CRIMINAL JUSTICE AND REOFFENDING.

Crime can have a devastating impact on the lives of victims. It scars the entire communities, and the costs to society as a whole are huge. Nearly three in five prisoners are re-convicted within two years of leaving prison. Public safety is not safeguarded when prisoners are released into homelessness, with no prospect of employment. There needs to be a new contract with prisoners, which offers greater support in return for quitting crime.

Together with the other measures we are about to look at to tackle crime and its causes, this will help us deliver the strong, crime-free communities in which we all aspire to live where reoffending is greatly curbed.

COMMON CAUSES OF REOFFENDING.

Prison sentences are not succeeding in turning the majority of offenders away from crime. Of those prisoners released were convicted of another crime within two years and were back inside on another prison sentence.

- Education
- Employment
- Drug and alcohol misuse
- Mental and physical health
- Attitudes and self-control
- Institutionalization and life-skills
- Housing
- Financial support and debt.
- Family networks.
The evidence shows that these factors can have a huge impact on the likelihood of a prisoner re-offending.

For example, being in employment reduces the risk of re-offending by between a third and a half; having stable accommodation reduces the risk by a fifth. The challenge of turning a convicted offender away from crime is often considerable.

Many prisoners have poor skills and little experience of employment, few positive social networks, severe housing problems, and all of this is often severely complicated by drug, alcohol and mental health problems.

Many prisoners have experienced a lifetime of social exclusion. Compared with the general population, prisoners are thirteen times as likely to have been in care as a child, thirteen times as likely to be unemployed, ten times as likely to have been a regular truant, two and a half times as likely to have had a family member convicted of a criminal offence, six times as likely to have been a young father, and fifteen times as likely to be HIV positive.

Many prisoners’ basic skills are very poor. 80 per cent have the writing skills, 65 per cent the numeracy skills and 50 per cent the reading skills at or below the level of an 11-year-old child.

60 to 70 per cent of prisoners were using drugs before imprisonment. Over 70 per cent suffer from at least two mental disorders. And 20 per cent of male and 37 per cent of female sentenced prisoners have attempted suicide in the past. The position is often even worse for 18–20-year-olds, whose basic skills, unemployment rate and school exclusion background are all over a third worse than those of older prisoners.

Despite high levels of need, many prisoners have effectively been excluded from access to services in the past.

It is estimated that around half of prisoners had no medical insurance before they came into custody and prisoners are over twenty times more likely than the general population to have been excluded from school.

It is understood that 70 per cent of those entering the prison had a drug misuse problem, 80 per cent of these had never had any contact with drug rehabilitation services.
There is a considerable risk that a prison sentence might actually make the factors associated with re-offending worse. For example, a third lose their house while in prison, two-thirds lose their job, over a fifth face increased financial problems and over two-fifths lose contact with their family. There are also real dangers of mental and physical health deteriorating further, of life and thinking skills being eroded, and of prisoners being introduced to drugs.

By aggravating the factors associated with re-offending, prison sentences can prove counter-productive as a contribution to crime reduction and public safety.

**SOME REMEDIES.**

To build a system that can reduce the level of re-offending is a major challenge. One key element is a transparent and robust sentencing framework, geared towards crime reduction.

Government should be considering this, in the light of the Review of Sentencing. If constant review is done, the Custody Plus proposal would ensure that short-term sentences contain a period both in custody and under community supervision.

But reform of sentences would not, of itself, be enough. Major changes to the way in which those inside and outside the criminal justice system operate are necessary to ensure that the system is focusing resources sufficiently to deal with the right people, using robust systems of accountability and joint working, and delivering in innovative ways. Long-term change is needed to ensure that all those dealing with prisoners and ex-prisoners make the maximum possible impact on re-offending.

The benefits of reform would not only be felt by the criminal justice system. There are likely to be multiple returns to services dealing with employment, housing, benefits, families, health and education.

**SOCIAL EXCLUSION REMEDIES.**

A more effective cross-government approach to rehabilitation and reducing re-offending is urgently needed.

Government should develop and implement a National Rehabilitation Strategy involving all relevant departments and led by the Justice department.
The Strategy would need to be long-term and wide-ranging. Going Straight contract should be developed, to deliver an integrated approach to rehabilitative programmes and support.

This should be tailored to the individual and cover the entire sentence, in and out of custody. It should aim to address all of the factors either associated with a prisoner’s offending or likely to increase the chances of their re-offending and it should cover all of the organizations responsible for delivery.

Once this has been developed, it should be tested out with 18–20-year-olds; and then, based on experience of what works, it should be extended to other groups later on.

As part of this approach, each prisoner should be set a full programme of activities and support, based on a comprehensive assessment of need. In order to ensure effective and co-ordinated delivery, the programme should be drawn up by a case manager, who would oversee its delivery throughout the prisoner’s sentence.

The prisoner should sign a Going Straight contract, to last from the point of sentence to the end of sentence in the community. This should include rewards for participation and sanctions for non-participation.

To fulfill their side of the contract, prisoners should be required to follow their agreed programme, and make payments from their prison pay, both to make reparation to victims and to help finance the support the case manager.

The proposed form of case management would be a new approach to prison sentences, and different models would need to be tested out, all of which should involve joint working between the Prison Service and Probation Service and other statutory and non-statutory organizations.

In each pilot, clear local leadership would be crucial, although different lead agencies, including those from the voluntary sector, ought to be considered.

The pilots should be supervised by a national programme director, reporting to the new Correctional probation department.
NATIONAL MEASURES.

On a national basis there is a strong case for introducing measures to tackle financial and housing need among newly released prisoners. Particular consideration should be given to increasing the discharge grant to cover the period before the first benefit payment and giving resettlement departments within prisons the ability to secure emergency housing for prisoners who would otherwise be homeless on release.

The case for enabling more prisoners to retain their housing or pay unavoidable arrears should also be considered. Future development of this proposal would need to ensure that any amendment to Housing Benefit rules was accompanied by measures to secure a meaningful and effective extension to the responsibility of the prisoner.

Effective reception and resettlement procedures should be developed in all prisons, to secure improved outcomes on housing, health, benefits and employment, education and training, drug and alcohol work, and family contact.

Outside the pilots and in the community, the availability of a number of beneficial measures should be widened further, in areas such as offending behavior programmes, education and training, mental health, drugs and alcohol, and family support.

In developing a National Rehabilitation Strategy, the Government should draw on evaluation evidence of the outcomes of any initial measures taken and on the further issues identified in this report. It should also draw on several other key sources.

INPACT OF PRISON SENTENCING IN REOFFENDING.

A prison sentence has a number of purposes. It marks strong public disapproval of an offence and it is unmistakably a punishment for the offender.

A prison sentence also presents the opportunity to reduce crime providing a deterrent and, for the period of imprisonment, incapacitating those who would commit further offences. Its ability to make a longer term, sustained difference to the causes of re-offending and to prisoners’ attitudes and behavior.
One of the key purposes in passing any sentence, whether custodial or not, is to mark society’s public disapproval of an offence.

A prison sentence, involving physical removal from the community, is the ultimate demonstration of this disapproval.

A prison sentence is also a punishment. The deprivation of liberty and the removal of many choices about daily life and prison sentence are seen to be the proportionate response by the sentencer to the actions of those convicted of serious crimes.

But, in addition to a prison sentence being both a public mark of disapproval and a punishment, it must also have a role in reducing crime. Opinions vary as to how it can fulfill this role, but the following factors are viewed as contributory:

- providing a deterrent using the sentence to dissuade the individual criminal, and potential criminal in the community, from committing crimes in the future.
- Incapacitating offenders – making sure that those convicted of offences are unable to commit further crimes against the wider community during their time in prison.
- Resolving the factors, or drivers, that contribute to the committing of crimes. This can include tackling drug and alcohol addiction, addressing mental health problems or improving skills and employability and changing a prisoner’s behavior and responses to the drivers of crime.
- Including the use of programmes which improve skills, such as thinking and problem-solving, necessary to make rehabilitation and a positive life outside prison a reality.

It is the last two roles, the potential of a prison sentence to change or resolve many of the drivers of the crimes committed, that lie at the centre of this report on reducing re-offending by ex-prisoners.

The Social Exclusion Unit’s consultation identified a number of factors that contribute to the likelihood of a released prisoner re-offending.

The quality of evidence regarding the effectiveness of addressing different factors tends to vary, depending on the priority that each has received in the past.

Also, the evidence is always limited to addressing these issues and drivers in isolation, rather than in the round.

It is clear, however, that, although the evidence is disconnected, the issues and drivers are not. Most are mutually re-enforcing and require a joined-up response.
There are several other relevant factors that can help reduce re-offending. Most obviously, these include having a job, a home and a stable family.

Evidence shows that these areas are strongly associated with reducing the likelihood of re-offending. There is a considerable risk that a prison sentence can weaken these protective factors, and therefore lead to an increase in the likelihood of re-offending. Procedures that identify those at risk, provide advice at the point of sentence, and follow through with effective and sustained support to release can help to minimize the risk of reoffending.

EDUCATION AND TRAINING.

Prisoners attending education and training are less likely to re-offend. Despite recent progress, prisoners are often not given appropriate opportunities to address their education and training needs, both in prison and beyond. Assessment of education and training needs is often inadequate. There may be long waiting lists for courses or suitable courses may not be available.

Education and training can be disrupted by prison security measures and prisoners are sometimes transferred to another prison before their courses have ended, where it can be difficult to pick up training again.

There should be a concerted effort to improve standards across the prison estate and there are examples of good practice. Significant initiatives, such as the introduction of a core curriculum and the development of basic skills provision, have provided a framework for further change.

Evidence shows that education and training can have a big impact on reducing re-offending rates. Other research confirms that having poor literacy and numeracy skills directly increases the risk of offending. Research also suggests that education was most effective for those at a higher risk of re-offending.

Raising educational and skills levels has a positive impact on employability, a key factor in reducing re-offending. It can also improve self-esteem and motivation, as well as reducing the likelihood that their own children will struggle at school.
Prisons can provide a broad range of education and training, from basic skills such as writing and numeracy, through to courses such as National Vocational Qualifications in painting and decorating, industrial cleaning and hairdressing. What is available depends greatly on the nature of the prison, for example whether or not the establishment is a training prison, the age of the prisoners and the particular skills and interests of the local staff and education providers.

A national core curriculum’ includes literacy and numeracy skills, and information technology.

A number of prisoners openly said that their time in prison had enabled them to learn many of the things that they had missed in school. A recent study found that around one in five people with no qualifications before custody went on to gain at least one while in prison.

In vocational courses prisoners could take part in an 18-month Modern Apprenticeship in the prison.

Around three-quarters of all prisoners leave custody without a job, education or training, so help during this period is critical. Getting released prisoners to access the very significant investment in welfare to work measures would substantially improve their job chances.

Ex-prisoners are eligible for early access to New Deal and other employment measures on release. Currently, very few take advantage of this, though those who remain unemployed will ultimately be required to take part.

MENTAL AND PHYSICAL HEALTH.

Many prisoners have significant mental and physical health problems. Some will have received treatment before entering prison, but others will have serious undiagnosed conditions.

Untreated, such problems can be made worse by imprisonment and will make the chances of finding or keeping a home and a job much more difficult. Time in prison can present a valuable opportunity to address some of these health issues.

However, even where progress is made, further work is needed to ensure that help continues on release and that prisoners are linked to services in the community.
Mental and physical health problems may be made worse by imprisonment unless dealt with. Inadequately treated, they will make it more difficult for prisoners to make the best use of opportunities such as education and training which can reduce re-offending. Although a great deal of effort has been made to improve healthcare recently, considerable difficulties still exist.

And too often any progress made during custody is lost due to poor care on release. The result is not only lost investment, but the additional costs of community treatment.

RESTORATIVE REMEDIES.

Initiatives such as offending behavior programmes provide one way of beginning to change prisoners’ attitudes towards crime and victims. Yet even the best offending behavior programmes neither bring prisoners face-to-face with the victims nor provide direct reparation to victims or the community.

Just as prison can isolate criminals from the effects of their crimes, it also isolates victims and communities from those who have committed crimes against them. This can mean that victims and communities can feel that all the effort is being directed towards offenders, without their involvement.

The current system enables most prisoners to spend long periods in custody without giving anything back to the community or their victims. While some prisoners do take part in voluntary work in the local community this is far from routine. One study showed that although over a third of prisons had prisoners working as volunteers in the community only 1 per cent of prisoners were actually involved in such work. Some prisoners also take part in voluntary activity such as acting as official listeners for other prisoners in distress. But the vast majority of those who serve repeated short sentences will never be involved in such activity, either inside the prison or outside.

This is the collective term for a process that usually involves offenders and victims meeting to discuss the effect of a crime on themselves and the wider community. It seeks to redress the harm caused by an offender with collective agreement about reparation and changing future behavior.
Ensuring that offenders are unable to avoid the consequences of their actions and that victims’ voices are fully heard are both central to the process. These approaches are only used where an offender admits their guilt.

Restorative justice is about deciding the most appropriate outcome following an offence, rather than establishing facts. Restorative justice can be delivered in a number of ways, including direct contact between victim and offender and, particularly in the case of young people, often involves other people such as parents and teachers.

In other situations, contact between the parties is made via a third person. In cases where an individual does not wish to have contact with an offender, other people can represent the victims’ views.

Restorative justice can have a number of direct outcomes, ranging from an apology, through to reparation and practical work, either to the victim directly or to the wider community.

Longer-term results, such as improving school attendance, can also be part of the outcome.

Life skills are an area where many prisoners are already very weak. Much of this is unsurprising given the experiences they have had before coming into prison.

Others will have spent periods of time in other institutional settings such as mental health units; most prisoners have poor basic skills, which impacts on their ability to cope with finances, filling forms, access services and stand up for their rights. As a result of truancy or exclusion, many will have not benefited from the life-skills taught as part of personal social and health education.

many prisoners have little or no experience of employment and the disciplines necessary to sustain a job.
A large proportion of prisoners have experience of mental health problems, which can lead to difficulties in coping with unusual or stressful situations.

Prisoners are more likely to be single, divorced or separated than the general population and so are more likely to end up trying to cope with life on their own.
Recent findings suggest that serious persistent young offenders are more likely than other young people to have weak family links, and to have spent less time with their parents.
All of these factors, and the many others identified in, interact and reinforce each other, and are often complicated by a prisoner’s particular crimes and their chaotic lifestyles due to drug and alcohol misuse.

The result is that many prisoners are not good at managing the practicalities of life, and, for example, struggle to manage the basics of their finances and housing.

Prisoners also struggle to access services, such as the benefits and health advice they may be entitled to receive.

For example, it was widely reported during the consultation that only half of those entering prison have a medical insurance.

**HOUSING.**

Prisoners who are homeless are more likely to be reconvicted. But up to a third of prisoners lose their housing during custody. This is often caused by Housing Benefit policy or poor communication with housing providers.

Swift action on reception could prevent some people losing housing, and for others it would minimize arrears, debt, eviction, loss of ID and possessions, and exclusion from housing.

But good practice on this is exceptionally rare. Prisoners face severe difficulties accessing housing on release. Some social housing providers simply ban all ex-offenders.

Private sector accommodation may ban benefit claimants or require deposits prisoners can’t afford. Hostel accommodation is in short supply.

There is some good practice in prisons both in preserving accommodation and advising prisoners before release, but it is very patchy.

After release, the Probation Service is only resourced to support those under compulsory supervision. In the past, across the criminal justice system housing issues have had insufficient priority and clarity about who is to do what and when.
FAMILIES

Maintaining family relationships can help to prevent prisoners re-offending and can assist them to successfully settle into the community. However, support and advice for families is limited, visiting facilities are often inadequate, and families are rarely involved in the process of tackling offending behavior.

RECOMMENDATION

Re-offending by ex-prisoners is a major contributor to overall crime. Current work with prisoners during and after custody is not making the most of the potential to reduce their re-offending.

Improvements over the last few years and changes in the pipeline will help, but there are still fundamental barriers to delivering effective rehabilitation work. National Rehabilitation Strategy, based on this report, to reduce re-offending. This should involve all relevant departments.

At its core the strategy should include a Going Straight contract – prisoners should participate in a range of programmes and activities to reduce assessed risks of re-offending.

They should sign a Going Straight contract, which would involve rewards and sanctions and be delivered via a seamless case management approach from point of sentence through to release.

Different models of delivery should be piloted, and tested out initially with 18–20-year-olds; based on experience of what works in these pilots, the approach should then be tested with other groups later on.

There is a strong case for introducing measures to tackle financial and housing need among newly released prisoners effective reception and resettlement procedures should be developed in all prisons and the availability of a number of beneficial measures should be widened further.

Government should develop the National Rehabilitation Strategy, taking into account evidence of the effectiveness of any initial measures, ongoing policy development, and the range of other measures.
The integrated case managed pilots should be supervised by a national programme director reporting to the new Correctional Services Board and a cross-government group of ministers.

These changes would require considerable further policy development, and the rate of implementation would depend on the speed at which resources could be identified and refocused across government.

TACKLING REOFFENDING.

Re-offending by ex-prisoners is a major contributor to overall crime. Action in and after prison should be the single best way to tackle the persistent offenders who commit the bulk of recorded crime.

But as this report shows, overall policies towards prisoners during and after custody do not do enough to reduce re-offending. There has been progress in this area in recent years. For example, the Prison Service and Probation Service are implementing new offending behaviour programmes that tackle prisoners’ attitudes and thinking skills. Early results from these are promising, with reductions in reconviction rates of up to 14 per cent.

Implementation of proposals in the recent sentencing review, which the Government is currently considering, would introduce statutory post-custody supervision for prisoners released from short term sentences, removing one major barrier to more effective practice.

While work to tackle re-offending has improved over the last five years and other changes in the pipeline will improve the situation still further, there are still fundamental barriers to delivering effective rehabilitation work which would reduce the level of re-offending.

LONG TERM STRATEGY.

In order to have a major impact on the rate of re-offending, the content and ethos of prison, probation and other policies towards prisoners should change, so that rehabilitation and reparation become central goals.

Government should develop and implement a National Rehabilitation Strategy based on this report.

Prisoners should participate in a range of programmes and activities to reduce assessed risks of re-offending. They should sign a Going Straight contract, which would involve rewards and sanctions and be delivered via a seamless case management approach, from point of sentence through to release.
Different models of delivery should be piloted, and tested out initially with 18–20-year and older adults.

There is a strong case for introducing measures to tackle financial and housing need among newly released prisoners. Effective reception and resettlement procedures should be developed in all prisons and the availability of a number of beneficial measures should be widened further.

However effective implementation of every necessary measures to curb reoffending in our societies must be based on improving the lives of offenders and proper rehabilitation so that offenders can become useful to the society and strive.

Drafted OCPA.

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