



# **CUTTING CRIME: BETTER COMMUNITY SENTENCES**



The Probation Service is pivotal to the success of the criminal justice system - not something I need to spell out to readers of this magazine: A profession in which practitioners can make a real difference to individuals with whom they deal, and, because reducing reoffending is important to society, a matter of public interest. So no pressure.

The House of Lords Justice and Home Affairs Committee has recently published a report 'Cutting crime: better community sentences', following our inquiry into what we recognised as a key sentencing option. We were concerned to find out whether community sentences are being used to their best effect. Coincidentally towards the end of our inquiry the Lord Chancellor announced legislation providing that custodial sentences of 12 months and less are generally to be suspended - which of course brings community orders into play.

Well, not such a coincidence. There had been wide coverage of severe prison over-crowding, so severe that they are at their operational capacity. Not only that: many prisons are in such poor condition according to the chief inspector that they should be closed, which impacts on how they function, on conditions for prisoners and for staff too, and on running costs. The Lord Chancellor acknowledged that the demands being placed on the prison system were unsustainable.

Not difficult to join the dots, though the prevalence of a 'lock 'em up' message has diverted public attention from the connection.



**Baroness Hamwee**

Chair, House of Lords Justice and Home Affairs Select Committee

The notion that community sentences are 'easy' needs to be countered. The court must consider punishment, and a sentence served in the community can be much more demanding than a short period of imprisonment, days spent sitting on your bunk waiting for your release date. Working for a charity, for instance, and keeping appointments with your probation officer have to be fitted in with your employment (provided you are employed, of course). That requires a lot of self-discipline, and avoids the tutorials in crime from experienced criminals that a first-time prisoner so often encounters.

Not only that. You don't risk losing your home (if you have one). You don't lose your job (if you have one). You can maintain your support networks. That makes the reform and rehabilitation of an offender considerably easier.

The use of sentences served in the community has declined over recent years. An effective community order can turn round the life of an offender, providing treatment as well as punishment. It can see the offender as an individual, and provide a holistic response. It can be tailored to the individual with treatment for addictions and mental ill-health, and supply a pathway to rehabilitation. But the need for these treatments far exceeds the current rate of imposition of Community Sentence Treatment Requirements, which itself exceeds the availability of treatment.

The committee concluded that greater investment should be made in CSTRs so that intensive treatment is far more widely available. The energy of third sector providers is notable, but organisations often struggle with the commissioning and administrative processes; we would like to see them enabled to expand their work. The model of women's services, wraparound rehabilitative support in a single location, is effective; it is dignified, it drives down reoffending, and costs a good deal less than custody. We should build on it. There are lessons too from Youth Offending Services, including how the Probation Service communicates with people to ensure they understand the sentences imposed. We would encourage age-appropriate solutions for young adults, recognising the very different resources applied to youth services.

Further criminalising low-level repeat offenders is not the answer. Better to provide incentives, such as deferred sentences (giving the offender an opportunity before sentencing to show he can

and will comply with probation). 'Integrated' Community Service Orders are being used in Ireland, with the offender able to engage in a range of activities, such as relevant education, that mean something to him.

I was struck by how important it is for the judiciary, as individuals as well as the judicial body, to be able to see how particular sentences work for particular offenders; not doing so must be frustrating. "A plethora of pilot schemes [with different approaches to treatment and alternatives to custody] all over the place" was how the Chief Executive of the Magistrates Association put it, but knowledge of them, and learning from them, is limited. Pilots need to be properly monitored and evaluated; our recommendations include a plan for evaluation so that best practices can be shared and scaled up.

Another recommendation by the committee is local commissioning of rehabilitative services by the Probation Service, and more autonomy to develop partnerships with local organisations. It is obvious that a court needs to know what is actually available in the local area in order to impose requirements as part of a sentence.

The court needs too to have more of an understanding of each offender before he, or less often she, is sentenced. Pre-Sentence Reports are an essential part of sentencing but their number and quality has declined. Without a long form standard report, how can an individual be treated as an individual? We heard that the decline in their use may have come about because of the need to save court time, in order to help reduce backlogs. There is inevitably a tension between waiting for an in-depth report and progressing a case to give speedy justice to victims and witnesses. There is a similar tension for the offender. The public interest requires justice and, just as much, preventing reoffending.

It was not reassuring to hear our witnesses, experts by their experience of being sentenced as low-level offenders, explain that they had had no input into PSRs. They described them as tick-box exercises. They “felt alienated” from the PSR process, casting doubt on the concept of PSRs tailored to individual circumstances. One witness remembered signing a PSR and reading it through (she did relate it to us in that order) but “what was required [on the PSR] did not include any of my input.” That failure fully to involve the offender extends to the treatments which require the offender’s consent – it seems consent is not sought as it should be.

A third sector organisation told us that the quality of PSRs is one of the biggest issues that comes out of their members’ forums: “pre-sentence reports based upon what was happening in their lives eight or nine months prior, and not taking account of all the steps they have taken in that time.”

The committee supports efforts to achieve PSRs of a higher standard, and looks forward to the outcome of the pilot project ‘Pathfinder to Improved pre-Sentence Advice’ It certainly cannot be right that some offenders think that “the judge is only there to deliver what probation has said”.

We were aware of the tension between ‘befriending’ and ‘supervising’ which makes the role so complex. The increased focus on public protection distracts the attention of probation staff away from least-serious offenders. The expectation that they refer offenders to services provided by others, and the quantity of administrative tasks, often on flawed IT systems, reduces capacity to deal with low-level offenders on community sentences.

The understaffing in the Probation Service, which comes in for a lot of comment, tends to obscure individual successes, and must be depressing for people who are working on the front line. We heard about unsustainable caseloads and high turnover, and targets for recruitment. We are clear that the service should not undergo any further large-scale restructuring in the next few years, to allow time for recent reorganisations to settle down, for more staff to be recruited and trained, and for new recruits to gain experience, enabling them to supervise further recruits.

It came as no surprise that a good relationship between offender and Probation Officer is crucial. We asked our experts by experience what are the important qualities: “a real willingness to help”; “compassionate ... [willing] to listen”; “someone who believes in you”. One witness told us of the series of difficulties he encountered until he found himself with an officer who had been instrumental to his rehabilitation. “She made me see the light in probation”.

Our report sets out recommendations so that those working in probation – and offenders, and more widely the criminal justice system – have what they need. The Ministry of Justice is due to respond soon.