

Briefing for Police and Crime Commissioner Candidates

Working across the criminal justice system – opportunities to cut crime and reduce reoffending

PCCs have a statutory duty to set a police and crime plan for their force area and a budget that focuses on working in partnership to cut crime, as well as maintaining an efficient and effective police force. The remit of their responsibility includes controlling levels of antisocial behaviour, reducing numbers of victims, and generally improving public confidence in criminal justice agencies and thoughts on safety. This briefing sets out 10 key issues for incoming PCCs in relation to their role in delivering community safety and reducing crime.

The Criminal Justice Alliance is a coalition of 67 organisations - including campaigning organisations, voluntary sector service providers, umbrella groups, research institutions and trade unions - involved in policy and practice across the criminal justice system.

1. Reducing Reoffending

Less than one quarter of offences are committed by offenders with no previous criminal offences¹. It has been estimated that the financial cost alone to society of reoffending is around £11bn²; the human cost, of course, is incalculable.

Anyone wishing to cut crime within communities will need to focus on reducing reoffending, and will need to consider the role of the wider justice system. Current reoffending rates amongst ex-prisoners are extremely high. The most recent statistics show that 47.9% of ex-prisoners and 57.3% of those serving sentences of 12 months or less, reoffend within a year of release³.

The prison population has almost doubled in the past twenty years from 44,552 in 1993 to more than 86,499 today⁴. Government annual spending is now well in excess of £3 billion on the adult custodial estate⁵. Despite this, the prison system is at present severely overcrowded. This is damaging to every aspect of the work of the prison service, most importantly compromising work to rehabilitate prisoners and contributing to high reoffending

¹ Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, Statistics bulletin: <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/criminal-justice-stats-dec-2011.pdf>

² <http://www.guardian.co.uk/society/2010/nov/04/prisons-reoffending-rates>

³ Ministry of Justice. (2012) Proven reoffending quarterly October 2009 to September 2010, London: Ministry of justice.

⁴ <http://www.justice.gov.uk/statistics/prisons-and-probation/prison-population-figures>

⁵ National Offender Management Service Annual Report and Accounts 2010-11: Management Information Addendum. <http://www.justice.gov.uk/downloads/statistics/hmps/prison-probation-performance-stats/prison-costs-summary-10-11.pdf>

rates.⁶ Furthermore, despite being the group most likely to reoffend prisoners serving a sentence of less than one year are released with no statutory probation supervision.

Ministry of Justice own statistics show that that community sentences reduce reoffending by 8.3% with matched 'like for like' offenders who committed similar offences⁷. It is therefore vital that the probation service has sufficient funding and support to provide appropriate alternatives to custody in the community, which are more effective at cutting crime locally. It is also important that the voluntary sector working with ex-offenders can continue to operate locally to reduce reoffending. The Minister for Policing has indicated that PCCs may be given budgets for probation services in the future.

Key Fact: Half of ex-prisoners reoffend within a year of release.

Key Action: PCCs should work closely with local criminal justice agencies and the voluntary sector to reduce reoffending, as the majority of crime is committed by those already in contact with the justice system.

2. Resettlement, employment and housing

For those who do need to go to prison, effective resettlement into the community is central to prevent reoffending and therefore crime more broadly.

Ensuring ex-prisoners have access to both housing and employment greatly increases their likelihood of desisting from crime. People serving short term sentences are two to three times more likely to reoffend if they don't have suitable housing⁸. 74% of prisoners with problems with both employment and accommodation reoffend the year after leaving custody, compared to 43% of those with no problem with either⁹.

A large percentage of prisoners have difficulties with employment and/or housing. Upon release around 70% of prisoners report having no employment, education or training in place¹⁰. Nearly two in five prisoners state that they need help finding a place to live when they are released¹¹.

In order to best guarantee the safety of local communities from individuals reoffending it is vital that there are services available both in the community and within prison to address employment, training and housing issues. To maximise effectiveness and success there should be through the gate services that guarantee a smooth transition between these prison and community services, best ensuring continued engagement.

People leaving prison 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

⁶ Criminal Justice Alliance (2011) *Crowded out? The impact of prison overcrowding on rehabilitation*. Criminal Justice Alliance. London.

⁷ Ministry of Justice. (2011) 2011 Compendium of re-offending statistics and analysis.

⁸ Homeless Link. (2009) Criminal Justice Policy Briefing, London: Homeless Link.

⁹ Ministry of Justice. (2012) Research Summary 3/12, Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice.

¹⁰ Ibid.

¹¹ Ibid.

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. Additionally, 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.

Key Fact: 74% of prisoners with problems with both employment and accommodation reoffend the year after leaving custody, compared to 43% of those with no problem with either.

Key Action – PCCs should focus sufficient resources on prisoners re-entering their communities; ensuring services are available to assist ex-prisoners to desist from crime will improve community safety.

3. 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 process has the potential to transform the criminal justice system, reduce costs and expenditure, and greatly enhance the perceptions and confidence the public and victims have of it.

Robust research demonstrates the benefits restorative justice has in both reducing reoffending and significantly improving the satisfaction of victims. It has proven to reduce the frequency of reoffending by around 14%¹², although some projects have estimated this to be up to 25%¹³. Analysis has shown that for every £1 sent on restorative justice saves £9 in reoffending¹⁴. Importantly, public opinion polls are very supportive of restorative mechanisms, with nearly 90% of people supporting it after the riots¹⁵.

MoJ research found that 85% of victims were very or quite satisfied with the restorative justice process¹⁶. Unfortunately, at present only a tiny minority of victims of crime have access to the process. All victims and offenders should have access to good quality restorative services whenever they want it.

More widespread use of restorative justice across the criminal justice system, both pre and post sentence, has the ability to produce fewer and more satisfied victims of crime at a lower future cost than present. It has the added value of healing divisions within communities and giving them a sense of responsibility for justice in their localities.

¹² Ministry of Justice (2010) *Green paper evidence report*, London: Ministry of Justice.

¹³ Ibid

¹⁴ Restorative Justice Council (2011) *A new way of doing justice: The response of the Restorative Justice Council to 'Breaking the Cycle'* –

available at

http://www.restorativejustice.org.uk/assets/_ugc/fetch.php?file=5kn7_a_new_way_of_doing_justice__restorative_justice_council_response_to_breaking_the_cycle_green_paper_5hybc.pdf

¹⁵ ICM poll for Prison Reform Trust. (2011)

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/public%20want%20offenders%20to%20make%20amends.pdf>

¹⁶ Shapland, J. et al (2007) *Restorative justice: The views of victims and offenders. The third report from the evaluation of three schemes*, London: Ministry of Justice.

Key Fact: Restorative Justice has very high victim satisfaction rates. MoJ research found that 85% of victims were very or quite satisfied with the process.

Key Action: PCCs should ensure restorative justice is available for all victims of crime who would like that option. RJ should be victim-led and facilitated by trained practitioners.

4. Drug and alcohol use

A large percentage of those with serious drug dependencies are prolific in their offending, reporting on average of at least one crime a day, causing repeated harms to the public. Ensuring sufficient access to alcohol and substance misuse services should be a priority of anyone wishing to reduce crime.

Treatment is needed both in the community and in prisons. 63% of sentenced male prisoners and 39% of female sentenced prisoners admit to hazardous drinking prior to entering prison¹⁷, with half of these having a severe alcohol dependency, and up to 55% of people entering prison being problematic drug users¹⁸.

Drug treatment programmes in prison and through community drug intervention programmes can be successful in both reducing dependency and reoffending. It can decrease criminal behaviour by 26%¹⁹. Additionally, offenders who receive residential drug treatment are 45% less likely to reoffend after release than comparable offenders receiving prison sentences²⁰.

Despite evidence on the financial and societal benefits there remains a shortage of appropriate and effective drug treatment. 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 release²¹. For the most serious offenders with addiction problems improvements are needed in the treatment available in prison and also through the gate services that ensure any positive work carried out in custody is taken advantage of upon release, and not gone to waste.

Alcohol treatment within the criminal justice system is particularly limited in scope and effectiveness. Despite alcohol being accepted as a key risk factor in predicting violent reoffending last year just under half of prisons inspected had an alcohol related service or programme available.

There are community alternatives to imprisonment for those with alcohol and substance misuse issues as part of a community sentence order. Drug and alcohol treatment requirements are more successful at addressing the issue than prison but unfortunately they

¹⁷ Prison Reform Trust (2004) *Alcohol and reoffending: who cares?* London: Prison Reform Trust.

¹⁸ UK Drug Policy Commission (2008) *Reducing drug use, reducing reoffending: Are programmes for problem drug-using offenders in the UK supported by the evidence?* London: UK Drug Policy Commission

¹⁹ Home Office. Meeting the needs of offenders with a drug dependence. Reducing Re-offending Unit.

²⁰ <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/66>

²¹ May, C. Sharma, N. and Stewart, D. (2008) *Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004*, London: Ministry of Justice

are not handed out as often as they should be partially because of availability and quality within certain areas. Many individuals with drug and alcohol problems could be successfully diverted from custody to appropriate community sentences, posing less expense to the public and better ensuring chances of desisting from crime.

Key Fact: Offenders who receive residential drug treatment are 45% less likely to reoffend after release than comparable offenders receiving prison sentences

Key Action: PCCs can prioritise drug and alcohol treatment services in the community, and can champion treatment instead of imprisonment where appropriate.

5. Mental health and learning disabilities

A very high proportion of people within the criminal justice system have mental health problems or learning disabilities. Very often the mental health condition has been the direct cause of the individual becoming involved in crime or antisocial behaviour, similarly to substance abuse issues.

When these individuals come into contact with the police for the first time it should be seen to represent an opportunity for the police to involve relevant agencies to understand and address the problem at as early a stage as possible. Bringing a range of partners together including addiction and health services can prevent repeat antisocial behaviour or its future escalation.

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 system²².

Prison is a wholly inappropriate setting for people with mental health issues to address their problems. The coercive environment and strict routines often prevents individuals from successfully taking part in treatment. It is more beneficial, and cost effective, for both offenders and the public for them to be diverted to services located in the community, were they can maintain in their own homes and receive the necessary support from their families. Too often health services are reluctant to accept individuals with a criminal justice referral. This attitude needs to be addressed through better communication between agencies and where appropriate joint commissioning of services.

Liaison and Diversion services are being rolled out across the country, funded by the Department of Health and MoJ. These services are intended to divert people with mental health problems away from the justice system and into treatment. The increased funding of these services is an important step in the right direction and has the potential to prevent a large number of individuals from needlessly being caught up in the formal criminal justice

²² Prison Reform Trust. No One Knows: offenders with learning difficulties and learning disabilities. <http://www.prisonreformtrust.org.uk/uploads/documents/NOKNL.pdf>

process which would most likely exacerbate their condition and increase the likelihood of reoffending. It is vital, however that in the drive towards a swifter justice system liaison is not bypassed and that each appropriate offender has the appropriate amount of time to be seen by the respective team.

The use of the mental health community sentence, mental health treatment requirement, is still unjustifiably under used when compared to the number of individuals committing low level offences who have mental health issues.

Key Fact: Liaison and Diversion services are being rolled out across the country, which will divert people with mental health problems away from the justice system and into treatment

Key Action: PCCs can be local champions of liaison and diversion services, and have the responsibility to ensure offenders with mental health problems are supported and dealt with appropriately.

6. Women offenders

Women's offending is very different to that of men and, in general, poses significantly less risk to the public. This needs to be recognised in the development of strategic plans that look at female offending from a gender specific way. Appropriate services and procedures should be designed appropriately.

Only 36% of women in prison committed violent offences compared with 55% of men, and less than 20% of women committed to prison annually are there for violent offences²³. 26% of women in prison have no previous convictions, more than double the figure for men²⁴. Despite this, the female prison population has increased by 168% since 1993.

Women offenders are more like to live chaotic lives than their male counterparts. They often have a range of complex and multiple vulnerabilities and needs, such as mental health illnesses, unemployment, alcohol and substance abuse, and homelessness. Women offenders tend to have histories of deprivation and serious abuse.

Prison damages their lives by often incarcerating them miles from their homes and families, losing their homes and damaging their relationships with their children. The majority of women serve less than 12 months in prison and a large percentage are on remand (despite more than 60% of them not going on to receive custodial sentences)²⁵. As a result they receive very little access to support services whilst in custody despite the successes they can achieve. For instance, a third of women lose their homes whilst in prison yet only 11% get help with housing.

Thus prisons cause serious disturbance to the lives of the women offenders very often without addressing the problems behind their offending behaviour or appropriately addressing their serious issues.

²³ Ministry of Justice. (2012) Offender management statistics quarterly bulletin October to December 2011.

²⁴ Ministry of Justice. (2012) Offender management caseload statistics 2011.

²⁵ Ibid.

Community alternatives and services that attempt to pre-empt women at risk becoming involved in criminal behaviour, in the form of women centres, have proven to be successful in helping women turn their lives around. Taking a holistic women focus approach they address needs and vulnerabilities in a respectful environment.

Many women benefit from a women-only environment, and it is important that these services continue to support vulnerable women in the justice system.

Key Fact: Only 36% of women in prison committed violent offences compared with 55% of men. The vast majority of women in the justice system have committed a non-violent offence and pose little threat to the public.

Key Action: PCCs can commission gender-specific services that reflect the distinct needs of women, their different offending backgrounds and family responsibilities.

7. 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.

Many 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.

Young adults are those most likely to engage in offending behaviour but conversely also the group most likely to desist. It is exceptionally important that the appropriate sanction is directed to those who become involved with the criminal justice system. The wrong order could have lifelong implications and actually increase their likelihood of reoffending. Diverting them where appropriate and issuing cautions is often far more productive and beneficial than attempting to process them through the court system. At present a large percentage end up serving short prison sentences that do little or nothing to reduce reoffending.

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.

Tackling crime effectively requires that young adults, aged 18–24, be viewed as a distinct group with a distinct approach that is proportionate to their maturity and responsive to their specific needs.

Key Fact: Young adults aged 18-24, constitute less than 10% of the population, but make up one-third of the probation service's caseload.

Key Action: PCCs should take a distinct approach to young adults that is proportionate to their maturity and responsive to their specific needs.

8. 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 25% of the prison population, even though they constitute only 9% of the overall population in England and Wales²⁶.

Black people are approximately seven times more likely than white people to be stopped and searched, under section 60 they are over thirty times more likely²⁷. This has led to tension between the police and many local communities. This should be a major concern especially when the tactic does not appear to be particularly successful, with less one in ten searches leading to an arrest.

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.

Key Fact: Black people are approximately seven times more likely than white people to be stopped and searched, under section 60 they are over thirty times more likely

Key Action: PCCs should examine and address the causes of disproportionality within their criminal justice areas.

9. Families of offenders

Imprisonment does not just affect the offender. It has a negative impact on the wellbeing of prisoners' families, and in particular prisoners' children.

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. Research also demonstrates that they are more likely to become involved in offending, it suggests that the age of the child during their parent's imprisonment may be linked to the child's future criminal behaviour.

About 200,000 children a year have a parent sent to custody at some point during any one year and approximately 7% of all children will see a parent imprisoned during their school

²⁶ www.parliament.uk/briefing-papers/SN04334.pdf

²⁷ Equality and Human Rights Commission. Stop and think. A critical review of the use of stop and search powers in England and Wales
http://www.equalityhumanrights.com/uploaded_files/raceinbritain/ehrc_stop_and_search_report.pdf

years²⁸. It is estimated there are more than 90,000 children with a parent in prison at present²⁹.

Services need to be in place to look at the welfare of families who have a member in custody. It is hoped that the Government's Troubled Families agenda will make them a priority and encourage more resources for them.

Prisoners who are visited in prison by a partner or family member having a significantly lower reoffending rate than those who are not. The well being of families is also improved when links are maintained with prisoners.

Key Fact: Children of prisoners are more likely to become involved in offending.

Key Action: PCCs should champion family contact for the children of people in prison. Strong family relationships support people to stop committing crime and to make a positive contribution to their community.

10. Engaging the whole community

Police and Crime Commissioners will have a responsibility to engage with and represent the whole community.

In addition PCCs have a specific duty to consult with and support the victims of crime. Young people are most likely age group to be victims of crime. Last year 31.8% of 16-24 year olds were victims of a crime, more than any other age group.³⁰ Although young people and children under the age of 18 are unable to vote it is important that their views are heard by PCCs seeking to support victims.

It is also important to note that there is some overlap between victims and offenders, particularly amongst young people. A large-scale Edinburgh study of 4,300 young people involved in offending found that persistent serious offending is associated with victimisation.³¹ Another study in 2007 found that half of women in prison have been victims of domestic violence³².

Key Fact: 31.8% of 16-24 year olds were victims of a crime, more than any other age group (Chaplin, 2011)

Key Action: PCCs should actively seek the views of young people who are often

²⁸ Ministry of Justice. (2012) Research Series 4/12. Prisoners' childhood and family backgrounds Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners.

²⁹ Ibid

³⁰ Chaplin, R. et al (2011) *Crime in England and Wales* London: ONS

³¹ McAra & McVie, (2010) *Youth Crime and Justice: Key messages from the Edinburgh study of Youth Transitions and Crime*, available at: http://includeyouth.org/i/Youth_crime_and_justice_-_Key_messages_from_the_Edinburgh_Study_of_Youth_Transitions_and_Crime,_Criminology_and_Criminal_Justice.pdf

³² UK wide ICM survey for SmartJustice (2007)
<http://www.prisonreformtrust.org.uk/subsection.asp?id=843>

victims of crime.