

Penal Reform

Introduction

The Prime Minister has stated that prison reform is a priority for his administration. He wishes to reduce re-offending rates of prisoners and has suggested that one of the means to achieve this may be to give prison governors more autonomy over their institutions. The Secretary of State for Justice has expressed similar ambitions and has set up reviews looking specifically at women's imprisonment and the overrepresentation of minority ethnic people in the criminal justice system.

The Probation Institute welcomes a renewed focus on penal reform. There were indications from the previous government of a move in this direction. The P.I. hopes that effective action will follow the more recent announcements. This position paper sets out what the P.I. considers the key issues that must be addressed if reforms are to have a material impact on reducing re-offending.



Picture by Mark Harvey - www.socialissuesphotography.co.uk

Key Points

1. The Prison population is unsustainably high

- By all recognised measures the volume of crime has been falling consistently for nearly two decades. This is the case, not just in England and Wales, but in most jurisdictions in the developed world. Yet during these two decades the prison population in England and Wales has more than doubled. Many of those imprisoned have not committed offences of violence and do not present a danger to others. Many have significant issues with addiction and/or poor mental health.

- Imprisoning people who are not a risk to others for relatively short periods of time is always likely to result in high re-offending rates. Factors that are most likely to facilitate desistance from offending are stable accommodation, stable employment, stable and positive relationships, access to local services that can address underlying issues such as addiction. All of these are adversely impacted by a custodial sentence.
- Some of this adverse impact may be mitigated by regular day release and by provision of high quality programmes in prisons. This mitigation is likely to be limited however: the prison estate is not configured to allow the majority of prisoners to be day released or attend treatment programmes in the area to which they will be released.
- Many prisons are currently overcrowded. Overcrowding makes the provision of effective services to serving prisoners extremely difficult and also impacts upon rational allocation policies at the heart of resettlement prisons.
- Imprisoning fewer people – restricting imprisonment to those who present an ongoing risk to others – would facilitate provision of genuinely rehabilitative regimes. This suggests that any reform strategy must also include sentencing reform to ensure only those that need a prison sentence for public protection are prioritised and that community services support and manage more people in the community.



Picture by Mark Harvey - www.socialissuesphotography.co.uk

2. Governor autonomy on its own is not enough to reduce reoffending rates

- There has undoubtedly been an increase in central control driven partly by ministerial dictate and partly by NOMS bureaucracy. Many in-prison services are now centrally contracted. Relaxing this is likely to enable governors to operate more effective prisons and respond to the particular environment of their own prison.
- In itself however, governor autonomy is not likely to have a dramatic impact because:
 - Population management of an overcrowded system has to be centrally or at least regionally controlled. As a result, governors will never have control over the type or number of inmates in their prisons.
 - Prison based services need to be informed by detailed knowledge of the local community into which their inmates will be released. It is difficult for governors and their staff to acquire this.
 - The shortcomings of tying performance on re-offending rates to prison based services has already been demonstrated by the Doncaster and Peterborough Payment by Results pilot. (MoJ, 2014a, 2014b)

- The disconnect between delivery of services within prison and in the community has been a long-term issue for the penal system. It has resulted in some prisoners having to undergo multiple referral processes to different organisations with little coherent oversight. Others have fallen through the cracks and needs have been left unaddressed.
- Commissioning of services “through the gate” is a cornerstone of the contracts let last year by the MoJ to the 21 Community Rehabilitation Companies. Whilst the early indications of effectiveness may be patchy, the principle of a “through the gate” service is critical to improving rehabilitation. Governor autonomy would need to be applied in a way that protected this principle. Attempts to reverse out of this element of the contract with CRCs would inevitably be fraught with difficulty and probably very expensive.

3. Justice Reinvestment is required to achieve reductions in re-offending

- Re-investing the resources currently deployed to manage an unnecessarily high prison population into better resourced and targeted community-based programmes and preventative measures is the over-arching strategy most likely to achieve sustained reductions in re-offending. The strategy is being pursued in other jurisdictions including U.S. states across the spectrum of political leadership.
- Adequate resourcing for staff within prisons must be an immediate priority to support regimes which can deliver more effectively on its rehabilitative goals.
- Re-offending rates of those supervised in the community are consistently lower than those for custody. The difference widens when applied to those serving sentences of 12 months and under. The differences are evident in groups with matching criminal histories.
- Reinvesting in community sanctions that are demonstrated to reduce re-offending is likely to bring re-offending rates down further, faster and more cost-effectively. Further research into effectiveness will always be welcome but in essence the evidence is clear about what kind of approaches are most likely to be effective with most people. (MoJ, 2013) Rather than searching for a “magic bullet” that will transform re-offending rates, consistent investment in what research already tells us works, and in the training and recruitment of staff to apply this, is likely to bring sustainable results.

CONCLUSIONS

- Prison reform, including governor autonomy and regimes focussed on rehabilitation, can make a contribution to a wider strategy to reduce re-offending. Without this wider strategy however - one that reduces the numbers in prison and re-invests in the resources thus released in community-based sanctions and preventative measures – the effect is likely to be minimal and any reductions achieved unlikely to be sustainable.
- The justice community has known for at least 20 years what the evidence says about what needs to be done. And yet policy that is in line with the evidence on reducing reoffending seems very difficult to implement. We would urge government to pay heed to the evidence and act accordingly.

References

- Ministry of Justice (2013) Transforming Rehabilitation: a summary of evidence on reducing reoffending Ministry of Justice Analytical Services
- Ministry of Justice (2014a) Process evaluation of the HMP Doncaster payment by results pilot: Phase 2 findings April 2014 www.gov.uk
- Ministry of Justice (2014b) Official Statistics: Final results for cohorts 1 payment-by-results prison pilots August 2014 www.gov.uk