

Criminal justice Areas for action

The criminal justice system in England and Wales is in crisis. The cost of the system has grown dramatically in recent years, yet prisons are dangerously overcrowded, the public's confidence in the system is low, and reoffending rates remain high. A fresh approach to criminal justice policy is long overdue, and this Criminal Justice Alliance briefing suggests twelve problem areas within the adult criminal justice system that need urgent attention in the new parliament.

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1 Prison overcrowding and the prison population

Due to the overuse of prison in England and Wales, the prison population has grown from 44,552 in 1993 to more than 85,000 today. As a result, spending on prisons has increased in real terms by 42% since 1997 alone, yet a massive prison-building programme has barely kept pace with demand. The prison system is consequently severely overcrowded, with nearly 60% of prisons in England and Wales officially overcrowded and nearly a quarter of prisoners in England and Wales held in overcrowded accommodation.

Prison overcrowding is damaging to every aspect of the work of the prison service. It results in prisoners being held in inhumane and degrading conditions, compromises work to rehabilitate prisoners and contributes to high reoffending rates, with 49% of ex-prisoners, and 61% of those serving sentences of 12 months or less, reoffending within a year of release. Yet without a change in policy direction, the prison population will continue to grow, at ever-increasing cost, and prison overcrowding will persist.

The Criminal Justice Alliance advocates ending the current over-reliance on prison and cutting the use of custody overall, while ensuring that the probation service has sufficient funding and support to provide appropriate alternatives to prison in the community. This would reduce prison overcrowding and free up space and resources in the prison estate to better rehabilitate those people who do need to be there.

As a first step, there should be an immediate moratorium on prison building until long term decisions can be made about the future of prisons policy.

91%
Growth of the
prison population
since 1993

2 Restorative justice

Restorative justice brings victims, offenders and communities together to decide on a response to a particular crime, enabling offenders to make amends directly to those that they have harmed. This has the potential to transform the criminal justice system, with extensive Ministry of Justice research demonstrating the benefits of this approach in reducing reoffending and significantly improving the satisfaction of victims. More widespread use of restorative justice would have significant benefits for young people and as a response to low-level offending, but the Ministry of Justice research demonstrates that restorative justice is also an effective response to more serious offences committed by adults.

Introducing restorative justice across the criminal justice system would therefore mean that there would be fewer victims of crime in the future and would also improve the experiences of those victims who choose to take advantage of this approach. Yet at present only a tiny minority of victims of crime have access to restorative justice. All victims and offenders should have access to good quality restorative services and it is now time to ensure that restorative justice is placed at the heart of the criminal justice system.

In the run up to the general election, there was a cross-party consensus in support of a greater use of restorative justice and it is essential that this support is now turned into the necessary action to ensure that restorative justice is available wherever the offender and the victim want it.

3 Indeterminate Sentences for Public Protection

Indeterminate Sentences for Public Protection (IPPs) were introduced in the *Criminal Justice Act 2003*. Prisoners receive a minimum tariff, at the end of which the Parole Board decides whether they should be released, based on whether they are judged to pose a risk.

The initial scope of these sentences was very wide, covering a broad range of offences and offering very limited discretion to sentencers as to when they should be used. This resulted in what the Chief Inspector of Prisons described as creating “a perfect storm” in the prison system, with thousands of people receiving an IPP and the system simply unable to cope. As a consequence, prisoners are serving disproportionately long sentences, unable to demonstrate that they are suitable for release.

The *Criminal Justice and Immigration Act 2008* restricted the use of IPPs to a limited extent, but the Criminal Justice Alliance believes that IPPs remain a fundamentally flawed and unworkable sentence. Every IPP prisoner serves a custodial term far in excess of that which is identified at the time when they are sentenced, and the numbers serving indeterminate sentences are the fastest growing category within the prison system.

IPPs are in need of urgent further review by ministers, as recommended in a recent joint report by the Chief Inspectors of Prisons and Probation, with a view to further constraining the use of indeterminate sentences and establishing an effective alternative to the unjust overuse of IPPs.

40%

of prisoners were permanently excluded from school

4 Prisoner education

There are high levels of illiteracy and innumeracy among the prison population. 46% of prisoners have no qualifications at all when they arrive in custody, while 40% were permanently excluded from school. 48% of prisoners are at, or below, the level expected of an 11 year old in reading, 65% in numeracy and 82% in writing. Yet many offenders see education as crucial to having a fresh chance and recognise the need for qualifications and skills. Despite this, the potential to use education and learning within prisons to maximise the potential for rehabilitation is currently underused. Only 42% of prisoners even register for a learning and skills course, while the range of education courses on offer is too narrow and limited to basic levels. Prisoners who reach level two before or inside prison have few ways to progress, while new Offenders’ Learning and Skills Service contracts are leading to cuts in staffing and fears that the curriculum will narrow further.

Prisoners need access to the same standard of education that is available in the community; appropriate access to secure online content and technologies for learning is crucial; and prisoner education must retain a broader focus than simply on skills for employment, important though this is, by recognising the central role that creative activities, distance learning and other kinds of learning can play in helping prisoners to turn their lives around. Education can play an integral role in rehabilitating offenders, helping them to gain employment on release and improving their confidence and self-esteem.

Prisoner education should be central to prison regimes and should engage prison officers and prisoners themselves as mentors and tutors where appropriate, ensuring that all prisoners have the opportunity to access the education and training that they need.

5 Drug and alcohol use

Drug and alcohol use is extremely common among offenders. 63% of sentenced male prisoners and 39% of female sentenced prisoners admit to hazardous drinking prior to entering prison, with half of these having a severe alcohol dependency, and up to 55% of people entering prison are problematic drug users. Access to evidence-based drug and alcohol treatment is effective in reducing harm and cutting offending and reoffending. However, while there is some excellent work going on in many prisons, the criminal justice system is still failing to rehabilitate too many offenders with addictions to drugs and alcohol.

There has been a welcome and important increase in investment in drug treatment in recent years, which could now be better focused to improve efficiency, but there remains a shortage of appropriate and effective drug treatment. Short prison sentences for drug users also make structured drug treatment programmes difficult (the National Treatment Agency for Substance Misuse says that 12 weeks is the minimum time for effective treatment of most addicts), while at the same time short sentences tend to exacerbate many of the problems linked to drug and alcohol dependency, such as mental health issues and homelessness. Too often poor links between treatment in custody and in the community prevent work started in prison being picked up following release. Consequently, 75% of prisoners who say that they had a drug problem before custody go on to reoffend within a year of release.

In addition, alcohol treatment within the criminal justice system is particularly limited in scope and effectiveness. There are only two prisons which provide intensive accredited alcohol treatment programmes in England and Wales, with no dedicated funding available within the system, and a requirement to attend alcohol treatment is rarely given as part of a community sentence, despite being an available option.

Improvements are needed in the availability and quality of drug and alcohol treatment across the criminal justice system. Many people with drug and alcohol

problems could be diverted from custody to appropriate community sentences, while for the most serious offenders with addiction problems we need improvements in the treatment available in prison and the introduction of genuine integrated offender management to facilitate better links between prison and community services.

6 Mental health and learning disabilities

A very high proportion of people within the criminal justice system have mental health problems or learning disabilities. Up to 90% of prisoners have some form of mental health problem and while most have common conditions, about one in ten has a more severe condition such as psychosis, and about two-thirds have a personality disorder. Research has also shown that 20-30% of prisoners have learning disabilities or difficulties that interfere with their ability to cope within the criminal justice system.

A major recent Government-sponsored review of this issue, conducted by Lord Bradley, suggested ways to improve the treatment of people with mental health problems in the criminal justice system and tackle the over-representation of people with mental health problems in prison. It found that offenders are very rarely required to attend mental health treatment as part of a community sentence and confirmed the need for a greater use of 'diversion', a process to ensure that people with mental health problems who enter the criminal justice system are identified and provided with appropriate mental health services, treatment and any other support they need. The Criminal Justice Alliance supports the implementation of the Bradley Review in full, with a focus on the diversion of people with mental health problems from the criminal justice system into more appropriate services in the community.

7 Women offenders

Women's offending is very different to that of men and, in general, poses less of a risk to the public. Only 36% of women in prison committed violent offences compared with 55% of men, while female prisoners are particularly likely to have mental health problems and to self-harm, with women accounting for 46% of all self-harm incidents in the prison system despite making up less than 6% of the prison population.

Despite this, the female prison population has grown from 1,561 in 1993 to 4,333 today, an increase of 178% compared to an increase of 81% in the male prison population during the same period. Prison damages the lives of vulnerable women, who are often incarcerated miles from their homes and families, losing their homes and damaging their relationships with their children.

A recent government-sponsored review of women in the criminal justice system, carried out by Baroness Corston, recommended a substantial reduction in the number of women in custody, with small custodial units created to replace the existing women's prison estate for those women who do need to be in custody, alongside improved support services in the community for women offenders and women at risk of offending.

The Criminal Justice Alliance supports the recommendations of the Corston Report, and the subsequent work to implement them has begun to have an impact on reducing the number of women in prison. It is essential that momentum is not lost on this important issue and to help ensure that progress continues to be made a Ministerial Champion for Women in the Criminal Justice System should be appointed within the Ministry of Justice.

8 Young adult offenders

Young adults, aged 18-24, constitute less than 10% of the population, but make up one-third of the probation service's caseload and represent almost one-third of those sentenced to prison each year, with many serving short prison sentences that do little or nothing to reduce reoffending. There is also growing evidence, both social and cognitive, that young adulthood is a distinct stage in life, with young adults in trouble with the law having specific needs that may make them more vulnerable than older offenders and many exhibiting behaviour and maturity more characteristic of younger people.

Despite this, the criminal justice system does not recognise young adults as a group, failing young adults and, by failing to prevent reoffending, putting the public at risk. Many of our criminal justice policies do unnecessary damage to young adult offenders, making them more, not less, likely to reoffend, and make it harder for young adults to lead crime-free lives by preventing them moving into employment and their own accommodation. If we are going to tackle crime effectively, it is essential that the criminal justice system recognises young adults, aged 18-24, as a distinct group that requires a distinct approach; a radically different approach that is proportionate to their maturity and responsive to their specific needs.

The first step towards this should be for all of the agencies that comprise the criminal justice system to recognise young adults, aged 18-24, as a distinct group and to develop appropriate policy and practice accordingly.

46%

of all self-harm incidents
in the prison system
involve women

27%

of the prison population are from black and ethnic minority groups

9 Race and the criminal justice system

People from ethnic minority communities are over represented across the criminal justice system. Black and minority ethnic groups account for 27% of the prison population, even though they constitute only 9% of the overall population in England and Wales.

Black people are nearly eight times as likely as white people to be stopped and searched, with five police forces potentially facing legal action having received a final warning from the Equality and Human Rights Commission over their disproportionate use of stop-and-search powers against people from ethnic minorities. People from ethnic minority communities are also more likely than white people to be arrested and to be prosecuted. More people from ethnic minority communities now enter the criminal justice system and stay in it for longer than ever before.

There is an urgent need to address this by examining and addressing the causes of this disproportionality both within and outside the criminal justice system and by developing and promoting services within the criminal justice system that better support the resettlement and rehabilitation of ethnic minority offenders. The Equalities and Human Rights Commission should take an active role in ensuring that the criminal justice system as a whole is tackling this issue and assessing what progress is being made.

10 Resettlement, employment and housing

The effective resettlement of prisoners into the community is central to preventing reoffending. Yet on release, around 70% of prisoners report having no employment, education or training in place and around 30% have no accommodation, with many more only having access to temporary housing. This has significant effects on reoffending, with 74% of prisoners with problems with both employment and accommodation reoffending during the year after leaving custody, compared to 43% of those with no problem with either.

People leaving prison may also struggle to get immediate access to money, beyond the limited discharge grant, as many are reliant in the short-term on benefits, which are paid fortnightly in arrears and often take a considerably longer period to set up. As a result, many ex-prisoners face problems in meeting immediate subsistence needs. As an additional factor, there are often delays in accessing GPs and other support services, which may cause particular problems for offenders with health problems or a history of alcohol or drug use.

It is essential that these issues are addressed. All prisoners, regardless of sentence length, should have access to resettlement advice while in prison and effective 'through-the-gate' support must be provided. Barriers to offenders obtaining housing or jobs on leaving prison must be addressed, including problems former prisoners face in opening bank accounts and getting home insurance.

The *Rehabilitation of Offenders Act 1974* should be overhauled to bring it up to date and prevent a criminal record acting as an inappropriate barrier to employment. In addition, the use of the Criminal Record Bureau checking process should be examined to prevent its misuse, while the new Vetting and Barring Scheme, which assesses people's suitability to work with children and vulnerable adults, should be scaled back so that it operates fairly and appropriately.

6 years

since the European Court of Human Rights ruled that it is illegal for the UK to disenfranchise all sentenced prisoners

11 Prisoners' families

Improving support for prisoners' families should be a priority for the new parliament. Imprisonment has a negative impact on the wellbeing of prisoners' families, and in particular prisoners' children. About 160,000 children a year have a parent sent to custody and 7% of all children will see a parent imprisoned during their school years.

160,000

children a year have a parent sent to custody

Children of prisoners have about three times the risk of developing mental health problems compared to their peers and experience higher levels of social disadvantage. In addition, maintaining links between prisoners and their families plays an important role in supporting rehabilitation and reducing reoffending, with those prisoners who are visited in prison by a partner or family member having a significantly lower reoffending rate than those who are not.

All family members affected by imprisonment should have access to information and support as soon as someone is sent to prison, while contact between prisoners and their families should be positively encouraged and given greater priority in prison regimes.

12 Prisoner voting

In March 2004, the European Court of Human Rights ruled that it is a breach of the European Convention on Human Rights for the UK to disenfranchise all sentenced prisoners from parliamentary and local elections. Yet six years later that ban remains in place, despite two government consultations examining the issue, and the failure to act ahead of

the recent general election is likely to result in thousands of pounds of compensation being paid to prisoners who were illegally denied the right to vote, an unnecessary waste of public money.

The ban is not only illegal, but also perpetuates social exclusion, a major cause of reoffending, and

hampers the rehabilitation of prisoners. The UK is one of only a handful of European countries that automatically disenfranchises all sentenced prisoners and the Committee of Ministers at the Council of Europe and the UK parliament's Joint Committee on Human Rights are among those who have urged the UK government to act urgently on this issue.

Voting is a right, not a privilege, and it is essential that parliament acts immediately to overturn this outdated and illegal ban on prisoners voting.

ABOUT THE CRIMINAL JUSTICE ALLIANCE

The Criminal Justice Alliance is a coalition of 48 organisations - including campaigning charities, voluntary sector service providers, research institutions, staff associations and trade unions - involved in policy and practice across the criminal justice system.

THE CRIMINAL JUSTICE ALLIANCE'S MEMBERS

Action for Prisoners' Families	INQUEST	Public and Commercial Services Union
Adullam Homes Housing Association	Institute for Criminal Policy Research	Quaker Crime, Community and Justice Group
Apex Charitable Trust	JUSTICE	RAPt
Association of Black Probation Officers	Nacro	Release
Association of Members of Independent Monitoring Boards	National Appropriate Adult Network	Restorative Justice Consortium
Bindman and Partners	National Association of Official Prison Visitors	Rethink
Birth Companions	New Bridge Foundation	Revolving Doors Agency
Catch22	Pact	RSA Prison Learning Network
Centre for Crime and Justice Studies	Penal Reform International	Sainsbury Centre for Mental Health
The Children's Society	The Police Foundation	SOVA
Churches' Criminal Justice Forum	Prison Officers' Association	St Giles Trust
Clean Break	Prison Reform Trust	Transform Drug Policy Foundation
Clinks	Prisoners Abroad	UNLOCK
DrugScope	Prisoners' Advice Service	Women in Prison
Fawcett Society	Prisoners' Education Trust	The Young Foundation
The Griffins Society	Prisoners Families and Friends Service	YoungMinds

Although the Criminal Justice Alliance works closely with its members, this briefing should not be seen to represent the views or policy positions of each individual member organisation.

**Criminal
Justice
Alliance**

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