

Labour Party Justice Policy Working Group

Punishment and Reform: What Works to Protect the Public and Stop Crime

About the Criminal Justice Alliance

The Criminal Justice Alliance (CJA) is a coalition of 65 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 CJA's current member organisations are: Action for Prisoners' Families; Adullam Homes Housing Association; the Apex Charitable Trust; the Association of Black Probation Officers; the Association of Members of Independent Monitoring Boards; Birth Companions; the Buck Project; Carers Federation; Catch22; the Centre for Crime and Justice Studies; the Centre for Mental Health; Chance UK; the Children's Society; the Churches' Criminal Justice Forum; Circles UK; Clean Break; Clinks; Concord Prison Trust; DrugScope; the Fawcett Society; the Griffins Society; Gwalia Care and Support; Hafal; Hibiscus; INQUEST; the Institute for Criminal Policy Research; JUSTICE; Leap; Nacro; the National Appropriate Adult Network; the New Bridge Foundation; Pact; Partners of Prisoners and Families Support Group; Penal Reform International; the Police Foundation; the Prison Fellowship; the Prison Officers' Association; the Prison Reform Trust; Prisoners Abroad; Prisoners' Advice Service; the Prisoners Education Trust; the Prisoners Families and Friends Service; the Public and Commercial Services Union; the Quaker Crime, Community and Justice Group; Race on the Agenda; Raising Your Game; RAPT; Release; the Restorative Justice Council; Rethink; Revolving Doors Agency; the RSA Prison Learning Network; Safe Ground; Shannon Trust; SOVA; the St Giles Trust; Transform Drug Policy Foundation; UNLOCK; User Voice; Why me?; Women in Prison; Women's Breakout; Working Chance; the Young Foundation; and Young Minds.¹ The Criminal Justice Alliance works to establish a fairer and more effective criminal justice system.

Introduction

The criminal justice system is currently in crisis. The prison system is severely overcrowded, reoffending rates are extremely high and public confidence in the system is very limited. The Criminal Justice Alliance appreciates that successfully solving this crisis is an extremely difficult task that requires a consistent and focused policy approach to the criminal justice system and the concerted effort of numerous government departments over the life span of several parliaments¹.

For this to be achieved a distance needs to be placed between criminal justice policy and party political competition. The dominance of the latter over policy needs to be replaced

¹ David Faulkner (2010) *Criminal justice and government at a time of austerity*, Criminal Justice Alliance discussion paper.

by informed debate, robust evidence and expertise, leading to a degree of consensus which will allow for stability.

However, the CJA believes there are clear steps that should be taken and policies adopted that will at the very least divert the system from its current undirected, expensive and ineffective path. In particular, the CJA advises the Opposition to consider reducing the custodial population which can be achieved without risking increased crime levels. The existing levels of overcrowding should be solved by using alternatives to custody such as diversion, restorative justice and community orders and not simply by building more prisons.

The focus of government policy should be guaranteeing safety of communities, preventing future victims, and providing rehabilitation support for offenders, both in and outside custody, through a holistic approach which appreciates the needs of specific groups such as women offenders and not by an obsession for punishment that fails to accurately reflect citizens' views.

Q1. Where was the previous government most effective in its criminal justice policy?

Prisons were on the whole made safer and more secure during the previous government, with their moral performance improving. The police became more responsive and sensitive to the public and neighbourhood policing made them more visible and contributed to reductions in crime and improvement in public confidence. The needs of victims are better understood and more often met.

The Labour government made progress in supporting women offenders, primarily through the introduction of community support services which bought significant amount of support for some of the most socially disadvantaged women in England and Wales. There was significant progress in improving the co-ordination of youth justice services, and towards the end of the Labour government a welcome reduction in numbers of children and young people in custody.

Additionally, there was an improved response to the issue of offenders with substance misuse and mental health which the warmly CJA welcomed.

Q2. Where was the previous government less effective in its criminal justice policy?

The previous government's stance on crime was "tough on crime, tough on the causes of crime". Unfortunately, the CJA believes it did not manage to find the appropriate balance between the two, placing too great an emphasis on the former at great expense to the latter.

One of the least effective policies was the decision to tackle the increasing prison population with an extremely expensive prison building programme which failed to manage the demand for prison places. As evidence from other countries has proved, you cannot build your way out of a prison population crisis unless it is attached to a very substantial programme of reform. The government did not produce such a programme of reform. In particular, the government did not do enough to reduce the use of short term sentences, failing to put an appropriate emphasis on community sentences despite substantial evidence that they lead to lower re-offending rates and are far more inexpensive.

The previous government introduced a raft of new offences through complex legislation that created confusion to those involved in the criminal justice system whilst

simultaneously increasing the average sentence length for offences without any evidence of its effect on rehabilitation, re-offending or general crime rates². The decision to introduce IPPs was particularly ill thought out. Both of these demonstrate the government focus was not equally split but primarily focused on punishment and being tough on crime.

Although Labour did focus attention and resources on women in the justice system, insufficient progress was made in reducing numbers in custody. This is largely because women were 'swept up' in the wider moves towards harsher sentencing and use of short custodial sentences which has a detrimental impact on women³.

Finally, the 2001 Labour manifesto outlined a commitment to improve provision for young adults aged 18-21 in the justice system. This was never implemented. Many of the improvements to youth justice pioneered by the previous government should have been extended to this age group.

Q3. What are the best measures of efficiency in the criminal justice system?

The CJA recognises the centrality of referring to reoffending rates when determining the efficiency of the criminal justice system. It provides the most accurate assessment of how successfully offenders have been supported and rehabilitated and encourages those working with them to focus on those activities to as great an extent as possible. However, desistance from crime is an extremely complicated process that can take a long time to full achieve. It inevitably involves numerous setbacks and so looking at re-offending in a more sophisticated way that incorporates and appreciates severity and frequency would be helpful.

Q4. What are the best ways of ensuring those most vulnerable (e.g. young people, mentally ill, drug and alcohol addictions) are kept out of the criminal justice system?

The CJA believes that the best way to keep vulnerable groups out of the criminal justice system is a combination of early intervention and diversion.

Individuals in the community who have mental health and/or substance misuse issues should be able to access quality local support services that address their needs and prevent them becoming involved in offending.

The CJA supports diverting people with mental health problems out of the criminal justice system at the earliest point possible into supportive community services where their needs can be more appropriately addressed. We believe that this process should be extended to those with drug and alcohol issues. This requires people across the criminal justice system, being adequately trained to recognise these vulnerabilities within individuals.

We believe that in the area of youth justice it is imperative that policy prioritises keeping individuals out of the formal justice system to the greatest extent possible. The Edinburgh Study of Youth Transitions and Crime has produced robust evidence demonstrating the damaging affect that formal interaction with criminal justice agencies has on youths, greatly increasing the risk of repeat interaction and offending in the future, taking into consideration behaviour, background and propensity to commit crime⁴.

² The Halliday Report - 'Making Punishments Work: A Review of the Sentencing Framework for England & Wales'. 2001.

³ C. Hedderman. Government policy on women offenders: Labour's Legacy and the Coalition's challenge. *Punishment & Society*, 2010, 12, 495

⁴ McAra, L. and McVie, S. (2010) Youth Justice? The Impact of Agency Contact on Desistance from Offending.

Q11. What lessons can be learnt from local schemes and pilots that can be rolled out and applied nationally?

There are numerous examples of good local schemes and pilots across the UK. We would draw attention to the Intensive Alternative to Custody pilot in Manchester, and the T2A pilots in London, Birmingham and West Mercia⁵.

Q12. How can we ensure greater confidence and transparency in sentencing?

The most important way of improving confidence is to make the public understand the sentencing process better. The CJA believes that programmes that explain the work of magistrates and judges and how they make sentencing decisions play a valuable role in raising awareness within the general public and local communities. Additionally, we believe that encouraging better understanding of sentencing outcomes through clear explanation of the nature of specific sentences, and the reasons for the sentencing decision, can promote confidence amongst victims, offenders and the local community⁶.

Q13. Do the current sentencing guidelines achieve the right balance between punishment and reform of offenders?

The CJA fully supported the establishment of a new Sentencing Council and believe that it has and can continue to promote stability and consistency in sentencing through the production of guidelines.

The average sentence length has rapidly increased over the past two decades, placing huge pressure on prison capacity. The CJA believes steps should be made to reverse this trend. Reoffending rates remain stubbornly high despite these longer sentences, adding further to evidence that shows they provide little in the way of an additional deterrence. More resources should be directed towards reforming offenders instead of imposing longer more expensive prison sentences.

The CJA advocates reducing the use of custody overall and therefore supports the recent published guidelines that would see people who commit lesser offences given a less severe sentence - which we believe is fair and proportionate.

Q15. Has the right balance been struck between mandatory sentences and giving judges more discretion?

At the time of writing sentencing legislation provides for just one mandatory life sentence, for murder. The extension of mandatory sentencing, as proposed by the Government's amendments to the Legal Aid, Sentencing and Punishment of Offenders Bill are therefore a significant step. We have two main concerns of principle in relation to the introduction of further mandatory sentences, believing any extension of such sentences to be misguided.

⁵ <http://www.t2a.org.uk/wp-content/uploads/2011/09/Oxford-CfC-Final-Evaluation-Report-2011.pdf>

⁶ Hough, M. and Roberts, J. Sentencing trends in Britain: Public knowledge and public opinion. *Punishment & Society*, Vol 1(1), 11-25.

Firstly, there is no empirical evidence that this type of sentencing regime reduces crime through deterrence⁷. Secondly, sentences of this type remove discretion from sentencers, and impose a one size fits all approach that does not allow the specific circumstances of an offence to be fully taken into account. As such, they can lead to the disruption of proportionality and consistency in sentencing. There are already long, determinate sentences available for serious offences, and judges should, therefore, be allowed the discretion needed to sentence appropriately.

We are extremely concerned about the proposals to introduce a mandatory minimum custodial sentence of four months for 16 and 17 year olds convicted of knife offences. The evidence of the deterrent value of such sentences is non-existent. Indeed, it should be remembered that deterrence is not listed as one of the statutory purposes of sentencing for juvenile offenders under the *Criminal Justice Act 2003*.

Q16. What more can be done to break down the barriers to achieving greater public confidence in alternatives to custody?

The CJA believes the use of alternatives to custody, especially for short term sentences, should be greatly increased. We appreciate the need to improve the level of public confidence in alternatives, and particular requirements of community orders, in order to do so.

Additionally, local communities should be made aware of the benefits of the work carried out as part of community orders. Work should be advertised, records of what has been done by community payback work should be regularly published and consultation with communities on what community payback should focus on should be two-way; as well as making suggestions, community representatives should be informed about what has been done so far.

Finally, the public needs to be better informed about the fact that alternatives to custody are more effective at reducing re-offending and less expensive than short term sentences whilst not jeopardising local safety. Communities should have more confidence in them if they are made aware that they are more likely to reduce re-offending than imprisonment.

Q17. What best practice is there in this country and abroad in effective probation?

The CJA acknowledges the vital role probation plays in the criminal justice system and in particular addressing re-offending. Probation officers need to possess the necessary skills to deal with offenders with a range of different vulnerabilities and criminogenic needs. Therefore, training must be provided to probation staff that specifically addresses the needs of particular groups of offenders if they are to successfully reduce their level and risk of reoffending.

For example, the Centre for Mental Health, a member of the CJA, has recommended that NOMS should provide detailed information for probation officers and also require training and information on mental health awareness and sentencing options, in order to increase

⁷ Indeed, Andrew Ashworth, Professor of Law at Oxford University and Chairman of the Sentencing Advisory Panel from 2007-9, has said that such sentences “are unworthy of any government that purports to engage in evidence-led policy-making”.

their knowledge of mental health issues.⁸ Similarly, research for the Fawcett Society has suggested that probation-wide training on women's needs is required⁹ and research by the Institute for Criminal Policy Research has suggested that "there is considerable scope for improving the scale, quality and monitoring of training being offered to offender managers to better equip them to more effectively deliver brief interventions to alcohol-misusing offenders".¹⁰

The CJA believes that probation officers should also be provided with an appropriate level of discretion in order to utilise their experienced judgment rather than being forced to adhere to a restrictive and unforgiving system, in terms of breaching their clients for failure to comply and terminating orders early. This may allow them to forge positive and trusting relationships with even the most challenging offenders which could, in turn, contribute to improved compliance.

There is a substantial and significant body of research which shows the importance of a 'desistance' model of probation work which focuses on relationships, motivation, social situations, communities and social and human capital. It brings important insights, including the realisation that change in behaviour or character is not an event where a person succeeds or fails, but a process which has to be supported over time and needs to focus more on the person as an individual and their situation than on the programme and its content for their own sake. The arguments and the evidence are now well established in the literature and the practical implications for offender management and for probation's organisation and training have been explored¹¹.

Q18. How do we deliver lower re-offending rates in an age of reduced public finance?

The CJA appreciates that lowering reoffending rates in the current economic climate is a difficult task. However, we believe that there is evidence of numerous policies that could be adopted that would reduce reoffending without the need for additional expenditure.

Community sentences lead to reoffending rates between five and nine per cent lower than short term sentences when taking into consideration characteristics of the offender and the offence in question¹². Additionally they are on average far cheaper than sending people to prison for a short term. Increasing the amount of community sentences and reducing short term custodial sentences is the simplest and quickest way to reduce reoffending and expenditure.

The CJA supports the policy of justice reinvestment that has been adopted in some jurisdictions. Investing savings from reduced reoffending in prevention and improving rehabilitation in prisons and in the community, could have an additional impact on cutting

⁸ P.40-41: Khanom, H., Samele, C. and Rutherford, M. (2009) *A Missed Opportunity? Community sentences and the Mental Health Treatment Requirement* - available at http://www.centreformentalhealth.org.uk/pdfs/Missed_Opportunity.pdf

⁹ p.51: Gelsthorpe, L., Sharpe, G. and Roberts, J. (2007) *Provision for women offenders in the community* - available at [http://www.fawcettsociety.org.uk/documents/Provision%20for%20women%20offenders%20in%20the%20community\(1\).pdf](http://www.fawcettsociety.org.uk/documents/Provision%20for%20women%20offenders%20in%20the%20community(1).pdf)

¹⁰ p.30: McSweeney, T., Webster, R., Turnbull, P. and Duffy, M. (2009) Evidence-based practice? The National Probation Service's work with alcohol-misusing offenders, Ministry of Justice Research Series 13/09 - available at <http://www.justice.gov.uk/research-paper-alcohol-misusing.pdf>

¹¹ (McNeill et al, 2005; Robinson, 2005)

¹² Ministry of Justice. 2011. Compendium of re-offending statistics and analysis. <http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/2011-compendium-reoffending-stats-analysis.pdf>

crime and reducing reoffending without increasing the budget. This model of justice reinvestment was explored extensively in a previous House of Commons Justice Committee inquiry,¹³ and the CJA continues to strongly endorse the recommendations of that inquiry.

The CJA feels that now is the opportune time to increase the use of restorative justice. It is relatively inexpensive, leads to high victim satisfaction rates and there is also solid evidence that it reduces reoffending. Analysis of the Ministry of Justice research data found that RJ reduced the frequency of reoffending by around 14%; according to further analysis by some experts, the best programmes within the Ministry of Justice pilots demonstrated a 27% drop in the frequency of reoffending. Moreover, a 2007 review of research on RJ in the UK and abroad found that it can be effective for a range of offences, including property offences and violent crime. Increased use of RJ could result in significant savings for the criminal justice system.

Q19. What works best in ensuring those in custody are fully equipped with the skills and confidence needed for effective rehabilitation?

The CJA acknowledges that supporting offenders in their rehabilitation in custody can be a complex process that involves providing support and encouragement in multiple areas, such as education, substance misuse and behavioural skills. Attempting to do such in overcrowded prisons is almost an impossibility as access to courses and leisure activities is greatly restrained due to safety concerns. Ensuring prisons have appropriate levels of occupation is therefore of primary importance for ensuring prisoners are in a position to address their issues and become involved in effective rehabilitation.

Evidence has consistently shown offenders who have access to employment after release are far more likely to successfully resettle into the community. It is seen as an important element in the desistance process. Work in prisons should enable offenders to learn vocational skills that will increase their chances of securing employment in the community. Providing opportunities that allow prisoners to develop skills and acquire experience of real value, as opposed to focusing on low-skilled labour, is integral to improving their chances of finding work upon release.

There are high levels of illiteracy and innumeracy among the prison population. We support the recommendation made by the Prisoners Education Trust, a member of the CJA, that education in prisons should be vastly improved and take account of prisoners' interests as well as the needs of the local labour market. Learning can, in itself, form an important part of the rehabilitation process, helping prisoners to gain confidence, self-esteem and motivation, and it is important that opportunities beyond the purely vocational are available, including those that are more creatively focused.

Home Office research has shown that having family or partner visits during a custodial sentence makes it more likely that a prisoner will have education, training or employment and accommodation arranged on release, both of which, can play a significant role in desistance from crime. As such, it is vital that families are encouraged and supported to maintain contact during a custodial sentence. The Prison Advice & Care Trust, a member of the CJA, provides service within visitor centres that supports and encourages families to visit offenders. They offer child-friendly facilities, information, advice and support for families and friends visiting prisoners.¹⁴

¹³ House of Commons Justice Committee (2009) *Cutting crime: the case for justice reinvestment*, First Report of Session 2009-10, London: The Stationery Office Limited

¹⁴ For further information on the work of pact visit: <http://www.prisonadvice.org.uk/>

On release prisoners face problems in obtaining accommodation and employment¹⁵. This has significant effects on reoffending, with 74% of prisoners with problems with both employment and accommodation reoffending during the year after custody, compared to 43% of those with no problem with employment or accommodation.¹⁶ Many people leaving prison 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 a shortage of money for 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 a history of alcohol or drug use, while many former prisoners also face problems in opening bank accounts and getting home insurance. It is essential that these issues are addressed. Resettlement planning should start at reception to prison and 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 and accessing benefits and support services on leaving prison must be addressed.

Q20. How best can we address the challenges of mental health, drug and alcohol dependency in our prisons and outside our prisons?

The CJA believes that prison is not the best setting in which to deliver drug and mental health treatment. Overcrowding in the prison estate means that prisoners are frequently moved from one prison to another, meaning that they are unable to complete programmes. Custodial sentences also separate offenders from family and friends, networks that can provide valuable support during the recovery process, and cause disruption, such as loss of accommodation, which can hinder recovery and contribute to relapse.

Whilst we recognise that there are some serious offenders for whom a custodial sentence is unavoidable, we believe that, in the majority of cases, the emphasis should be on treatment in the community through the use of appropriate community order requirements. Many people with drug and alcohol or mental health problems could be diverted from custody via diversion and liaison schemes or 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.

Short prison sentences for drug users are particularly problematic, as they make structured drug treatment programmes difficult while at the same time tending to exacerbate many of the problems linked to drug and alcohol dependency, such as mental health issues and homelessness.

In addition, it should be recognised that there remains a shortage of appropriate and effective drug treatment. There is a considerable unmet need for ongoing treatment and support for people with alcohol misuse issues in prison. Alcohol services are also in short supply in the community. We therefore recommend that the inadequate provision of

¹⁵ p.1: Niven, S. and Stewart, D. (2005) *Resettlement outcomes on release from prison in 2003*, Home Office Findings 248 - available at <http://www.homeoffice.gov.uk/rds/pdfs05/r248.pdf>

¹⁶ p.6: 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.

alcohol treatment services in both custody and the community should be addressed as a matter of urgency.

Delivering treatment using a whole systems approach is important. Recovery is not about drug treatment alone, and there needs to be effective joint working between education, training, employment and housing services, and indeed others, to ensure that effective support is provided. We would emphasise the importance of joint working between mental health and substance misuse services, in order to address the complex needs that many offenders have.

We also believe that it is important that women are able to access women-only drug treatment in the community. The Corston Report documents that a significant proportion of women offenders have experienced domestic violence and sexual abuse. A report published by the Fawcett Society¹⁷, which is a member of the CJA, points to a consequent need for women-only provision in the community, in order to foster a sense of safety for women using the services.

An area of serious concern is in relation to individuals with dual diagnosis or multiple needs. Individuals falling into these groups find it particularly difficult to access support services as they fail to meet certain thresholds or as a result of possessing additional support needs. The Centre for Mental Health has argued that ‘there is a big gap in “dual diagnosis” services in prisons and a lack of co-ordination between different teams’.¹⁸ A later study reported that mental health and substance misuse services recognised the need to work closely together, but largely failed to do so.¹⁹ The CJA strongly supports the recommendations made by Revolving Doors Agency in their vision paper that urges greater policy focus be given towards the group of individuals with multiple and complex needs.²⁰

Q21. What challenges are there in payment by results models delivering a more cost-effective way of reducing re-offending?

At the heart of a successful payment by results approach will be the use of appropriate outcome measures. Whilst a binary ‘yes/no’ measure as to whether someone has reoffended/remained abstinent may be attractive in its simplicity, it places unrealistic expectations on both service providers and service users, and does not allow recognition of significant achievements in the desistance and recovery processes, which are often long and complex.

The CJA would therefore favour an approach that recognises ‘distance travelled’. Achievements in other areas that are important parts of recovery - for instance, in housing, education and employment - should be considered as part of such an approach. It will also need to be taken into account that some clients are easier to support towards

¹⁷ Engendering Justice - from Policy to Practice Final report of the Commission on Women and the Criminal Justice System

<http://www.fawcettsociety.org.uk/documents/Commission%20report%20May%2009.pdf>

¹⁸ p.5: Sainsbury Centre for Mental Health (2007) *Mental health care in prisons* - available at http://www.scmh.org.uk/pdfs/briefing32_mh_care_prisons.pdf

¹⁹ p.43: Durcan, G. (2008) *From the Inside: Experiences of prison mental health care* - available at http://www.scmh.org.uk/pdfs/From_the_Inside.pdf

²⁰ Revolving Doors (2011) *Turning the Tide: A Vision Paper for multiple needs and exclusions* <http://www.revolving-doors.org.uk/policy--research/policy-projects/vision-paper/>

recovery than others, and ways of ensuring that those who are ‘harder to help and rehabilitate/resettle’ are not simply ‘parked’ will therefore need to be found.

As a recent UK Drug Policy Commission briefing highlights “it is important that payment by results is set up in a way that encourages and supports collaboration between sectors and services, and is not simply a spur to competition between them²¹.” It is also vital that payment by results is implemented in a way that ensures diversity of providers and, in particular, allows smaller voluntary sector organisations to fully participate as providers.

We are concerned about applying a payment by results model to all providers and areas. For example, women’s community projects are small, local organisations with a high level of knowledge and expertise, but without the financial capital to be able to take on payment by results contracts or to compete in this way with larger, private sector providers. As such their continuing existence may be threatened by the blanket application of this model. The importance of ensuring the long-term survival of these projects is matched by the need to improve awareness of them.

The CJA has considered the issues regarding PBR in more detail, which can be found in response to questions 22-31 [here](#). CJA member, Clinks, has also considered this issue in some detail which is available [here](#).²²

Q22. What consensus is there around the drive to reduce the size of the prison population?

The CJA believes there is a large consensus amongst criminal justice agencies that the number of individuals in custody in England and Wales must be reduced. We represent the views of 65 organisations working across the CJS and all are in strong agreement that the current prison population is far too high and has led to serious overcrowding and in turn a less effective justice system. Addressing overcrowding must be seen as a priority, and following through on proposals that are likely to reduce the prison population, such as reduced use of remand and diversion from the criminal justice system for those with mental health problems, is crucial.

Q27. What can we do to ensure greater confidence and transparency in the role of the judges and magistrates?

Sentencers play a very important role in terms of determining the level of public confidence and trust in the criminal justice system as a whole, therefore inspiring greater confidence and transparency in these professions should be priority.

The CJA suggests that judges and magistrates should be required to make regular visits to work that is being carried out in the community as part of community sentences and to other local projects and schemes with relevance to sentencing, for example programmes addressing drug addictions or mental health issues. They should also be encouraged to attend meetings of local community groups and other local forums to hear first-hand about community concerns. The Local Crime Community Sentence project, which aims to increase public knowledge and understanding of community sentences, should also be further extended.

²¹UK Drug Policy Commission (2010) *By their fruits... Applying payment by results to drugs recovery*

David Fletcher, the presiding judge at the North Liverpool Community Justice Centre, has also stressed that informal meetings with local people are important, saying that while community meetings continue a key part of his role is meeting residents on a one to one basis helping him keep our finger on the pulse of the area.

Victims

The CJA believes that protecting the rights and interests of victims should not necessarily be seen as being in contention with those of offenders. It should not be seen as a zero sum game between the two.

Victims should be provided a role in the justice process and kept well informed of the progress of cases, with each stage of the process being adequately explained to them. They should feel they are involved and supported in the process, and that justice has been achieved.

The CJA believes that the best way of doing this is through the increased use of restorative justice (RJ) throughout the criminal justice system, and believes that wider implementation of RJ would allow many more offenders make reparation to their victims, allowing them to have a role in the process. Restorative justice produces high victim satisfaction rates, and improves victims' experiences of the criminal justice process. Research published by the Ministry of Justice found that 85% of victims said they were very or quite satisfied with the RJ conferencing they experienced, and almost 80% would recommend it to others. In addition, as a report by Victim Support highlights, RJ can help victims to feel a sense of closure, and can be effective in alleviating post-traumatic stress symptoms for victims of serious crime.

The CJA does not believe that victim impact statements should play a role in sentencing as they could potentially jeopardise consistency and proportionality.

Q34. What are the better aspects of the current government's proposals on punishment and reform?

We welcome the current Government's attention to what has proven to work in relation to re-offending and controlling the prison population. It has not gone as far as to make reducing the prison population official policy but it is the first government for decades to set down plans that it estimates could end up reducing the demand for prison places by the end of the parliament's lifespan.

The CJA has welcomed the intended restrictions placed on the use of remand so that it is not available to sentencers where there is no real prospect that an individual will receive a custodial sentence upon conviction.

The emphasis on diversion from the criminal justice system for those with mental health problems is a positive approach for those with such illnesses and one which we believe will have a real impact on women offenders.

We support the current Government's proposals for simplification of the sentencing framework, making it less prescriptive, and repealing unimplemented legislation.

Q35. Which aspects of the current government's proposals are of concern to you?

We have concerns regarding the planned extension of curfew hours for those serving a community sentence to a new maximum of 16 hours per day, the imposition of conditional

cautions by the police without referral to the Crown Prosecution Service and the extension of mandatory sentencing.

The CJA is also worried by the Coalition's plans to introduce a means and merit test for the provision of initial legal advice and assistance for those arrested and held in police custody, thus removing the current automatic entitlement to free legal advice for all in such circumstances. Such a provision could have profoundly damaging consequences for individuals who are arrested, including miscarriages of justice, and is squarely at odds with the principles of a fair, and indeed civilised, criminal justice system.

We are also disappointed by the lack of provision for women offenders and BME groups. Despite making reference to both groups in the Green Paper "Breaking the Cycle", they have been noticeably lacking from legislation.

**Criminal Justice Alliance
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