

Centre for Crime and Justice Studies ***Reform Sector Strategies* event**

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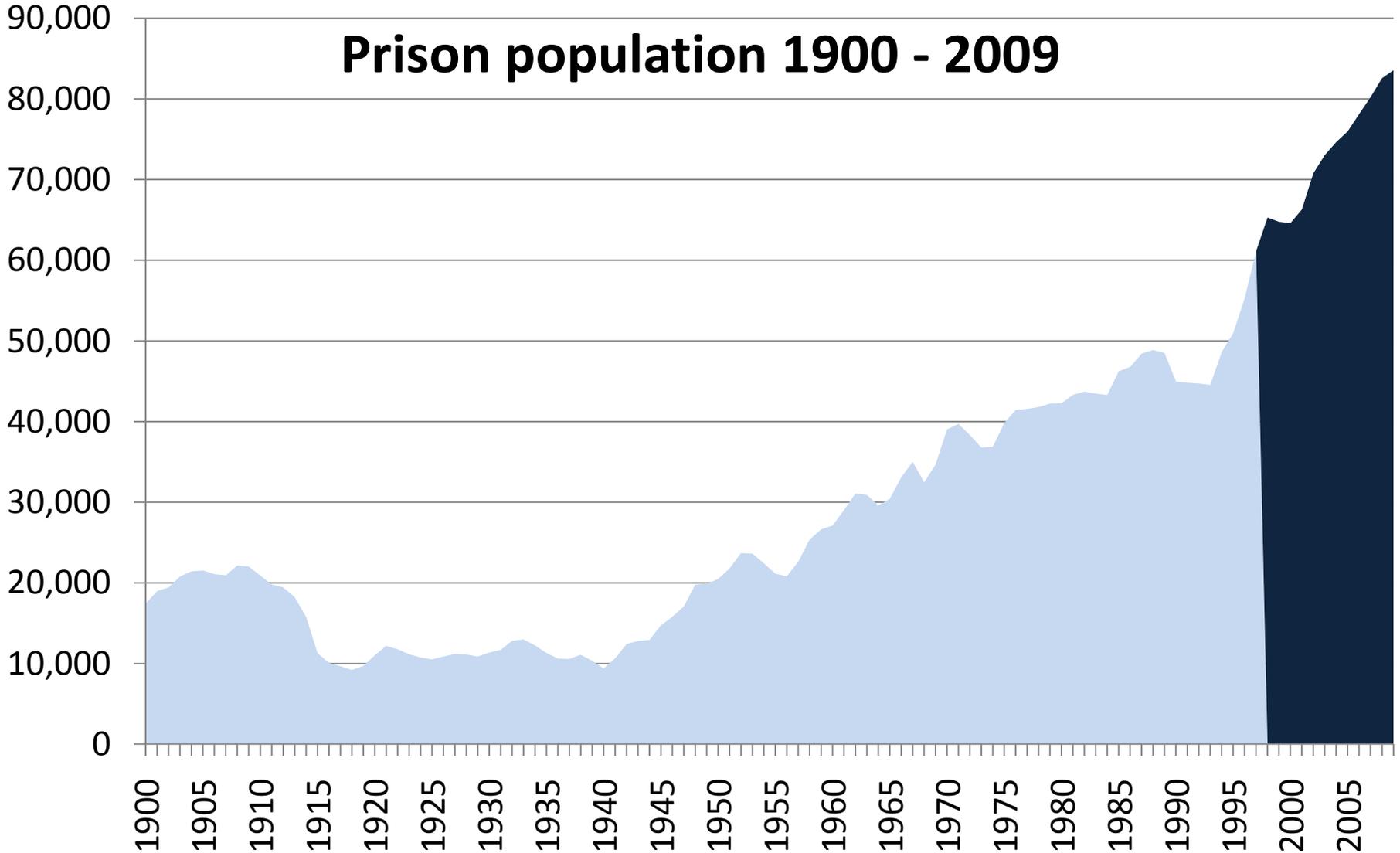
5th April 2011

About RSS

- Open, forward looking dialogue about the development of coherent and credible approaches to tackling penal expansion.
- **Stage 1: Approach to prison no. in E and W since late 1990s**
 - Com sentences in particular
 - Penal reform strategies more broadly
- **Stage 2: Developing fresh thinking**
 - Alternative approaches, lessons and strategies inc. none UK jurisdictions.

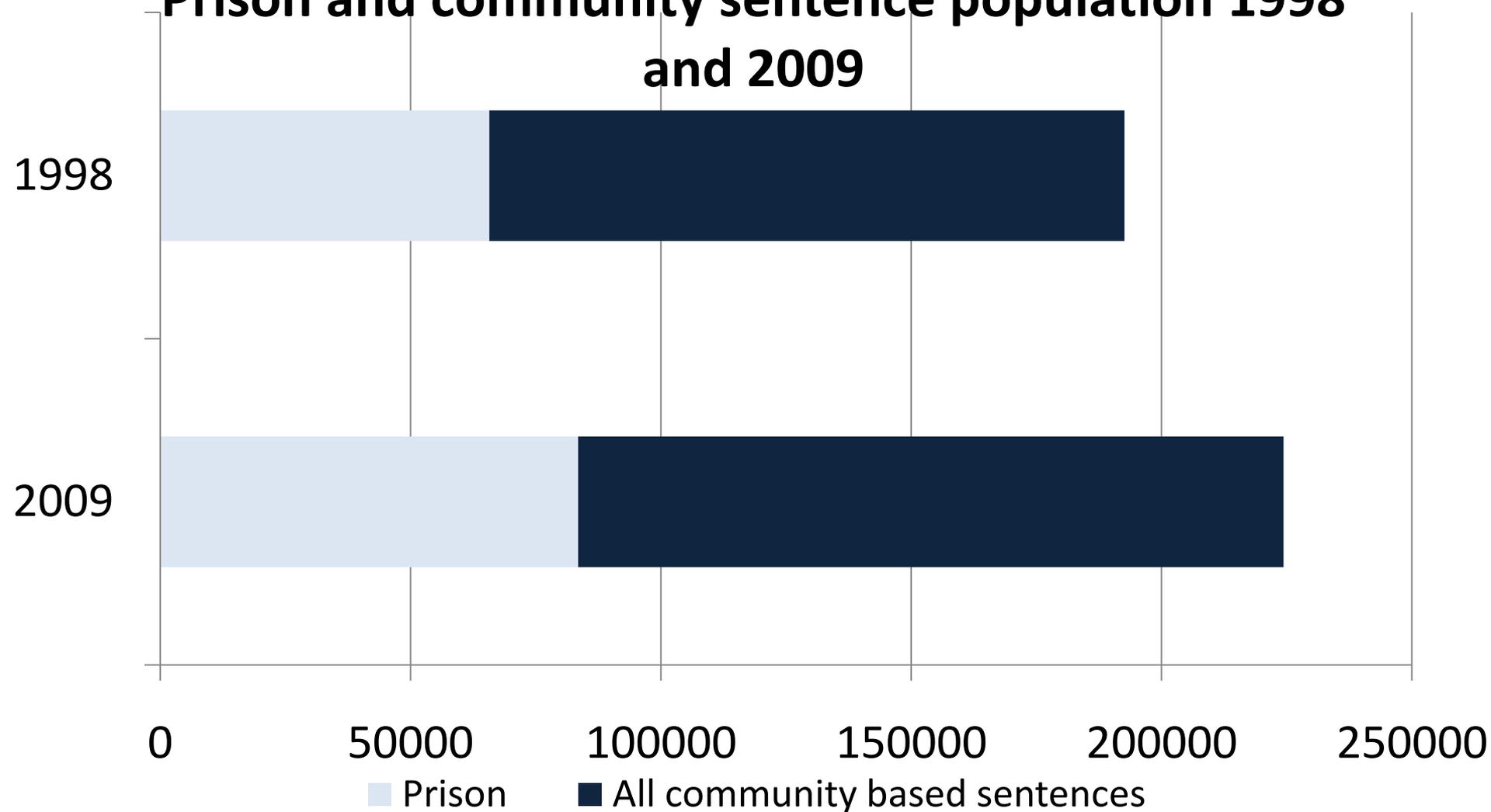
1. Use of prison is excessive

Prison population 1900 - 2009



2. Sceptical community sentences will tackle prison growth

Prison and community sentence population 1998 and 2009



3. These reservations were shared within the penal reform sector

- *Public message: “By promoting the use of high quality community sentencing we can help achieve the [] vision of less crime, safer communities, fewer people in prison”*
- *Privately less optimistic: “Personally I’m unconvinced about community sentences”*

RSS is not...

- Looking at particular population or considering localised community sentence practice.
- Exploring the drivers for prison / penal expansion.
- An assessment of merits of com sentences.

In the next few hours...

- *What can we learn from the successive attempts to manage prison demands by reforming community sentences since the late 1990s?*
- *And what are the implications and challenges for those committed to challenging the numbers in prison going forward?*

Plan for this morning

- Two sessions.
- Two 15 min presentations each followed by half an hour for discussion.

Community sentences as a way to reduce the prison population

If sentencers are more able and willing to impose a community based sentence when they would otherwise have imposed custody



This would reduce the numbers entering prison and increase the numbers serving community sentences



A smaller future prison population than would otherwise be the case

Government approach

- Intro. Suspended Sentence Order
- Intensive unpaid work orders
- Enable sentencers to not add sentencing requirements to SSO
- Extension of SSO to custodial sentences + 12 months
- Extended market of criminal justice providers to private and voluntary sectors
- Reconfigured separate prison and probation services into one organisation
- Community Payback
- High visibility jackets for unpaid work
- Intensive alternative to custody pilots
- Public campaign re. c s benefits compared to custody
- More onerous consequences for breach
- Reduced discretion for c s breach
- Reformed community sentences

Changed available sentencing options in the community

Promoted tough, effective community sentences and introduced measures intended to make c s more onerous or visible

Attempts to better target prison and probation according to risk and seriousness

Introduce financial incentive for c s providers to achieve lower reconviction rates

Where we have got to....

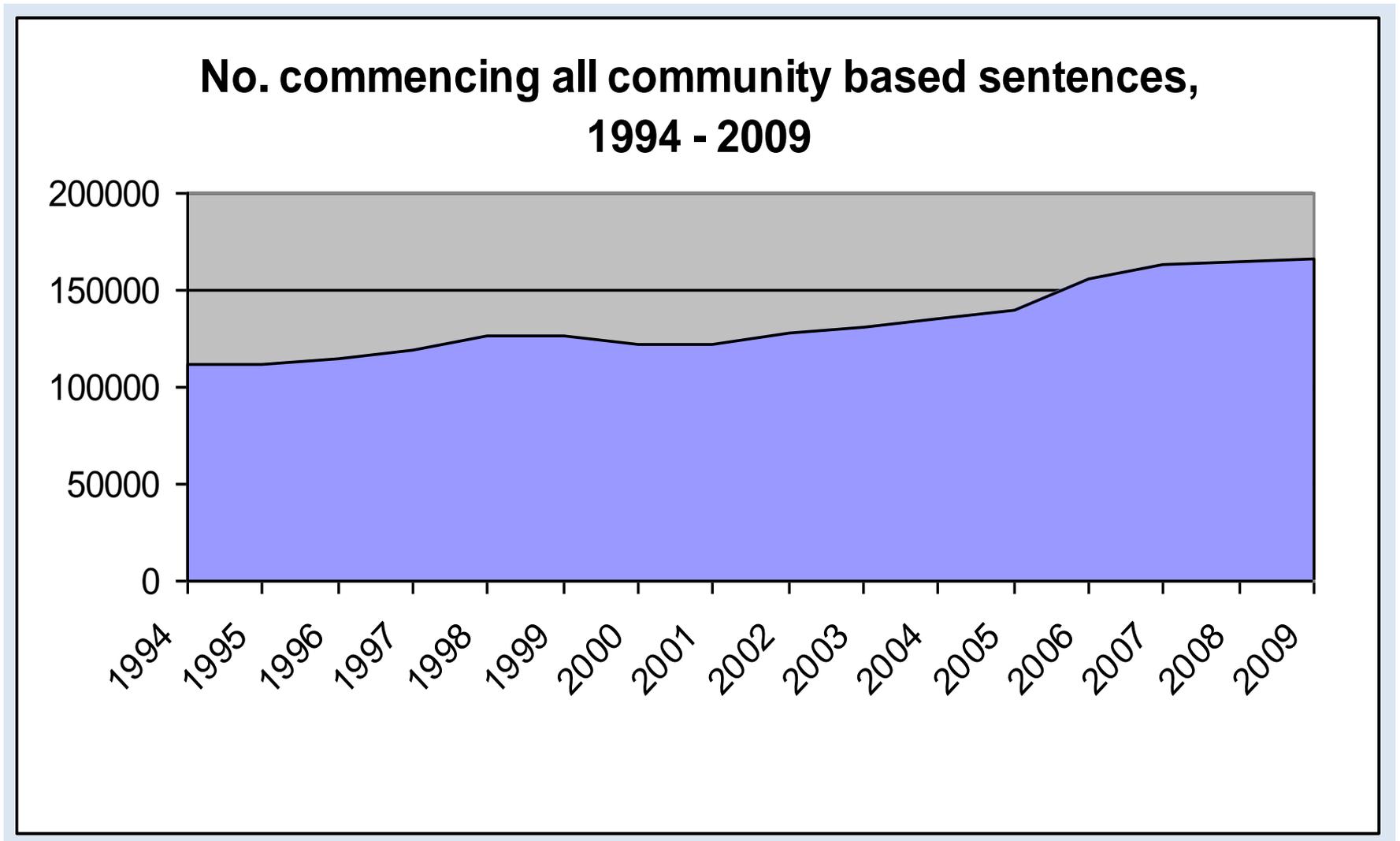
Community sentences

- More of them
- More onerous re. breach
- More likely to be served by those who have committed lesser offences

Prison

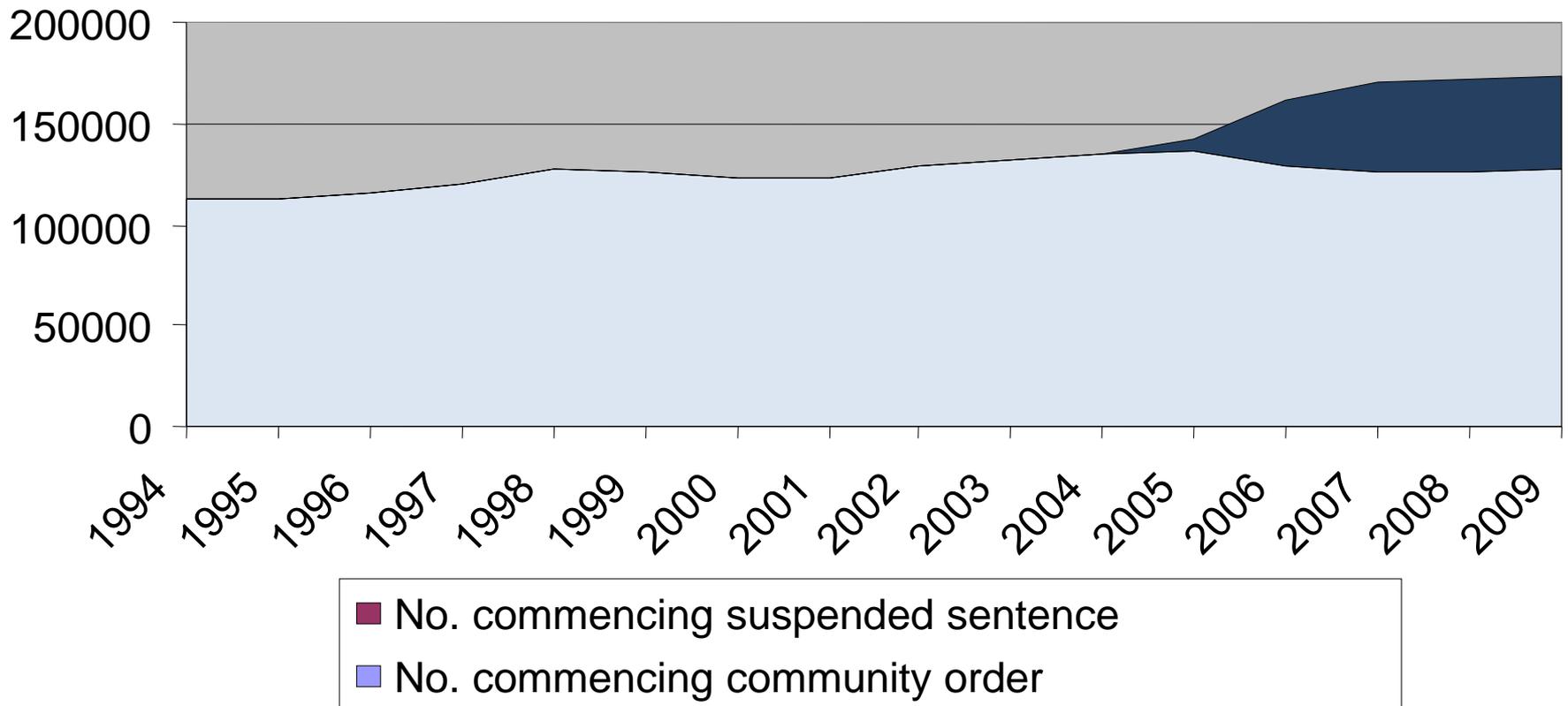
- Population continued to grow
- Inc. no. commencing short term sentences (under 12m)

Growth in c s following 2005 reforms

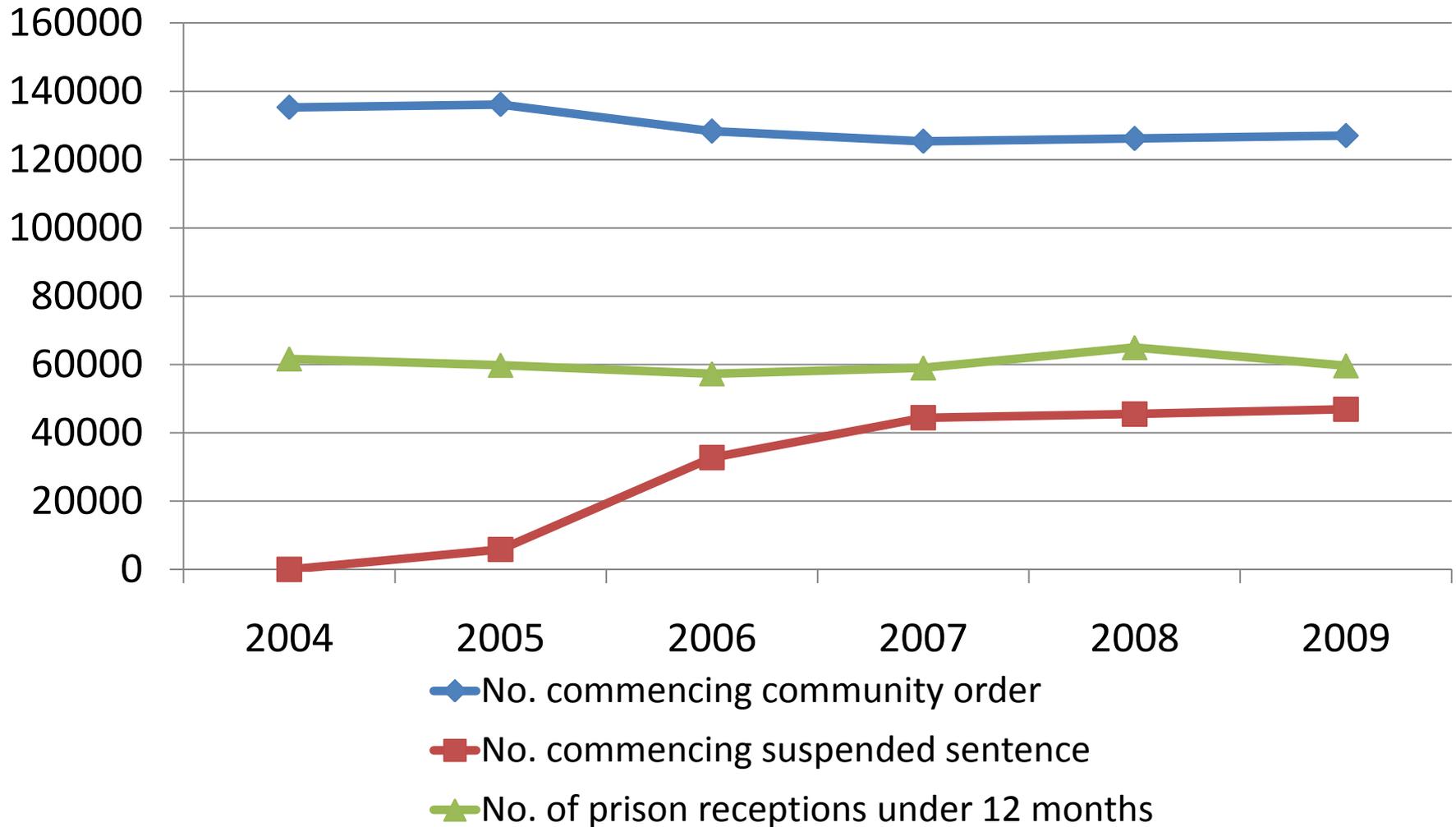


SSO responsible for this growth...

No. commencing community based sentence by type of order, 1994 - 2009

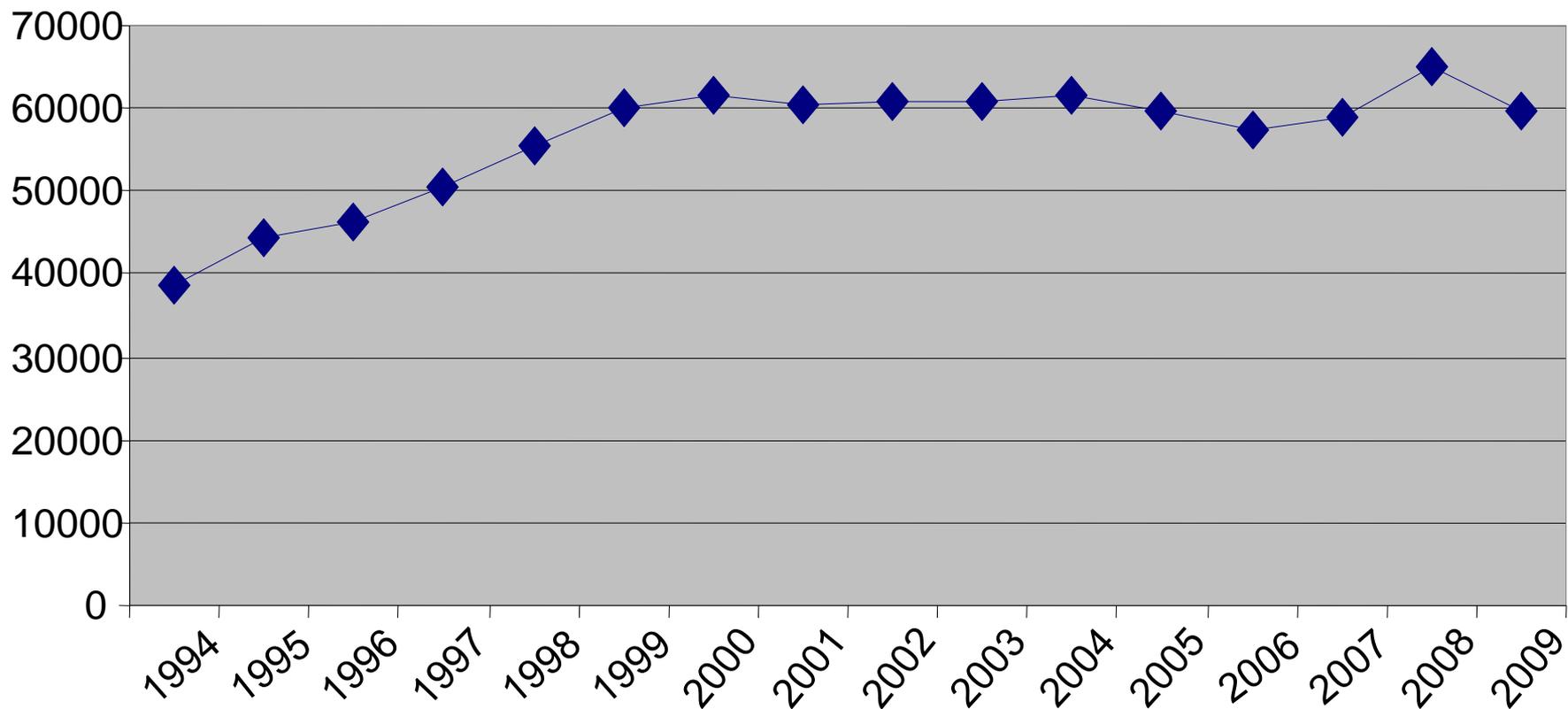


...No corresponding decrease in s t custody



= an adjustment in context of longer term trend

No. of prison receptions under 12 months



How can this be explained?

“(Community penalties) are a crucial part of the sentencing framework. They can be a tough, effective way of making offenders turn away from crime and protecting the public. I am aware that for years successive Governments have tried to make community penalties more tough and effective. I’m also aware that the public are still not convinced that they are as effective as prison. It is not a new problem at all.”

Ken Clarke, 20 June 2010

Inherent limits to what c s can be expected to achieve

- C S do not offer a credible, coherent way to realise a longer term vision for a significantly different prison population.
- Continuing to locate an ambition to address prison numbers in a debate about more and better community sentences carries a clear price: a lack of credible, coherent strategies re. longer term decarceration.

Challenging penal excess?

Propositions: Implications and challenges

1. In the development of penal reform strategies, the sector is advocating and negotiating crime fighting, humanitarian and managerialist messages.
2. A key feature of penal reform is the common belief that progressive change is best brought about by a focus on implementable, incremental reforms. Improving prison conditions and criminal justice processes are important and legitimate but should not be confused with a coherent strategy to challenging penal excess.
3. Penal reform strategies have a tendency to self censor and limit ambitions whilst exaggerating successes in a bid to appear palatable to funders and government. This risks undermining thinking through the challenges of decarceration in the longer term.

Targets of reform: Focus

Dominant focus on *imprisonment*.

- Numbers
- Conditions

In the development of penal reform strategies, the sector is advocating and negotiating crime fighting, humanitarian and managerialist messages.

Targets of reform: Demands and positioning

Crime fighting

- Cut crime
- Tough on crime
- Community sentences 'cut crime'
- Tackling 'reoffending'

Humanitarianism

- Rehabilitate and treat
- Supporting people
- 'Alternatives to custody'
- Prison as a last resort

Managerialism

- Cost cutting
- Cost-benefit analysis
- Managing resources

Bringing about change?

A key feature of penal reform is the common belief that progressive change to criminal justice is best brought about by a focus on implementable, incremental reforms. Improving prison conditions and criminal justice processes are important and legitimate but should not be confused with a coherent strategy to challenging penal excess.

- Successes?
 - Prison conditions
 - Healthcare

Bringing about change?

- Focusing on what is implementable
- Agenda control?

Reform risks

	PROGRESSIVE?	REGRESSIVE?
Community sentences	<ul style="list-style-type: none"> ✓ Less disruption than a prison sentence. ✓ Attempt to offer services to people in need. 	<ul style="list-style-type: none"> ✗ Uptarriving to more onerous and punitive sentences. ✗ Emphasis on punishment as opposed to support.
Restorative justice	<ul style="list-style-type: none"> ✓ Provide opportunities for people affected by crime to apologise and/or offer reparation. 	<ul style="list-style-type: none"> ✗ Conducted under threat of more severe punishment. ✗ Tendency to be more retributive as opposed to reparative or restorative.
Financial investment	<ul style="list-style-type: none"> ✓ Better provision of health and education services in prisons. ✓ Improved conditions in some prisons. 	<ul style="list-style-type: none"> ✗ Criminal justice expansion. ✗ Prison population growth. ✗ Increased workload.

Reform risks?

Penal reform strategies have a tendency to self censor and limit ambitions whilst exaggerating successes in a bid to appear palatable to funders and government. This risks undermining thinking through the challenges of decarceration in the longer term.

- **Exaggeration**
- **Restraint**
- **Compliance**
- **Incorporation**

What are your experiences?

- Crime fighting, humanitarian and managerialist
- One step forward, two steps back
- Negotiating the risks of reform
- Short term vs long term

FURTHER INFORMATION:

For further information about the **Reform Sector Strategies** project funded by the Esmee Fairbairn Foundation visit the Centre for Crime and Justice Studies website here – www.crimeandjustice.org.uk or contact Helen Mills at helen.mills@crimeandjustice.org.uk