

COMMUNITY JUSTICE FILES 25

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Breaking the Cycle: The Government Response

As discussed in a number of articles in this edition, the government published the Green Paper 'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders' in December 2010. The consultation period ran until March 2011 and the Government published its response on 21 June 2011.

The Response considers a number of themes and begins with punishment. It states that punishments must be robust and demanding. Prisons must become places of hard work with prisoners working for 40 hours per week. Prison work must be self-financing and prison education focussed on the acquisition of work-related skills. Changes are planned for community sentences too. The intention is to make them more likely to punish, reform and control offenders. The Response speaks of bans on foreign travel and longer periods of curfew.

The second theme is payback. A proportion of the money earned by prisoners, including some of those working on licence in the community prior to release, will be taken and used to fund projects for victims of crime. For offenders on community orders, plans include:

- Longer working days and weeks for those undertaking unpaid work;
- Courts to consider compensation in all cases where a victim has suffered loss or harm;
- A greater use of fines and improvements to fine enforcement;
- A possible extension of the victim surcharge to a wider variety of offence types.

The third theme is progression. This section of the Response deals with improving resettlement and reducing re-offending. For prisoners, dealing with drug and alcohol problems and improving employability are seen as priorities. For offenders in the community, intensive drug and alcohol treatment-based accommodation provision is identified as an option. The current pilot projects for Payment by Results in the area of drug and alcohol recovery will continue. Mental health problems will be addressed in joint projects with the Department of Health and Home Office.

Payment by Results remains a key idea in the government's proposals and the Response states that it will 'underpin all our work on re-offending'. Pilots are underway and the commitment to a speedy roll-out of further projects is stated. The Response gives the example of the four-year Payment by Results pilot at HMP Doncaster where the money paid to the private contractor, Serco, depends in part to the re-offending rates of released prisoners.

The final theme is transparency. Included here are ideas intended to provide members of the public with more information about the criminal justice system, including opportunities to offer views and become involved as volunteers. The system by which victims make Personal Statements to sentencing courts is to be made more consistent and a greater use of high quality restorative justice projects is proposed. Specifically, proposals for restorative justice include:

- Improvements in the use of community resolution in responses to less serious crime and anti-social behaviour;
- Encouraging its use alongside out-of-court disposals;
- Making closer and more formal links with victims;
- Providing more information to sentencers about the pre-sentence use of restorative approaches through Victim Personal Statements and probation reports;
- Developing guidance for youth offending and probation teams and for prisons;
- Making changes to the Referral Order to strengthen it as a restorative option for young offenders.

The response outlines a number of changes to the process of criminal justice intended to make the system more effective. A national framework for the use of out-of-court disposals (e.g. cautions and penalty notices) will be created. Changes will be made to the remand system to reduce the number of people sent to custody as a means of accessing health services and to make local authorities financially responsible for young offenders remanded to secure accommodation.

The Response proposes changes to the sentencing framework. These include:

- A mandatory minimum six month sentence for adults who carry a knife to 'threaten and endanger';
- An urgent review of the system of indeterminate sentences for those convicted of serious sexual and violent offences. The proposal is to replace this system with a framework of determinate sentences. Under the new arrangements, more life sentences are anticipated and other prisoners would not be eligible for release

until they had served two-thirds of their sentence. Legislation to implement these changes is expected in the autumn;

- Allowing courts to suspend prison sentences without accompanying community requirements.

The Response also outlines steps that, it argues, serve to simplify performance management processes. These include new national standards for probation, which allow greater practitioner discretion, new performance measures for probation trusts with a focus on re-offending and a reduction in the current level of central performance monitoring of the youth justice system.

Speaking about the Response, Louise Casey, Commissioner for Victims and Witnesses commented:

It is[...]extremely positive that the toughening up of community sentences will proceed, something that we very much support and that there will be no increase in sentence reduction for guilty pleas – something that victims were particularly concerned about.

The Government is also right to review indeterminate sentences. These often leave victims in a horrible situation of not knowing when a criminal may be released from prison and I welcome the plans to seek tougher determinant sentences – including the greater use of mandatory life sentences in the most serious cases. I will be delighted to offer my help in this review.

I'm particularly pleased with the emphasis that has been given to making prisons places of real hard work and reform, and that prisoners will pay to support victims from their earnings. This is the kind of common sense change that victims, and I believe the public, have a real appetite for.

The Response to the Green Paper can be found at:

<http://www.justice.gov.uk/consultations/consultation-040311.htm>

Patterns of Reconviction among Offenders Eligible for Multi-Agency Public Protection Arrangements (MAPPA)

The Ministry of Justice has published a research report (Research Series 6/11) which compares reconviction rates of MAPPA-eligible prisoners released from prison from 2001 to 2004 with similar offenders released in the period 1998 to 2000 before MAPPA were in operation. The report acknowledges the limitations of the methodology. For example, many factors other than the creation of MAPPA could be linked to a change in re-offending rates during the period of the study.

The study found that the one-year conviction rate for those released between 2001 and 2004 was lower than that for the 1998 to 2000 group. This finding remained true at a two-year follow-up point for cohorts where this information was available. Pre- to post-MAPPA implementation, the research found a comparatively large fall in the proportion of violent offenders reconvicted after one year.

Conclusions drawn from this research are tentative but it is argued that the findings support the current structured multi-agency approach to risk assessment and risk management.

The report can be found at:

<http://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/patterns-reconviction-mappa.pdf>

No Winners: The Reality of Short Term Prison Sentences

The Howard League for Penal Reform, jointly with the Prison Governors' Association (PGA), have published a piece of research about the experience of short-term prison sentences. The research was led by Julie Trebilcock from Imperial College London and draws on interviews with 44 prisoners and 25 prison staff from three adult male prisons. This work was supported by a survey of PGA members and other stakeholders.

The key points to emerge from this piece of work are:

- Whilst the prisoners in the research sample were a diverse group, two main subgroups could be identified: those serving their first sentence (first-timers) and those who had been through the system a number of times (revolving door prisoners).
- Short prison sentences were preferred to community orders by a number of revolving door prisoners. This was on the basis that short prison sentences are easier to complete and make fewer demands. Some of these prisoners experienced a better quality of life in prison than in the community.
- Serving a number of short prison sentences leaves prisoners feeling that a future return to prison is inevitable and outside their control.
- The reality of serving a short prison sentence is boring and demotivating.
- Some prisoners were motivated to undertake rehabilitative work but programmes were often not available. These prisoners felt that they were released 'the same as they were when they came in'.
- Staff were unhappy about the damage done by short prison sentences, such as loss of jobs, accommodation and relationships. They spoke positively about the

constructive benefits of mentoring schemes intended to help prisoners on their release and return to the community.

Launching the research, Director of the Howard League for Penal Reform, Frances Crook, said:

Community sentences seek to challenge and change people so that they live crime free lives. By contrast, our overcrowded prisons fail to offer lasting solutions to crime or support for victims. Spending all day lounging on a cell bunk, particularly for those on short sentences, is the real 'soft' option. Community programmes can achieve many more positive outcomes than prison as they force people to understand the impact of their actions and do something to repair the damage caused by crime.

A summary of 'No Winners' can be found at:

http://www.howardleague.org/fileadmin/howard_league/user/pdf/Publications/No_Winners_-_summary.pdf

Payment by Results at HMP Peterborough

The Ministry of Justice has published an early evaluation of the Social Impact Bond (SIB) project at HMP Peterborough. The aim of the evaluation is to identify lessons which could inform future SIB or Payment by Results schemes.

Emerging findings include:

- The contractual arrangements behind the SIB are viewed as complex;
- The SIB had attracted some new sources of funding (i.e. from funders who had not previously backed criminal justice interventions);
- Financial risk did seem to have been transferred from both the Ministry of Justice and the service providers to the private investors;
- Social Finance (the financial intermediary in the Peterborough scheme) had been successful at negotiating with the various stakeholders;
- Developing robust outcome measures for Payment by Results schemes is a time-consuming and complex process;
- The design of the Peterborough scheme does guard against 'cherry-picking' (selecting those members of the target group most likely to be successful);
- SIBs are a new kind of financial product and gathering evidence from schemes such as Peterborough is necessary to build the information needed to generate further interest from investors;

- The Peterborough scheme is too small to deliver substantial 'cashable' saving; the ability of the SIB model to deliver significant savings for government remains unproven.

The report can be found at:

<http://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/social-impact-bond-hmp-peterborough.pdf>

Review of Police Leadership and Training

The Home Office has undertaken a public consultation on the Review of Police Leadership and Training produced by Peter Neyroud. The review made a number of proposals, including the creation of a professional body to set standards for policing and a new delivery body for police leadership and training. A new qualifications framework is also recommended, which would include both a Level 4 pre-entry qualification (the police initial qualification) required of those joining the police and a management qualification required of those seeking promotion.

The consultation process asked a number of questions, including:

- How can arrangements for police leadership and training best support the police in being able crime fighters?
- Who should set and maintain the standards for the police service and how should it be done? Do you agree with the proposal for a professional body supported by a charter?
- How and by whom do you think police leadership, training and development should be delivered for police officers and staff?
- Should a new framework of professional policing qualifications be introduced? How do you think that the standards for policing and the skills of police officers and staff should be attained, assessed and maintained?

For more information about this consultation, see:

<http://www.homeoffice.gov.uk/publications/consultations/rev-police-leadership-training/>

Forthcoming Events

Integrated Offender Management Conference

Capita's 9th Integrated Offender Management (IOM) Conference will take place on Tuesday 20 September 2011 in Central London. The aims of the conference include examining the government's plans for reducing re-offending by engaging the voluntary and private sectors in a multi-agency approach. Conference themes will include Payment by Results, restorative justice, resettlement and drug rehabilitation programmes.

Confirmed speakers include: Mandie Campbell, Chair of the IOM National Strategic Board at the Home Office; Ivor Twydell, Gloucestershire Constabulary; Dominic Williamson, Revolving Doors Agency; Jane Daguere, West Yorkshire Community Chaplaincy Project; and Phil de Montmorency, St Mungo's.

More information about the conference can be found here:

<http://www.capitaconferences.co.uk/public-sector-conferences/police-criminal-justice/full-conference/article/integrated-offender-management-delivering-the-ppo-strategy-in-partnership.html>

Rethinking Crime and Punishment in Europe

The 11th Annual Conference of the European Society of Criminology will take place in Vilnius, Lithuania from 21 to 24 September 2011. Plenary speakers include: Kauko Aromaa (Finland), Director of the European Institute for Crime Prevention and Control; Aleksandras Dobryninas (Lithuania), Professor of Sociology Vilnius University; Krzysztof Krajewski (Poland), Professor of Criminology Krakow; and Renee Zauberman (France), Research Fellow at CESDIP.

For more information, see:

<http://www.eurocrim2011.com/Invitation.html>