

Some Thoughts on Reducing Re-offending

Introduction

When Jack McConnell gave the Apex Scotland Annual lecture in 2003, he said that punishment should fit the crime, adding that within the act of punishment, offenders should be given the opportunity to change their behaviour and re-engage with their communities as full and productive members. (1)

This could not be achieved, he went on to say, by a criminal justice system in which victims and the public have little confidence and do not trust: despite major investment in community sentences over the last ten years, the prison population is at an all time high and each year, we admit over 5,000 new people who have never been in our prisons before.

There were, on average, around 6,618 prisoners per day in 2003/04 – the highest annual figure ever recorded and a 2.2% increase on the previous year's figure of 6475. During the year, the daily population passed the 7,000 mark for the first time, with the highest ever recorded daily figure of 7074 recorded on 18 March 2004. This is equivalent to slightly more than one in every 1,000 people living in Scotland. (2)

Longer prison sentences for crimes of violence, crimes of a sexual nature and drug crimes in particular, account for a significant part of the increasing prison population. Remand receptions also continue to increase and large numbers are received into custody for fine default or for short periods.

Scotland's prisons are, in fact, amongst the most overcrowded in Europe and six out of ten offenders are reconvicted within two years of leaving the prison gates.

We can address these issues in one of two ways: either we keep on building more and more prisons to house as many as 10,000 prisoners within the next decade – many of whom will be serving sentences of less than six months for minor offences – or we can look seriously at a more joined up approach, which requires a shared focus on the goal of reducing re-offending amongst all agencies that deliver services for offenders, whether in prison or in the community.

Thankfully, the Executive believes that the challenges of reducing crime and the fear of crime and of restoring public confidence in the way criminal justice services operate, can best be achieved by a more coherent system. It set out its intentions in Scotland's Criminal Justice Plan, launched in December 2004 (3) and in The Management of Offenders etc (Scotland) Bill, published in March this year.

The Bill concentrates on managing the transition from prison to community more effectively, in order to reduce the chances of someone offending again on release. It focuses on the key relationship between the Scottish Prison Service (SPS) and the 32 local authority social work departments across Scotland.

The Executive's earlier consultation on Reducing Re-offending (4) highlighted a lack of direction, a lack of consistency and a lack of accountability for performance, amongst local authority criminal justice social work services. Put bluntly by the

Minister for Justice, we have an offender management system that is simply out of step with modern needs and demands.

So the Bill sets out proposals for a reformed system for offender management, to be fully in place by 2007/08. These include a National Advisory Board, chaired by the Minister for Justice, to develop a National Strategy and guide and monitor prison service performance; new governance arrangements between Ministers and SPS and more public scrutiny of the decisions it takes; groups of local authorities coming together to form new Community Justice Authorities and; new obligations on both SPS and local authorities to work in partnership and manage offenders returning to the community in a seamless way.

The Bill proposes to build on what is already in place, rather than the earlier idea of structural change through the creation of a single agency that would have merged the prison service and local authorities. But this decentralised approach will come at a price: the new Community Justice Authorities will have to demonstrate that they are using their resources effectively and providing services consistently. They will have to produce a plan for the National Advisory Board that will be sent back if it is not good enough and will have to publish an annual report to demonstrate to their communities and Parliament that they are performing.

In short, national direction and accountability, with the power to intervene, is the price of a more flexible, integrated and accountable system at the local level.

The Need for Realism

There is no simple answer to the question of what stops offenders from returning to crime, but we know from research on desistance that access to stable accommodation, the chance to re-engage with family, to take up training and employment opportunities and assistance with drug, alcohol and other health problems, are the key.

All these factors need to be in place, but by helping those who offend to realise their potential for employment, we can reduce crime, because the individual who finds and sustains a job is three times less likely to re-offend than if they are unemployed. This is largely because being employed structures their daily lives and takes away some of the opportunities for offending.

In general, the research literature highlights negative results in terms of the impact of prison and community sentences in reducing re-offending. So, the sentence in itself, whether custodial or community based, cannot have any significant impact on reducing re-offending: what does matter is how it is implanted and the quality of the intervention.

Community sentences need to be shorter and more intensive and implemented as soon as possible after the sentence is passed. They could also be strengthened and made more constructive if the emphasis was on not just getting people to complete orders successfully, but on progressing them on to employment, training and education and ensuring that further support was in place on completion. In this way, any positive benefits would be sustained in the longer term.

Apex's experience of delivering supervised attendance orders in partnership with local authorities illustrates the benefits of a constructive community penalty and the impact it can have on offending: There are 3 components to the order, each of which is designed to provide education and training. The first is a core 10 hour module, focusing on offending related issues, such as debt and lack of employment. This is followed by needs related education and training and then by a placement that reflects the clients interests and skills.

Between 1 April 2004 and 31 March 2005, we worked with 1032 clients on SAO's, 573 of whom successfully completed the order in that period. In addition, 78 of those who completed also went on to employment, education or training.

A study carried out by Apex in 2002, with the assistance of the Scottish Criminal Records Office, tracked 486 clients on the order and found a 37.5% reduction in the number of offences carried out by the sample six months after completing.

We are currently involved in initiatives in Glasgow and Ayrshire to pilot the order as a first sentencing option. This is a more cost effective approach than processing large numbers of minor offenders for very short periods through the prison system.

Measuring Success

Those of us who work in the criminal justice system are all too aware of the need to meet targets, provide cost effective services and demonstrate that we can reduce offending behaviour.

Very often, we cannot put right all the damage caused by someone's previous life experiences. All we can do is provide them with opportunities to change. To quote a very simple two-line poem of less than 10 words, each with two syllables or less: "If it's going to be, it is up to me".

We know a lot about the kind of approaches that are likely to be effective in addressing offending behaviour and what an effective programme should look like, but we know much less about why certain things work, or don't work, with certain people.

Any programme or intervention is highly unlikely to result in a one-off, dramatic change of lifestyle: Change is more likely to be an ongoing process of helping people to build alternative ways of living, which for many of our clients, will also depend on being able to resolve problems of substance misuse.

In trying to measure success, therefore, we have to take account of whether someone's time in the community between prison sentences increases, any decrease in the level and seriousness of their offending and whether they themselves feel that they have made progress in changing some areas of their lives that are associated with offending.

We know, however, that two thirds of those arriving in our prisons are unemployed and three quarters leave with no job to go to.

Prisoners are released into a context: A headline in The Scotsman newspaper on 24 January 2005 said “one in 4 jail inmates comes from 50 hotspot crime areas”. It referred to research recently carried out by Roger Houchin, Glasgow Caledonian University, which highlighted that one in 9 young men in our most deprived communities will spend some time in prison in their 23rd year. These are young men who are already alienated from mainstream society. Prison simply makes them worse.

Outstanding charges

All too often, in our experience, much work is done by our prison-based staff to sort out client’s needs and put in place the very things that will help to reduce the chances of them re-offending, only for all the efforts and progress to be undone when they are hit with warrants for old or outstanding charges shortly after release.

Scott is a typical example: he had been working with the Apex Learning Support Worker in HMYOI Polmont to improve his literacy skills and consequently, his employment prospects. He was keen to put his past behind him, willing and motivated and he made considerable progress. Apex arranged for him to take up a place on a local Progress2Work programme on release.

Scott went back to Court one week before liberation in respect of his involvement in three offences that took place three years previously. The Sheriff informed him that he intended to give him three six-month sentences, to run consecutively, but because of a letter from Apex, outlining his progress and change in attitude, he decided to admonish him instead, with a firm warning not to come back before the Court again.

The Youth Court offers an effective model in that outstanding charges are rolled up, cases are brought to Court within three months because of effective communication and joint working between police, fiscals and social work and a range of community-based interventions are available to support its decisions.

Basic Skills

An SPS Occasional Paper on Young People in Custody highlights that 76.2% of all young people in custody had a history of regular truancy, 43.6 had attended special schools and 9.4% reported previous contact with the children’s hearings system.

It is estimated – conservatively – that 25% and 33% respectively of those in prison in Scotland have below functional levels of basic literacy and numeracy.

Between January 2003 and the 31 March 2005, when the service ended, Apex provided one-to-one learning support for 198 young adults in HMYOI Polmont, of whom 179 completed their work programmes with us in that period. Given the difficulties associated with tracking clients on release, we know that 35 of them took up local literacy support programmes on release, 11 got a job and managed to sustain it, 17 went on to other Apex initiatives in the community and 9 enrolled in job training college courses. Most of the remainder were transferred to adult prisons.

The Justice I Committee Report of its Inquiry into Rehabilitation Programmes in Prison states:

“The Committee believes that there should be mandatory assessment of all prisoners’ literacy and numeracy skills at the beginning of a period of custody and notes that this is currently carried out as a matter of course only with young offenders. The Committee therefore recommends that mandatory basic skills assessment should be extended to include every individual that comes through the system”. (para 85). Apex would certainly support this view.

The Way Forward

To go back to the Apex Lecture in 2003, The First Minister said, rightly in my view, that the criminal justice service is a public service, central to which is respect and support for victims. The needs of victims and communities are best served if those who offend are not only punished, but also given opportunities to move on from their behaviour. In order to achieve this, we need a public justice service for the 21st century in which all its constituent agencies – police, prosecution, courts, social work, prisons and voluntary agencies – work together towards the shared aims of protecting the public and reducing re-offending.

We look forward to what the Minister for Justice, Cathy Jamieson MSP will say on the theme of “Working Together for Justice” when she gives this years Apex Scotland Annual Lecture on 13 September 2005.

References

1. “Respect, Responsibility and Rehabilitation in Modern Scotland”: Apex Scotland Annual Lecture 2003.
2. Scottish Prison Service website.
3. “Supporting Safer, Stronger Communities: Scotland’s Criminal Justice Plan”: Scottish Executive, December 2004.
4. “Reduce, Rehabilitate, Reform”: Scottish Executive, April 2004.

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