

An aerial photograph of a city, likely in the United States, showing a dense residential area with many houses and trees. In the center of the city, there is a large, complex of buildings, possibly a government or institutional facility, with several courtyards and parking lots. The sky is clear and blue.

# PRISON SERVICE JOURNAL

November 2012 No 204

# What role should the victims of crime have in prisons?

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**It is often assumed that victims and their representatives don't have a lot to say about prison, other than that more offenders should be caught and put there. I want to explain why that assumption is wrong.**

Victim Support is the national charity for victims of crime; we are the biggest of our kind in Europe. Our forty years or so of supporting victims — and we help over a million of them every year — tell us that victims' views on prison, and on sentencing more generally, are much more considered than many expect. It is indeed true that victims want to see sentences that work to punish crime, but they also want to reduce the chances that others might become victims too. So we in no way object to an increased role for the community in prisons, if it helps deliver this result. The case that I want to put forward today is that a stronger link between prisons and the community must go hand in hand with better engagement with victims and if it doesn't we will miss a key opportunity to achieve three outcomes, which I know we all desire, namely: the full rehabilitation of prisoners; an improved experience for victims of crime, and; a community that is confident the justice system is doing its job.

I believe effective rehabilitation must mean equipping prisoners with the skills they need to be a functional part of the community. It's obvious that this means going beyond education and training — even though these are important ways to anchor prisoners back into normal life after they leave. It also means prisoners taking responsibility for their actions so that they don't offend again. This can't happen without addressing the most direct consequences of those actions: the impact of crime upon victims. In our view, there are a number of ways to do this: some, like funding victims' services through prisoners' earnings, and Restorative Justice (RJ), are well-known and already underway. Others are surfacing in innovative projects across the country, and deserve our attention and support.

I'm going to go through some of these — but what I want to emphasise is that I won't be offering an

exhaustive view of how prisoners can be encouraged to connect with victims. This is because I'm aware that we are right at the beginning of this conversation, which has been a long time coming. Some ideas that may end up integral to the prison regime have yet to be even thought of, and I hope some of that thinking will follow on. The future of the prison system will rely on imaginative, enthusiastic communities taking ownership of this agenda — and I'm really excited about it.

## **What do victims of crime want from prisons?**

So, starting at the beginning — what do we think victims actually want prison to do? Well, probably more than you think.

Just after I started as Chief Executive in 2010, we did some research<sup>1</sup> with victims and witnesses to see what they thought sentencing as a whole should be about. Many did think punishment should be the main purpose of sentencing because, in the words on one interviewee: 'they need to pay for what they did'. However, they were equally clear that this should also help to reform offenders, rather than be punishment for punishment's sake. The common view was that the outcome of sentencing should be that the offender does not commit the crime again. One victim even had doubts about whether prisons could deliver the right kind of punishment at all, saying:

*I'd rather see a system where they may not go to prison but you're damn sure that they're made aware of the effects of whatever they've done has had on the victim. That's more productive than sticking them in a room full of other people that are just as bad, if not worse. You should be aiming to punish these people, but you should be punishing them in the most effective way.*

Other evidence also suggests the same about what victims want. A recent Ministry of Justice survey<sup>2</sup> found

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1. Victim Support (2010) *Victims' Justice? What victims really want from sentencing* available at <http://www.victimsupport.org.uk/About%20us/News/2010/11/Sentencing%20Report>

2. Ministry of Justice (16 November 2007), 'Victims of crime want punishment – but not always prison'. Available at: <http://www.probation.homeoffice.gov.uk/output/Page391.asp>

that as many as 93 per cent of victims said the most important outcome for them was that the offender did not do it again. 81 per cent would prefer an offender to receive an *effective* sentence rather than a *harsh* one.

In other words, victims care about their community. They want to see their community protected immediately after a crime, with swift action taken against offenders. They also want to see it protected in the long-term, which means changing offenders' behaviour.

### Community sentences

Victim Support has an interest in the role of the community as part of the sentencing regime. It often surprises people to know that we are actually great champions of community sentences too, but we are supportive only if we can really capitalise on their potential. Often, community sentences are seen as 'a soft option' by both victims and the wider public. Perceptions like this do matter, not only because people have the right to feel safe, but because we all know that the criminal justice system can't work if people don't have confidence in it. This is especially true of the victims that the criminal justice system relies on to report crime and see cases through to court — without them, there would be no justice system. However, we have always felt that community sentences can offer unique benefits to offenders who are capable of change — by showing them the sense of fulfilment that comes with working for and with others, and allowing them to feel part of something bigger than themselves. Most importantly, we think it's about making reparation: doing what you can to make good the damage that you caused. We are currently looking at the Government's plans for reform in this area, and hope that they will strike the right balance between robust and credible punishment, and genuine rehabilitation.

As an example of what contribution we are making on this key agenda, last year Victim Support played an important part in helping produce a report called *Community or Custody*, led by the charity Make Justice Work<sup>3</sup>. I was part of a national inquiry, chaired by the political commentator Peter Osborne, along with colleagues from NACRO, the Magistrates Association, Dame Anne Owers and Lord Ian Blair, to look at different types of community sentences and try to assess if they are more, or less, effective than short term custodial sentences. Experts and members of the public

were given the opportunity to offer evidence and opinions and the enquiry offered some useful insight. Along the way we noted, as you will know, that a year in custody costs around £40k per offender and, distressingly for us all, most offenders released from short term custodial sentences go on to re-offend. Nearly two thirds of adults given short term sentences are re-convicted within a year of release. This is clearly wasteful and damaging, not least for those caught in the re-offending cycle, but also for victims. This simply cannot go on. The social cost and the individual costs are simply too high. It seems clear that short spells in prison help neither offenders nor victims and society is shelling out vast sums of money on practices that, quite simply, do not work. This isn't just the view of the usual suspects, whom it is easy to label as being the 'wet liberal brigade', but it is a view that is borne out by the evidence.

As part of our inquiry we looked at the Intensive Alternative to Custody model used in Manchester. These IAC orders can last up to two years and, have at their heart, intensive interventions that occupy the offender five days a week. This goes hand in hand with a community outreach service which monitors behaviour and enforces compliance seven days a week, right around the clock. I don't think anyone who has seen this work would call it a 'soft

option'. Indeed, it is rigorous, robust and, compellingly, effective. The level of activity required under such programmes and the focus on compliance make an alternative to custody a far tougher prospect than prison. It's also rooted in the community on whose behalf these sentences are supposed to work.

Of course, if any system is to produce positive results, then it must bring together a wide range of interested parties and agencies. A clear lesson we have all learned is that no one individual, agency or part of the criminal justice service can deliver on its own the results society expects. Effective alternatives to custody must essentially be effective partnerships between multiple agencies. Partnership based inter-dependence and not independence!

Following this inquiry, and the subsequent published report, we're doing some further work with Make Justice Work. We are exploring the issues connected to victims of crime and community alternatives to custody. The project got underway in January this year and will report ahead of the party conferences in September 2012. The work will focus on

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3. See <http://www.communityorcustody.com/>

lower level offending, for two very good reasons, firstly that lower level offenders are more likely to be those committing crimes due to alcohol, drug and mental health needs and more likely to re-offend than perpetrators of more serious offences, and secondly that the associated short term prison sentences have been shown to perform poorly both in terms of providing rehabilitation and reducing re-offending. This work will build on what has already been done, and will look at what victims want from community alternatives to custody in order to be confident in them as an effective and appropriate form of sentencing. Interestingly, I think, it will include how far and in what ways victims want to be involved and informed around the use of community alternatives in sentencing offenders in their own cases.

As well as an evidence review, the work will pull together focus groups of victims of lower level offences to explore their views, and a survey of up to 2000 victims. The focus groups themselves will be based around a visit to an intensive community sentence scheme, being organised in partnership with Thames Valley Probation Trust. Victims will see community alternatives to custody in action — first hand experience that will help inform and shape the debate and offer a more compelling argument than any amount of desk research can. These visits are about to take place and both Victim Support and Make Justice Work look forward to sharing the evidence. I believe the report will suggest that some of the old myths and clichés will need to be abandoned in the light of its findings. The early work already suggests that victims, when able to give an informed view, commonly support the use of alternatives to custody in dealing with low level offences. With this informed view, they are not seen as a soft option.

### The use of imprisonment

Alongside all this work, we do of course stand by the need for a robust system of custodial sentencing. Alternatives to custody are not appropriate all the time, and victims and society see the clear need for a wide

range of approaches to tackle offending and reoffending. But even so, we don't think it's in victims' interests that prison should be a mere 'holding pen' — that offenders should enter, pass their sentence, and leave, much the same as they came in.

We know that between 1998 and 2007, the Prison Service received an increase in real-term funding of 40 per cent<sup>4</sup>. However, this did not translate into a reduction in reoffending, and we know that the dangers of that are perhaps more obvious to victims of crime, than anyone else. So, besides our support for community sentencing, we're very receptive to the shift this government is championing in prison policy, in which prison is designed not as an end, but as a beginning on the road to rehabilitation — as a turning point.

It's very important to us that the same spirit of reparation that is so central to effective community sentences, also exists in prison and that, where possible, this includes making amends directly to victims. When the Government launched its watershed review of sentencing policy last year- the *Breaking the Cycle* Green Paper<sup>5</sup>, in which the idea of the 'working prison' was front and centre. Victim Support said that this should be developed in a meaningful partnership with the community. We said that prisons should be places where the harm that has been done to the community is,

in part, repaired. We suggested this could include developing a business plan for the prison whereby a percentage of the income generated by offenders' work is directed into the community or community projects. In addition, if there isn't enough profit-making work, we said prisoners should be encouraged to make items which would actually be of use to the local community. Perhaps the least surprising thing I'll say today is that we are very pleased with the plans to put some of prisoners' earnings towards vital victims' services. This has been a long time coming.

You'd of course expect me to say that every penny that goes to victims' services really counts in today's climate, and this money is certainly a welcome addition to initiatives like the victims' surcharge. In terms of what we do with this money, let me share a couple of examples with you:

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4. Helen Mills, Arianna Silvestri and Roger Grimshaw (2010), *Prison and probation expenditure: 1999-2009*, Spending briefing series, Centre for Crime and Justice Studies.

5. Ministry of Justice (2010) *Breaking the cycle: Effective punishment, rehabilitation and sentencing of offenders* London: Ministry of Justice.

The first is a victim of robbery:

*An 80 year old elderly man was robbed on his way home from the post office where he had collected his pension. He was robbed at knifepoint. His pension money was stolen as well as his wallet and keys. His main concern was security as his wallet contained his address. This victim had no family living close by who would be able to assist him. We used the prisoner's earnings money to pay for new locks to be fitted, which made him feel secure. We also provided him with £20 worth of luncheon vouchers so he could purchase some food until he was able to sort out his finances, and a personal alarm.*

The second is a victim of sexual assault:

*A 16 year old girl was raped in her bedroom by a family member. The victim was so distraught she was unable to sleep in the bed after the incident. Her mother was a single parent who could not afford to replace the bed. We purchased a new bed and bedding for the girl, paid for by Prisoners' Earnings.*

These are simple interventions, but only possible because money has been made available. But as well as the practical usefulness of the money, we should note a valuable principle here. There is now a direct connection between prison and much-needed support for victims. Reparation can now be a mainstream part of the prison routine in a way that wasn't before. We think that's a meaningful change for victims; for offenders who feel genuine remorse for what they've done, and for the community as a whole.

This is surely one of the most important tests of an effective prison system: whether it can put prisoners back not only into the jobs market, but back into a society in which we all have obligations to each other: where we empathise with each other; where we understand that our choices affect each other; where we respect each other's dignity, property and right to live, free of violence and fear.

It's in this spirit that we want to see the Government go even further with another of their ideas about the prison regime — one that not only seeks to promote

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rehabilitation, but which places victims of crime firmly at the centre of that process and that is: victim-led Restorative Justice (RJ). Again, people don't always expect Victim Support to be supportive of RJ. Well, not only are we supportive — but we're involved with several RJ projects throughout the country. In fact we think it should be more widely available, including in prisons. For example, we worked with Cardiff Prison to develop the 'Supporting Offenders Restoratively Inside', or the SORI programme. This aims to help prisoners come to terms with the damage they've caused to others, partly through role-play and group exercises, and partly through meeting with people who've been victims of crime, and the wider community. It's a voluntary, week-long course that has been piloted in seven prisons, and in time we'd like to see it rolled out to more. An academic paper<sup>6</sup> published last month showed that participants finished the course with: enhanced levels of concern for all types of victims; more motivation to change their offending behaviours, and; more willingness to take responsibility for their actions.

We also know that many of the victims we have supported have benefitted from RJ conferencing — where the victim and their support workers meet with the actual offender and his or her support workers, to discuss the crime. Most significantly, the victim has an opportunity that the criminal justice process itself often isn't able to offer: to ask their own questions; explain face-to-face how they've been affected, and; to get an apology. We know from first-hand experience that RJ can bring substantial benefits to both victims and offenders. The research evidence backs it up<sup>7</sup>: government research demonstrates that 85 per cent of victims participating in the RJ conferencing model were satisfied with their experience. Almost nine out of ten would recommend the process to other victims.

Over half of participating victims said that taking part had given them a sense of closure. Most said it had helped to reduce the negative effects of the offence, and almost 40 per cent said that they felt more secure after taking part. The same research also showed RJ could cut reoffending: in this case by between 14 and 27 per cent over the seven years of the study. If it increases victim satisfaction with the justice system and

6. Beech, A. and Chauhan, J. (2012) *Evaluating the effectiveness of the Supporting Offenders through Restoration Inside (SORI) Programme delivered in seven prisons in England and Wales* in *Legal and Criminological Psychology* (in press).  
7. Shapland, J., Robinson, G. and Sorsby, A. (2011) *Restorative justice in practice*. London: Routledge.

reduces recidivism, this means greater public confidence, more participation and in the end, a safer society for all of us.

On top of that, and in the current fiscal climate it needs stating, cutting reconviction rates in this way could save the taxpayer millions. When Victim Support and the Restorative Justice Council analysed the same research, we found that providing RJ in 70,000 cases involving adult offenders would deliver £185m in cashable cost savings to the criminal justice system over two years, through reductions in re-offending alone<sup>8</sup>.

Restorative Justice doesn't just deliver results from a distance. It is, both symbolically and literally, an example of the community coming into prisons, in a way that's quite revolutionary. In the past, it's been almost as rare for community members to get into prisons as for prisoners to get out. It's time to recognise that allowing victims and the rest of the community to be part of prison life can increase their understanding of, and trust in, the work that modern prisons are doing to address offending behaviour and protect citizens. Victim-led RJ can also take prisons off society's sidelines and make them real hubs of public engagement with the effort to reduce crime, developing a 'community ownership' of this most vital public service. In other words, RJ is not just about transforming prisoners, but can also be about transforming prisons themselves.

None of this means that we want a wholesale, unsophisticated move to RJ, because if there's one thing we know about victims it's that even those who've experienced similar crimes will often have very different experiences and needs. For example, we need to be mindful about the use of RJ before sentencing is passed. We have to be sensible about the risks — not only that some offenders may take part in order to get a more lenient sentence, but that the agencies involved may end up inadvertently pressurising victims to serve the rehabilitation agenda.

We believe victims should not be taking part in RJ for any other reason than an informed wish to do so. It also has to be an absolute bottom line that RJ is only delivered by trained professionals — the possible emotional and psychological damage that could otherwise be caused is not an acceptable risk.

Victim-led RJ delivered to a high standard, as long as victims feel the time is right for them, could breath new life into the justice system. RJ should be offered more widely to all victims who want it, in cases where the offender has genuinely accepted responsibility and agreed to a restorative approach. The option should be there at any point during the criminal justice journey. Handled right, RJ is a clear and well-evidenced way for victims and offenders to reach a degree of understanding that can make all the difference for both of them. Yet let's also just note that at present, less than 1 per cent of victims are offered the opportunity to participate in RJ. Why so low a figure?

So, we also welcome the proposal that the right to RJ should be included as part of the review of the statutory Victims' Code of Practice — but obviously this can only happen with increased investment in the projects themselves.

As radical and welcome as increased opportunities to participate in RJ would be, it's not the only way to bring victims' experiences into the heart of the prison regime. You may all be familiar with the Prison Radio Association, which has run the National Prison Radio service since 2009. The PRA is a charity which explicitly aims to use the power of radio to reduce reoffending; I believe it's currently available in 76 of 131 prisons and 94 per cent of prisoners have

heard of it. Alongside other valuable work like publicising advice services, and promoting skills and literacy, the PRA has worked in partnership with Victim Support to raise prisoners' awareness of the victim experience.

Earlier this year, we produced a one-hour radio programme for Radio 4 called *Face to Face*, which featured three victims of crime meeting three offenders who had committed violent crime. Just last month, the programme won the Gold award in the Best Community Programming category of the Sony Radio Academy Awards. The judges said it was 'True 'stop what you're doing' radio'; that it 'unpacked the potentially dry concept of 'restorative justice' and provided drama, insight and the tantalising prospect of a different future'. As many of you will no doubt agree, nobody who's seen first-hand the benefits of RJ could find it dry. This kind of project, that extends its reach

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8. See [http://www.restorativejustice.org.uk/restorative\\_justice\\_works/rjvictim\\_support\\_proposal\\_for\\_victims\\_of\\_serious\\_crime\\_would\\_save\\_185\\_million/](http://www.restorativejustice.org.uk/restorative_justice_works/rjvictim_support_proposal_for_victims_of_serious_crime_would_save_185_million/)

out to offenders who don't have a chance to participate directly, is quite visionary, especially if it's just the start of an approach to rehabilitation that fully appreciates the role that victims and their representatives can play. We'd like to see prisons and communities actively encouraged to adopt similar ideas.

I said at the start that I also think there's a real chance here to develop completely new ones. It seems the political will is there, practitioners are coming together through joint projects of the kind I've mentioned, and even the media is taking more of an interest. We should be capitalising on this by aiming to ensure that there is no prison in the land where offenders don't have the opportunity to learn about the harm that crime creates, and their responsibility to make some form of amends. This could be done in so many different ways. Starting small, different kinds of victim support services could be invited in to address interested prisoners. For example, at Victim Support we rely on the commitment of over 6,000 trained volunteers — ordinary members of the community, some of whom have been victims themselves, who have chosen to spend their time helping others get back on track after a difficult experience. That's a lot of people, each with a different story to tell about the many and varied impacts of crime on people's lives. It's hard to think of a better audience for them than prisoners who want to change.

It may also be time to start thinking about how victims and the community can play a greater role in the formal governance and workings of prisons. One possible entry point is on the Independent Monitoring Boards, which give ordinary men and women the chance to be the community's eye on whether prisons are running fairly and effectively. Not only should this work be better promoted — but perhaps individual boards could be encouraged to think about pro-actively recruiting members who have been victims of crime, and want to use that experience positively? Why not?

Let me be clear, none of this must be misunderstood as not valuing the work that prison

staff and governors already do to increase prisoners' awareness of their social responsibilities. After all, they are members of the community too. However, for us, the authority of victims when it comes to explaining the impact of crime is second to none. In this respect, they really are a unique category of people. They're also an incredibly diverse one: the victim experience crosses all social divisions to bring together millions of people who may be united in nothing else. Too often this diversity is underestimated: governments, agencies and even the media guess at their needs and views, instead of recognising that they are individuals. In other words, I am saying that a stronger connection between prisoners and victims can offer an insight not only into the impact of crime, but into the richness and variety of society itself. If we really want to see prisoners finishing their sentences with a full understanding of what it takes to lead an honest, decent life, why wouldn't we want to bring these two groups of people together?

Whether that's in person, through RJ, or through less direct means like financial reparation and raising prisoners' awareness of victims, we think the benefits to both sets of people are profound, and deserve to be offered on a wider scale. Prison regimes can do far more than rehabilitate offenders and improve victims' experiences. They can and should also build community confidence in the justice system. That confidence is not just a good in itself; it is the difference between whether people support and help the justice system to work, or not. So victim-centred initiatives can bring about a value far beyond the financial savings that also stand to be made.

Victims and their representatives have a lot more to say about prison, and a lot more to say to prisoners, than people sometimes realise. Facilitating those conversations is a matter for all of us, at national and local level, inside and throughout our prisons, and at the heart of the public debate on justice. To us, that's where the community comes in — and indeed comes into its own.