

It'll be a job to stop re-offending

Bernadette Monaghan

THE purpose of the Apex Scotland Annual Lecture is to provide a platform for debate on the criminal justice system as it currently operates in Scotland and might develop in the future. When the First Minister accepted our invitation to deliver this year's lecture, we had no doubt that it would be an important speech and one that would stimulate debate for some time to come.

Crime and the criminal justice system has become a very political issue in the last few years and leniency is not likely to be a vote winner: the status quo is not an option, according to the First Minister.

Whilst acknowledging record numbers of police officers, as well as radical reforms in the Crown Office and Procurator Fiscal Service to address the needs of victims and promote greater co-operation with the police, he said victims and the public have little confidence in the criminal justice system. The court process takes too long and wastes much valuable police time and despite much investment in community sentences over the last ten years, the prison population is at an all-time high.

Of course, the picture is a very complex one: unfortunately, the only way to ensure that someone appears in court is sometimes to remand them in custody, especially if they continue to offend whilst on bail. Those who breach community sentences can also end up progressing up the tariff, eventually to prison.

We know a lot about what works in terms of what an effective offending behaviour programme consists of, but we know much less about why certain interventions work or do not, with individual offenders. Unfortunately, it is not simply a case of putting people through programmes and then ticking a box - measuring success in terms of reducing re-offending has to take into account any decrease in the nature and seriousness of an individual's offending and whether they feel they have made progress in changing some areas of their lives that are associated with offending.

Research tells us that people stop offending because they usually acquire something of value that gives them a reason to re-evaluate their lives and resolve their difficulties. Most commonly, this is the ability to get and hold down a job and develop positive personal relationships. Employment is the single biggest factor in reducing re-offending, not only because it takes away the need to offend, but also because it structures an individual's daily life and reduces some of the opportunities for offending.

SO what has to be done to improve the situation outlined in the First Minister's speech? Firstly, clear direction and leadership is crucial: what we have at the moment is not a criminal justice system as such, it is a set of disparate parts - police, courts, prisons, social work and the voluntary sector - working to their own aims and objectives.

What a coherent system should be trying to achieve needs to be clearly spelled out. It should be about protecting the public and preventing people from becoming victims of crime, as well as reducing re-offending and bringing down prison numbers.

Apex Scotland was instrumental in setting up the Throughcare Centre or the "Chance for Change" Initiative, as it was formally known, in HMP Edinburgh in 1998. The centre brought together various agencies under one roof to address a wide range of needs and provide a link with the outside community. It aimed to make a positive impact on men's lives that would, in the longer term, reduce the likelihood of their re-offending. Perhaps one way forward would be to replicate the concept of the Throughcare Centre within the community.

Eighty per cent of all prison sentences are for six months or less and 60 per cent of those sent to young offender institutions are sentenced to less than six months. This means they will serve less than three months, not long enough for their behaviour and their wider needs to be addressed. In addition, two thirds of prisoners arrive in prison from unemployment and three quarters leave with no job to go to. It is estimated, conservatively, that 25 per cent of those in our prisons have below functional reading skills and 33 per cent have numeracy problems.

Finding employment is one of a number of problems they will have to confront on release. The Fifth Prison Survey (2002) highlights that the three things which prisoners considered most important to them before release are housing (rated the issue of most importance by half of all prisoners in the survey), followed by employment and family support.

If we accept that a criminal conviction reduces the chances of getting a job and being unemployed increases the risk of re-offending, we would argue there should be a review of minor offences to establish which could be more appropriately dealt with through civil procedures. This would free up police and court time to deal with more serious offences and is not being soft on crime because, in most cases, the penalty under civil law would be the same, ie a fine.

Just over 7000 people were imprisoned for fine default in 2002 for minor offences. The average length of sentence for adults in 2002 was 11 days and the average outstanding fine was £265. For young offenders, the average length of sentence was ten days and the average outstanding fine £245. It is highly likely the costs of processing these people through the prison system higher than the amount of the fines. Neither they nor their offending pose any serious risk to the community.

THE First Minister wants to strike a balance between protection and punishment. He rightly said that punishment should fit the crime, adding that within the act of punishment, offenders should be given an opportunity to change their behaviour and re-engage with their community as full and productive members.

For us, victims of crime and the wider community are best served if our clients do not re-offend. We believe that one way of ensuring that positive change is sustained after offending behaviour programmes is to address our clients' employability needs and progress them into employment, education or training.

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