

Justice Reform – Next Steps¹

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Members of the British Society of Criminology are most likely to present a cogent case for prison reform on the basis of sound research evidence or on humanitarian grounds. Ironically, just now the best hopes for change may lie in circumstance and pragmatism. Few would argue with the new watch words for the coalition government's justice policy: moderation, common sense and effectiveness. Combine this approach with the economic crisis, and the scale of public service cuts faced, and we could expect an authoritative drive to return prison to its place of absolute last resort in the justice system.

When the new justice secretary, Ken Clarke, was last in charge of prisons and penal policy, as Home Secretary, the average prison population in England and Wales (1992-1993) was 44,628. That figure now stands at over 85,000 (Prison Reform Trust, 2010) - a number Ken Clarke described after his appointment as "extraordinarily high". The social and economic costs of increasingly early recourse to custody and increased sentence length have been immense. In the current climate it would be a form of economic madness to allow the prison population to continue to spiral out of control. Each new prison place costs £170,000 to build and maintain, and the cost per prisoner per year is £45,000. Total prison expenditure increased from £2.843 billion in 1995 to £4.385 billion in 2009-10.

As readers will know, despite its exorbitant cost, prison has a poor record for reducing reoffending - 49% of adults are reconvicted within one year of being released, and for those serving sentences of less than 12 months this increases to 61%. The National Audit Office (2010) estimates that reoffending by all recent ex-prisoners costs the taxpayer between £9.5 billion and £13 billion a year, and as much as three quarters of this cost can be attributed to former short-sentenced prisoners. It must be possible to improve on a flawed system in which 66% of people enter prison to serve less than a year and, after a few weeks or months, leave homeless, jobless, out of touch with their families, further in debt, and ready to offend again.

Local and national government can draw on lessons from abroad (see e.g. Justice Select Committee, 2009) where justice reinvestment and prisoner re-entry programmes - driven by economic necessity in many states in America including Florida and, most recently, South Carolina - have had considerable success at reducing crime and rates of reoffending. Closer to home, restorative justice with young people in Northern Ireland has delivered a reduction in youth crime, a drop in child custody and a 90% victim satisfaction rate (Jacobson and Gibbs, 2009). Integrated offender management schemes piloted in parts of England and Wales have achieved impressive results and are waiting to be rolled out nationally.

A breathing space from obsessive concentration on increasing prison capacity at all costs would give the government time to restructure the system so that local authorities, voluntary organisations, police and probation services work more closely together across professional disciplines to develop community solutions to crime that inspire public and judicial confidence.

¹ A version of this article appeared in the July 2010 edition of 'The Magistrate'

There is broad public and Parliamentary consensus on investing in getting children out of trouble, diverting addicts and people who are mentally ill into effective treatment and, at the other end of the spectrum, informing and supporting victims, transforming prisoner rehabilitation and cutting reoffending on release. The new justice policy attempts to fuse these plans with public health and social policy, albeit on a shoestring. Reducing the numbers of people subjected to the enduring damage of unnecessary use of imprisonment is worth achieving *per se*.

The proposed wide-ranging review of sentencing could be useful. Judicial bodies have long raised concerns about the glut of legislation and the rafts of new offences and mandatory penalties. New ministers will need to examine the explosion in indeterminate sentencing - which has increased from 3,000 indeterminate sentences in 1992 to 12,822 in March 2010 (Jacobson and Hough, 2010). It will be important too, to look at the high number of recalls for technical breach of license and any unnecessary use of custodial remand.

Differential rates in use of custody up and down the country should be examined alongside availability of effective community measures. Many judges and magistrates would appreciate consideration of the scope for provision of review and an opportunity to be more in touch with the outcomes of sentences. The revised Sentencing Council should play a pivotal role. Overall the sentencing review must take account of current research evidence.

In the past the new Justice Secretary has been critical of the unchecked expansion of the prison population. In a debate on prison policy in the Commons in June 2007 Ken Clarke called for:

... a change of culture in which the platitudes about community sentences and making prison only for those who need it are turned into reality by returning proper discretion to the courts and ensuring that prisons are used only for violent, dangerous and recidivist criminals in conditions in which there is some hope that some of them will be rehabilitated (Hansard HC Deb. C1251, 19 June 2007).

As a moderate prescription for reforming our overcrowded and underperforming prison system the new coalition government could do a lot worse.

References

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