

**CENTRE FOR CRIME  
AND JUSTICE STUDIES**

# **ALTERNATIVES TO CUSTODY IN THE UK**

The story since 2000

# ACE – Alternatives to Custody in Europe

- Towards more effective, fairer use of alternatives to prison
- July 2014 – June 2016
- Participating countries

Italy

France

Portugal

Spain

Latvia

Poland

Greece

UK

# Political climate and overall trends since 2000 – United Kingdom

- Despite
  - record prison numbers
  - evidence that reconviction rates are higher for ex-prisoners
- there has been ***no overall decarceration strategy*** in the UK in the last 15 years.
- Instead there have been attempts to control growth in prisoner numbers.
- Largely via changes to community sentencing and early release rules.

# The exception - Scotland

- Statutory presumption against short sentences, enacted in 2010
- Anyone who would previously have received a short prison sentence is now more likely to get a community sentence.
- Sentencing figures suggest this has reduced the proportion of short sentences passed.
- Northern Ireland looked at a similar law, but not passed.

# UK prisoner numbers

2002

2013

E&W

71,218

83,842

NI

1,026

1,826

S

6,182

8,178

**UK total**

**78,426**

**93,846**

# The rhetoric – *tough on crime*

- The Westminster rhetoric champions ever tougher sentencing. '*Swift and sure*' justice.
- In 2014 Chris Grayling *welcomed* increase in average prison sentences since 2010. Boasted of measures to toughen sentencing. Linked these to continued falls in crime rates.
- For at least a decade governments have tried to try to contain growth in prison numbers without sounding 'soft on crime'. As part of this:

# Using alternative sanctions to control prison numbers

- The main approach of previous governments has been to change community sentences .
- Laws and briefings to make them more 'tough' and 'effective' – and be seen as acceptable instead of prison
- In policy terms, the emphasis since 2000 has been on 'reducing reoffending' (mainly by looking for alternatives to short-term prison sentences). NOT cutting prisoner numbers.

# ‘Tougher’ community sentences

- Community sentences rose dramatically in the UK (especially in E&W) in the early 2000s, peaking in 2007, then falling again. The most common sanctions: fines, suspended sentence orders and community orders.
- For SSOs and COs, punitive ‘requirements’ most often added are unpaid work and probation. Increasingly, with electronic monitoring.



# Numbers of people serving community sentences (E&W)

	<u>2005</u>	<u>2013</u>
SSOs	5,383	38,227
COs	46,846	73,567

The expansion in community sanctions has not had the effect on prisoner numbers many had hoped for.

# Adverse effects

- One cause of higher prisoner numbers is the increased use of custody for breach of community sentences, even non-payment of fines, and of release conditions.
- Piling on requirements sets people up to fail.
- Need to be sceptical about the benefits of alternatives to custody and look at their adverse effects.

# USA probation-to-jail model

- In the US today, about **half of all prisoners** are there for breach of probation or licence conditions.
- Need to address the over-use and over-punitiveness of alternatives to custody, if we want to avoid this happening here.

# Probation's rise across UK

- Probation requirement has increased greatly since 2000. Imposed more frequently
  - as a requirement of SSOs and COs;
  - as a condition of licence on release from prison.

# Probation's rise (E&W)...

As a sentence requirement

2005

34,741

2013

57,856

As a condition of release

2002

22,000

2014

39,270

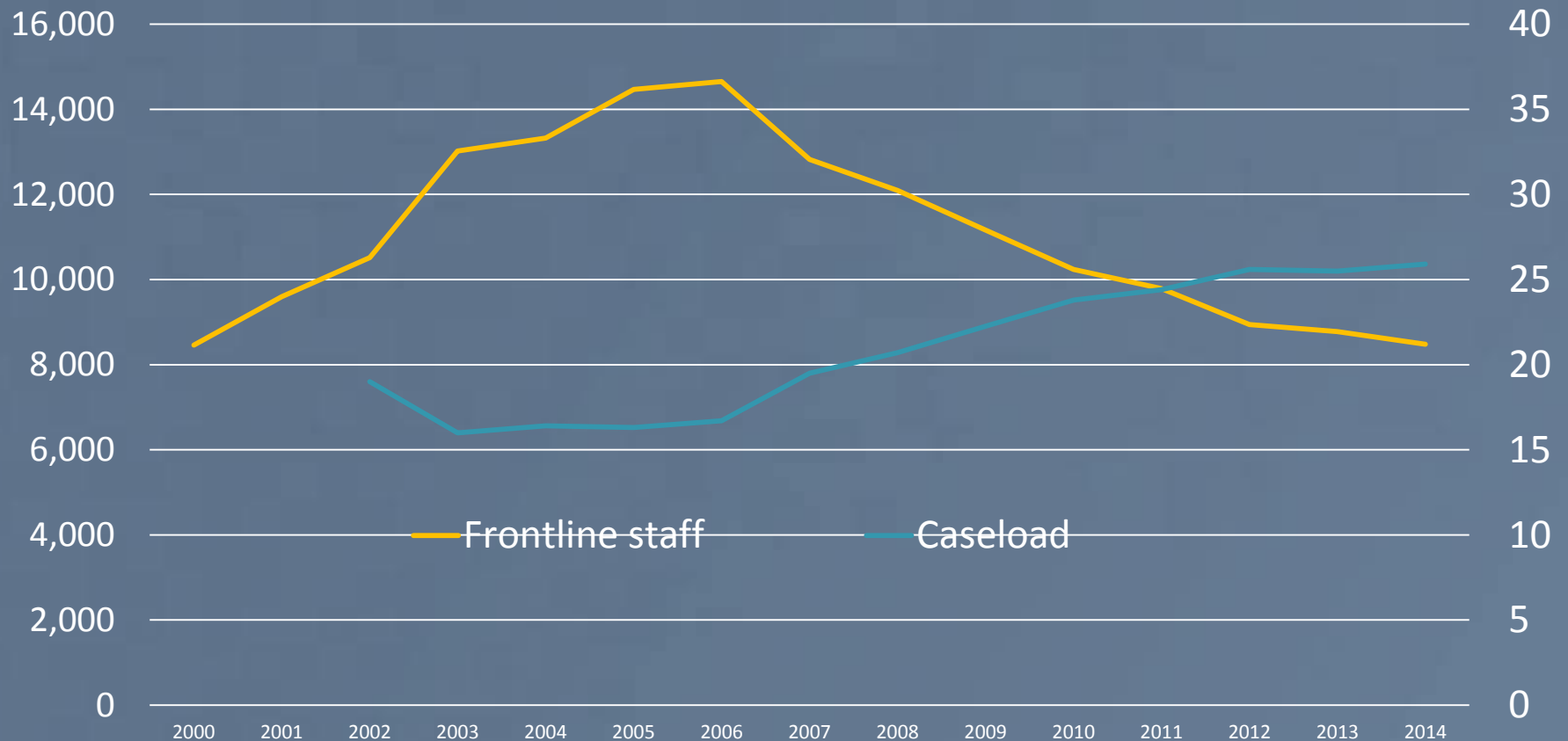
# ... and further rise.

- Compulsory supervision for all offenders sentenced to 12 months or less in prison under 'Transforming Rehabilitation'
- Will increase numbers under probation even further

# Concerns about TR

- Ours are about
  - accountability and transparency
  - conflicts of interest
  - resourcing (public sector cuts – private sector cost pressures)
  - standards and quality (staff numbers, training, workloads)

# Caseloads up - staff numbers down





# Final phase of work under ACE

- UK national report, with statistics on prison and alternatives since 2000, releasing in July
- Consolidated report, online by September
- 2 national workshops to identify good practice, necessary reforms
- UK forum, November/December 2015.
- European handbook of best practice on alternatives to custody: CCJS to publish in Feb 2016. National and European campaigns up to July 2016.