dramatically, with 45% of offenders fined in 1991 but only 28% in 2002. Rod Morgan, HM Chief Inspector of Probation, told the Home Affairs Select Committee in February that this reduction in the use of fines was having a serious consequences for the use of other sentences. He said "Offenders who, a decade ago, were being fined are being given community penalties. Offenders who would have got community penalties are now getting short prison sentences. The short-term prison population has increased significantly and they are the group most likely to re-offend and for whom we do the least."

The Review of Magistrates' Courts Enforcement Strategies is available on the Department for Constitutional Affairs website which still has the pre-resuffle URL [www.lcd.gov.uk](http://www.lcd.gov.uk)

### Domestic Violence

The Government published new proposals for preventing and dealing with domestic violence in June. The consultation paper *Safety and Justice* sets out a range of ideas on which views are invited. They include:

- Making common assault an arrestable offence
- Establishing registers of civil orders and of domestic violence offenders
- Improving the way the law on homicide operates in domestic violence cases
- Improving liaison between the civil and criminal courts
- Extending the availability of non-molestation and occupation orders and criminalising the breach of such orders
- The role of specialist domestic violence courts

The paper is available on-line at [www.homeoffice.gov.uk/](http://www.homeoffice.gov.uk/) and the consultation period ends on Friday 12th September 2003

### Unreliable evidence?

Listeners to the BBC Radio 4 programme *Unreliable Evidence* on sentencing in June may have been surprised to hear Lord Falconer, now Lord Chancellor, say that contrary to popular belief Britain is only

in the middle-rank in Europe when it comes to imprisoning its citizens. The figures usually given relate the number of prisoners to the population as a whole, and are usually expressed as prisoners per 100 000 population. Using this method provides the following figures:

Country	Prisoners/100 000 pop.
England and Wales	138
Portugal	137
Spain	133
Scotland	126
Italy	100
Netherlands	93
Germany	91
France	85
Belgium	85
Sweden	73

Lord Falconer's figures referred instead to a comparison relating recorded crime rates to the prison population.

Calculating the prison population per 100 000 offences recorded by the police does indeed yield different figures:

Country	Prisoners/100 000 offences recorded by police
Sweden	470
Belgium	1000
Netherlands	1180
England and Wales	1270
Germany	1270
France	1300
Scotland	1390
Italy	2470
Portugal	3500
Spain	4910

But does this mean that we can all relax because things are not so bad? Far from it. The statistics are misleading because it is extremely difficult to make comparisons between countries with different crime recording practices. These include disparities in the list of offences included in the crime figures and the point in the justice process at which a crime is recorded at all. In some southern European countries, for example, some serious offences are only recorded by the prosecutor and so are not counted in these statistics, inflating their rates.

Whatever our comparative rate of imprisonment the fact remains that even after years of falling crime rates we have a prison population rising at a rate so fast that the prison building programme cannot possibly keep up.

### Witnesses still dissatisfied

Just under a quarter of witnesses are still dissatisfied with the way they are treated in the courts according to new research just published. The study, by BRMB International, was commissioned by the Home Office to measure changes in witness satisfaction levels after a survey in 2000 found that 25% of witnesses were 'fairly' or 'very' dissatisfied with their treatment by the courts. A target was set for criminal justice agencies to improve witness satisfaction rates by 5 percentage points by 2002, but this latest information reveals that the target as missed and dissatisfaction rates had fallen by only one point to 24%.

### Keep Up!

For those who like to be able to scan all the media for criminal justice stories without getting inky fingers a new criminal justice weblog has just been launched by writer Nick Page working in association with CCJS. It is updated daily and gathers together stories from a very wide range of websites and provides a condensed version of each story with links to the websites where you can learn more. It has been funded for a year by the Esmée Fairbairn Foundation's Rethinking Crime and Punishment programme. The weblog is available on <http://radio.weblogs.com/0120189/> – bookmark it now for free and up to date information straight to your desktop!