

Apex Scotland's Contribution to the Alternatives to Custody Inquiry

9 September 2002

Apex Scotland aims to reduce offending by (ex)offenders and young people at risk by addressing their employability needs and moving them on to a more positive outcome.

We welcome the Alternative to Custody Inquiry and the opportunity to respond to it. An examination of the availability and effectiveness of community penalties must firstly address two questions: What is the purpose of sentencing and what do we want the Criminal Justice System to achieve?

The recently published research on "Public Attitudes towards Sentencing and Alternatives to Imprisonment" provides a starting point. It concludes that there may be a need to address public expectations of what sentencing and punishment can achieve - in particular, to shift discussion away from crime control towards protecting the public from dangerous predatory offenders; promoting consistency in sentencing; and providing cost-effective programmes to support rehabilitation. We would support this conclusion.

Rather than address the specific questions posed, we would like to make two points in relation to minor offences and Supervised Attendance Orders.

Firstly, we would draw the Committee's attention to a recently published report from the Institute for Public Policy Research (IPPR): "Them and Us: the public, offenders and the criminal justice system" (29 July 2002). It highlights that more than one third of men in Britain have a criminal conviction, often for very minor offences and that a criminal conviction significantly reduces the chances of getting a job. As we know, unemployment increases the risk of re-offending. The report calls on the Government to conduct a review of minor offences to establish which could be more appropriately dealt with through civil procedures. We would endorse this suggestion as it would free up police and court time to deal with more serious crimes and increase social inclusion. This is not being soft on crime because in many cases, the penalty under civil law would be the same: i.e. a fine.

Secondly, Apex is involved in delivering components of Supervised Attendance Orders on behalf of local authorities. Our experience bears out the statement in the SPICe Briefing (24 May 2002) that "The SAO has been used relatively rarely with only 75 orders made by the courts in 2000". We are in the process of arranging presentations to Sheriffs on what our organisation can provide as part of the Order. We are aware that the "fine-on-your-time" approach is not popular with some Sheriffs because it is designed simply to keep people out of prison when they would not have received a custodial sentence for the original offence.

We therefore welcome the proposal to pilot the use of this Order as a first sentencing option in two courts. Any initiative which succeeds in keeping people, particularly women, out of custody, has to be more cost effective than processing the reception of large numbers of people for very short periods in

the prison system. There is also evidence to suggest that the components of SAO's can reverse the tendency in some offenders to offend.

We hope this contribution is helpful. Should the Committee require any further information, please do not hesitate to contact us.

Bernadette Monaghan
Director
Apex Scotland