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The Scottish Consortium on Crime and Criminal Justice

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Response to Scottish Executive Justice Department Consultation: 're:duce, re:habilitate, re:form'

Introduction

This note by the Scottish Consortium on Crime & Criminal Justice (The Consortium) may be helpful in preparing your response to the Scottish Executive Justice Department Consultation: 're:duce, re:habilitate, re:form'. The Consortium, which aims to reduce the incidence and alleviate the impact of crime in society by whatever morally acceptable means can be shown to be most effective, includes the leading voluntary organisations concerned with crime and criminal justice – the Howard League for Penal Reform in Scotland, APEX, NCH, SACRO and the Scottish Human Rights Centre. Associate members include a wide range of other organisations and academics.

The Consortium very much welcomes the consultation and wishes to encourage organisations and individuals to put forward their views to the Executive. Our member organisations will be responding to the detailed questions in the consultation document. This note focuses on questions at the heart of the debate about constructive approaches to reducing re-offending and the rehabilitation of offenders in terms of their reintegration into the community. Most importantly, it stresses that the answers to reducing re-offending and promoting rehabilitation do not lie primarily with the criminal justice system. The key to making significant reductions in the level and impact of crime lies in changing the way in which known and potential offenders relate to their communities, including victims, and to the wider society. These changes require the development and implementation of social and economic policies much wider than criminal and juvenile justice.

At the outset, therefore, there is a need for realism about what sentences – community or custodial – can and cannot be expected to achieve. Many recent policy proposals in Scotland – including many of those in the consultation document – are premised on the erroneous assumption that sentencing systems alone can have a significant impact on reducing re-offending. They cannot. In addition, there is no evidence that changing organisational structures will directly affect either levels of punishment or levels of crime. Other modes of social control and welfare provision in the community are what work to reduce criminality.

Prevention

The evidence shows that most adult offenders start committing offences as young people so that 'true prevention' should start early to be of greatest benefit. Early prevention

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involves not only identifying young children at risk as soon as possible – before offending becomes established – but also changing organisational, institutional, structural and cultural arrangements which may adversely affect the socialisation of young people and increase their risk of becoming offenders. Of the range of preventive early intervention strategies, those which provide high quality pre-school education for the children of disadvantaged parents, intensive home visiting by health professionals during pregnancy and infancy, and education in parenting, have been shown to be the most effective.

For those who do become offenders, juvenile and criminal justice interventions can play an important part in reducing levels of crime, but only if they are implemented as part of a broader integrated social policy approach. Thus, for both young and adult offenders, crime reduction has repeatedly been shown to be more effective if the focus of specific strategies is on life experiences and circumstances that lie at the root of offending behaviour. Justice interventions aimed at reducing re-offending must, therefore, address these experiences and change these circumstances. These interventions necessarily involve the wider community and should, wherever possible, be located in the community.

Community Based Sentences

The Consortium fully supports the Executive's goal that prison 'be viewed by Scottish society as the ultimate sanction for the punishment of the most serious offenders and for those who present an unacceptable risk to society'.

In place of imprisonment, most offenders should be dealt with by community based sentences which can command public support and understanding. Such sentences should be oriented primarily towards rehabilitation, in their aims and in their administration. Rehabilitation not only offers the most humanely effective means of reducing re-offending but also enables those who have offended to move permanently into productive and worthwhile citizenship. In pursuing rehabilitative aims, community sentences can also be restorative; and, since they will impose heavy and properly enforced demands on offenders – rehabilitative programmes and requirements are very far from being a soft option – they will also constitute deterrents for the offenders themselves and for others.

However, as already noted, the assumption made in the consultation document that the goal of 'reducing offending' can and should be achieved by criminal justice interventions alone is mistaken. The most effective community (and indeed prison) sentences are those which are tied to other, broader, interventions in the offender's life.

This means that while it is important that the offence or pattern of offending leading to conviction and sentence be directly addressed by any sentence or order, it is also important that literacy, employment, health, addiction, accommodation, social and intimate relationships and other problem areas in the offender's life are addressed at the same time. For all but a minority of offenders to move away from offending the stepping stones need to be put in place so that they are not left in the same poor social and economic circumstances that provided the context and motivation for offending. It is

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essential that sentences are integrated with other services that aim both to build offenders' capabilities **and** provide realistic opportunities for moving away from law-breaking lifestyles.

These broader services are not, and should not be, specific to offenders. This is partly for reasons of equity: offending should not become the main or only route for those in disadvantaged life circumstances to access housing, health or employment and training services. It is also because, just as prison 'isolates offenders from the community and their family responsibilities and surrounds an offender with other criminals' (page 4) so too do services which are specific to offenders. It is important to continually emphasise the offender's relationship to the wider community and to promote and strengthen a 'non-offending' identity to allow an individual to escape from criminal associates and ways of life. Community sentences for offenders should incorporate the support necessary to access services that will provide routes out of offending. Provision for offenders must therefore be managed as part of the general planning and provision of services within the wider community.

Community Provision

Such community based provision for offenders would be best ensured within the overall community planning structure for an area. Community Plans bring together the planning and provision for health, community care, community safety, antisocial behaviour and children's services within one overarching plan for all services in any one 'community plan' area. As well as the local councils, local enterprise companies, health boards and trusts, and police, all contribute to and sign up for the relevant aspects of the local community plan.

It is within this context that the Consortium believes discussion about whether or not to opt for a single agency combining prison and community criminal justice services, and other options such as a national community justice service, should take place. Indeed, the weight of the evidence indicates that it would be more appropriate to consider the feasibility of developing community prisons as part of community provision rather than to centralise the existing locally based community justice services with an already centralised prison system. Given that the vast majority of prisoners return to the communities from which they came in the first place, and that those offenders serving sentences in the community generally continue to live in their communities, these communities should have the ability to plan and make choices about priorities. What requires to be considered here is what kind of centralised administration is absolutely necessary to protect the public from the most dangerous and serious offenders.

Integration Not Centralisation

The 'single agency' proposal, in further divorcing criminal justice interventions from the communities in which crimes are committed, has a range of potential drawbacks. Two, in particular, stand out.

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- First, the danger that ‘the tail would wag the dog’. The experience from England and Wales is that the prison service, which should be the resource of last choice if we are to reach the goal of reserving prison for the dangerous and serious offender, becomes the dominant partner within the agency.
- Second, when services are joined together, there is inevitably a negative effect on their connection to one or more services from which they are then organisationally severed. Therefore, even if the community aspect of a single agency were to be the dominant mode of delivery, separation from the network of community based support services that in practice are society’s first line of defence against crime would be an immense handicap.

These twin dangers, of the dominance of the prison service and loss of connection to wider community plans and services, seriously undermine any centralised ‘single agency’ approach.

On the other hand, the evidence from council and health planning and provision for community care is that effective ‘joining up’ of services can be achieved through bilateral agreement on joint aims and pooled budgeting, and is best measured by shared desired outcomes rather than through major organisational restructuring. This implies that the key task in relation to reducing re-offending is not organisational restructuring but setting explicit goals for all agencies to reach in relation to crime reduction and the rehabilitation of offenders and taking the action to ensure that these goals are achieved, especially within high crime communities.

Reducing Re-Offending

There is a growing body of evidence from various interventions in Scotland that properly resourced, community based disposals are more effective in reducing re-offending than imprisonment. The recent NCH ‘Where’s Kilbrandon Now?’ Inquiry, in particular, drew attention to programmes whose results are consistently better than imprisonment or secure care in reducing re-offending by young people. Among them are Barnardo’s Freagarrach project, the NCH/APEX Glasgow Partnership and NCH Greenock Intensive Probation Service (see www.nch.org.uk/kilbrandonnow). There are many others. What they all share in common is bringing together community services in local areas to address crime problems. The Consortium believes that it is these positive results that require to be built upon in promoting justice in the community for the community.

NOTE

Further information and references to the evidence on which this note is based can be found in the Consortium’s reports, *Rethinking Criminal Justice in Scotland* (Edinburgh, SCCC&CJ, 2000) and *Making Sense of Drugs and Crime* (Edinburgh, SCCC&CJ, 2002), both of which are available on the Consortium’s website www.scccj.org.uk .