

## **“Community or Custody – which works best?”**

### **A Make Justice Work National Enquiry Second Session, Bradford 2<sup>nd</sup> November 2010**

In 2010, Make Justice Work launched a major new criminal justice National Enquiry entitled “Community or Custody: Which Works Best?”. The enquiry consists of at least four investigatory meetings around the country at which experts and the public are being given the opportunity to offer evidence and opinions to the panel about local responses to short term prison sentences and community based alternatives. Bradford, the second session of the enquiry, focused on the Together Women Project (TWP). Running since 2006, the programme’s objectives are to reduce women’s offending and reoffending, the numbers of women remanded in custody, and the numbers of women sentenced to custody. The centres are gender specific “one stop shops” which aim to tackle issues that trigger offending behaviour, divert women from custody, and prevent family breakdown. The support model of the women’s centres is designed to be holistic and needs centred – each woman referred undergoes a detailed needs assessment which tries to identify needs such as substance misuse, mental and physical health issues, or lack of suitable accommodation. This forms the basis of an individually tailored support plan.

In Bradford the panel was chaired by Peter Osborne, author, broadcaster and commentator for the Daily Telegraph, and included:

- Lord Blair, former Commissioner of the Metropolitan Police
- Roma Hooper, Director of Make Justice Work
- Paul McDowell, Chief Executive of Nacro
- Dame Anne Owers, former Chief Inspector of Prisons
- Owen Sharp, Director of Operations of Victim Support
- John Thornhill, Chair of the Magistrates. Association

Seven evidence givers from the criminal justice system were invited to give testimony:

- Detective Superintendent Ian Wilson, Strategic Lead on Drugs and Offender Management, West Yorkshire Police
- Nicola Stell, Chair, Magistrates’ Association Sentencing Policy and Practice Committee
- Clive Chatterton, Governor of HMP Styal
- Sue Hall, Chief Executive of West Yorkshire Probation Trust and Chair of Probation Chiefs Association
- Professor Carol Hedderman, Department of Criminology at the University of Leicester
- Rokaiya Khan, Chief Executive of the TWP, Yorkshire and Humberside
- Julie Eastwood, Together Women Project client

## Key statistics

In order to furnish the audience with background information on the issue, key statistics were provided by the Together Women Project which were taken from a variety of sources including NOMS, the Ministry of Justice, and the Prison Reform Trust's 'Women in Prison' briefing October 2010 and the Prison Reform Trust's Bromley Briefing June 2010:

- The female prison population in England and Wales is 4,282<sup>1</sup> a 116% rise since 1995 when the population stood at 1,979.<sup>2</sup>
  - In 2009 61% of women in prison were serving sentences of 6 months or less.<sup>3</sup>
  - In 2004, 64% of women in prison recommitted within 2 years.<sup>4</sup>
  - The average stay for women in prison is 4 to 6 weeks at a cost of £4,500.<sup>5</sup>
  - 63% of women in prisons have committed non-violent offences.<sup>6</sup>
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## Female and Male Offending: A Separate Issue?

According to Nicola Stell, there is a difference between female and male offending. This view was shared by other evidence givers such as Professor Hedderman, Rokaiya Khan and Clive Chatterton, whilst panel members such as Roma Hooper also agreed. To support this view, Nicola Stell highlighted the issue of relationship problems as a contributory factor towards criminal behaviour. Whilst turbulent relationships are common to both sexes, she argued, they are more of a problem to women; for example prostitution and child-care are much less of a problem for male offenders.

There was a broad consensus amongst the majority of evidence givers that the patterns and the issues underlying female offending were significantly different to that of male offending. Female crime is driven by problems such as violent and sexual abuse, chaotic childhoods etc. Nicola Stell called the majority of women offenders "damaged people", and identified education, accommodation, health issues (mental and physical) and addiction as prevalent problems. Often these problems are triggers for offending behaviour, and in such cases magistrates will consider sentences that might address those root causes.

Female offending therefore tends to be complicated and hard to address, according to the majority of evidence givers and panel members. Rokaiya Khan broadened out the idea of gender specificity, claiming that women tend to commit non violent crimes, with theft and handling stolen goods the most prevalent crime. The increase in the number of women being given short term sentences was raised, and John Thornhill questioned whether this was related to an increase in violent crime. Professor Hedderman denied this was the case as, although the number of women offenders convicted of violent offences has gone up, the numbers are not sufficient to account for the rise of conviction rates. The result, according to Sue Hall, Clive Chatterton and Professor Hedderman, is that female offending requires equally distinct and specialist management to tackle it. Female prisons are largely designed and run by men, noted Professor Hedderman.

Likewise for Sue Hall, because women are a minority in the criminal justice system, they are scattered and diluted amongst those working with offenders. Consequently the expertise and skills

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<sup>1</sup> NOMS, Prison Population and Accommodation Briefing, 18 June 2010

<sup>2</sup> Ministry of Justice (2009) Offender Management Caseload Statistics 2008, London: Ministry of Justice

<sup>3</sup> Prison Reform Trust, 'Women in Prison', October 2010

<sup>4</sup> Prison Reform Trust, 'Women in Prison', October 2010

<sup>5</sup> Prison Reform Trust, 'Women in Prison', October 2010

<sup>6</sup> Prison Reform Trust, 'Women in Prison', October 2010

required to work with female offenders is not consistent across the board. “Working with women”, she claimed, “is a specialist issue” and for that reason West Yorkshire Probation has eighteen specialist women offender managers in order to address this.

The problem of women specific crime and solutions is related to the question of community or custody in Nicola Stell’s opinion. “Women, because of their (generally) more numerous or more severe personal problems, frequently have greater difficulty than men in complying with community orders”. This meant, she argued, that making a Community Order more onerous when breached will tend to push women more rapidly towards the custody threshold.

For Rokaiya Khan and Roma Hooper in particular, the answer is clear; the issues driving female offending are not addressed by short term custodial sentences because there is not sufficient time within custody to provide relevant programmes such as drug rehabilitation or relationship counselling. A “one stop shop” community based approach is therefore needed, where the causes of offending can be addressed, enabling the community sentence to be completed without breach, and helping the offender move away from crime.

Rokaiya Khan introduced figures which showed that “one-stop shop” solutions, like the Together Women’s Project, enforce Intensive Alternative to Custody Orders (IACO’s), with overall compliance rates at 96%.<sup>7</sup> Sue Hall therefore called on community partners to support the Probation Service and help them ensure that women get the supervision they need by being sentenced to IACO’s rather than prison.

### **Short prison sentences**

Professor Hedderman highlighted that women get shorter prison sentences than men. This means that they receive reduced help inside prison. For Ian Wilson, short term sentences are just a passport to a reoffending lifestyle, and many agreed with his view that confining an offender to a cell for most of the day clearly does not rehabilitate them or turn them away from their offending lifestyle. This “misperception” was rebutted by Clive Chatterton; at Styal “women are not locked away for 23 hours of the day”. Nevertheless, he conceded the point raised by Roma Hooper that short custodial sentences, by their very nature, do not address the complex needs which can drive female offending. Speaking on behalf of many staff in his prison, Clive spoke of the frustration prison officers felt when, for example, on busy nights, mental health units are full and offenders who should clearly not be sent to prison have nowhere else to go; “we are not trained mental health professionals,” he argued “we are not trained drug rehabilitation officers”.

The social and economic costs of imprisoning women were introduced by the evidence givers. Professor Hedderman highlighted figures which showed that a sharp increase in female prison receptions has been matched by a sharp increase in female reconviction rates. In 2001, 58% of women on short sentences were reconvicted within one year, rising to 64% in 2008. Using custody more frequently, she claimed, has backfired.

Professor Hedderman also introduced figures from a 2007 Matrix report which outlined a range of alternatives to custody and the cost-benefit analysis of using these instead:

<b>Alternative</b>	<b>Taxpayer saving</b>	<b>Taxpayer and victim saving</b>
Residential drug treatment	£88,000	£203,000
Intensive supervision	£57,000	£130,000

<sup>7</sup> Together Women Impact Report 2009-2010, 2010

Intensive supervision and tag and drug treatment	£41,000	£61,000
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\*Figures from Matrix, *The Economic Case for and against Prison*, London 2007

The evidence presented at the session suggested that the costs of these increased figures were not equivalent to similar increases in male prison receptions or reconviction rates. Clive Chatterton noted that although women make up only 5% of the total prison population, they account for almost half of the self-harm incidents in prison.<sup>8</sup> In Styal prison alone, he revealed, bed watch and 24 hour supervision costs £533,000 per annum. Also, Professor Hedderman, supported by Roma Hooper and Clive Chatterton, informed the enquiry that women get far shorter prison sentences than men. These are more resource intensive, involving frequent admission, assessment and discharge processes, all of which are expensive, time consuming and unsettling for the women involved.

A number of evidence givers, panellists and audience members thought that it was important to give due consideration to the cost and psychological effect that imprisoning mothers can have on the next generation. Nicola Stell argued that, “magistrates are aware that sending a woman to prison may affect more people than just the offender herself.” In his position as governor of Styal prison, Clive Chatterton offered revealing figures in this regard. 65% of women offenders in his prison have children, and of those, 71% have two or more children. Nationally, he claimed that only 55% of children remain in their houses and 18,000 a year go into care. Professor Hedderman picked up on these figures and revealed that a nef report from 2008 concluded that the cost of imprisoning mothers for non-violent offences carries a cost to the state of more than £17million over a ten year period. The conclusion of the report, which argued that such children are more likely to have mental health problems, become “NEET” (Not in Education, Employment or Training), and may enter the criminal justice system as a consequence, was supported by both Sue Hall and Clive Chatterton. Clive spoke of “studies of prisoners’ children consistently report[ing] that children experience a range of psychosocial problems including depression, hyperactivity, aggressive behaviour, withdrawal, regression, sleep problems, eating problems, running away, truancy and poor school grades and delinquency”.

Despite the problems of short term prison sentences, highlighted by many of those involved in the event, John Thornhill asked a question about when custody is appropriate. Responding to Ian Wilson’s comments about the top thirty offenders in Leeds being arrested over one thousand times, he asked if we looked at their history, “would we not see a number of community penalties as well?”. When Ian Wilson answered that this was definitely likely, John Thornhill replied that there is then “an issue of tackling those offenders who perhaps fail to comply with community orders”. Women offenders who are offered one last chance to turn their life around yet reject the opportunity, claimed Lord Blair, must face serious consequences. The majority of panel members and a number of evidence givers agreed that in order to be effective, and to make sure community alternatives are enforced, courts must have ultimate sanction available in the form of a custodial sentence.

For Nicola Stell, the issue must be treated on a case by case basis; women offenders using “unparliamentary language”, and “putting two fingers up to the system”, are a definite problem. However, drug abusers may be taking three steps forward and 2.9 steps back; and where the progression is positive, this should be taken into account. Finally, there was consensus across the spectrum of participants at the event that prison must be reserved for dangerous criminals. The resources of the prison and probation services must be prioritised and custodial sentences can only be effective if prisons are not overcrowded and rehabilitative regimes are fully operational. This frees up space and resources to be used in a more targeted approach.

<sup>8</sup> HM Chief Inspector of Prisons, *Annual report 2008–09*, London 2010

## Community alternatives

In response to a question from Dame Anne Owers, Clive Chatterton estimated that one third to one half of the women in Styal prison could be dealt with quite sufficiently in the community. “Some of them might be pests or a nuisance, but they are not a danger to the public”, he argued. Clive thought that the key to reducing the number of women in prison who do not need to be there is for there to be more women’s centres and more community alternatives. Many women do not turn up to bail, for example, as they are concerned about their children, so if they could serve a community sentence he was confident they would turn up and comply.

According to the evidence offered at the event, over the past two years West Yorkshire Police has overseen just over 2000 offenders through their integrated offender management programme. Within this 2000, they have reduced reoffending between 35% and 40%. 70% of those have been managed in the community, testament, Ian Wilson believes, to the effectiveness of community based programmes.

Women on “robust, punitive but positive community alternatives”, argued Professor Hedderman are more than twice as likely to desist from crime. She offered figures which showed that in 2008 just 31% of women on community sentences were reconvicted within a year, compared to 64% on short custodial sentences. Rokaiya Khan spoke specifically about the Together Women Project’s outcomes. It reportedly had an 80% compliance rate last year, with 83% of those women achieving “success” with one or more of their goals. For Professor Hedderman, the evidence is that such orders are also becoming more effective. In 2001, 33% of women on community sentences were reconvicted within one year, which dropped to 31% by 2008. Nevertheless, Sue Hall struck a note of caution, arguing that we must address the different ways to measure reoffending and finalise a method, nationally, that allows for comparisons and benchmarking. For Paul McDowell, the system must become more disciplined at looking at outcomes; whilst measuring reoffending is incredibly difficult, measuring reconviction is less difficult, and a payment by results system which the coalition is bringing in for the criminal justice system may focus attention on the importance of outcomes.

Many of the participants at the event, including Rokaiya Khan, Professor Hedderman, Sue Hall, and Roma Hooper thought that the cost effectiveness of community alternatives was an important factor. Rokaiya argued that the Together Women Project costs £750 to £1000 per woman per year, compared to £4,500 for a six week custodial sentence. Further evidence was offered by Professor Hedderman; £1 in support-focused alternatives to prison generates £14 worth of social value, to women, their children, victims and society, over ten years.<sup>9</sup> The long term value of the benefits to society of not imprisoning mothers but rather focusing resources and attention on rehabilitation is in excess of £100million over ten years she claimed.

## Barriers and future pitfalls

The event revealed that sentencers are often unaware of community alternatives available to them and increased effort is needed to enhance awareness and understanding. According to Nicola Stell, new orders and projects take time to become well known to sentencers, so new orders and projects must have time to “bed in”. She is consistently surprised by the magistrates on her own bench who are unaware of the existence of the Intensive Alternative to Custody, for example. But Nicola also mentioned that there is now an increasing awareness of these types of orders because reviews are now being undertaken and the magistrates conducting these reviews are coming away with very positive things to say about the orders.

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<sup>9</sup> nef, *Unlocking value: how we all benefit from investing in alternatives to prison for women offenders*, London 2008

Roma Hooper questioned whether this was enough; is now not the time to look at whether magistrate training on the options available to them, is appropriate, and whether they should also be trained to highlight options which are not available to them? Nicola agreed but thought that it would also be useful if probation used the pre-sentencing reports to highlight when an offender is suitable for a particular order, such as an Intensive Alternative to Custody. For Paul McDowell, the question was one of improving the attractiveness of these programmes to magistrates. Rokaiya Khan agreed, arguing that it was not necessarily a case of improving the model or programme on offer, but communicating to magistrates that these are not soft options.

Public trust, and particularly the trust of victims, in these alternatives is just as important, according to Owen Sharp. He thought that it was vital that victims should be aware of what has happened to the person that offended against them. Rokaiya Khan outlined how the Together Women Project has communicated their programme to the public, using the women who have gone through it to speak at events or in the media. Lord Blair asked how can it be communicated to the public that they can be assured that community alternatives work? For Ian Wilson, the response lay in focusing on the multi-faceted nature of community sentences which are not just onerous and punitive, but also rehabilitative, showing that they have statistically been proven to work.

Paul McDowell commented that although he agreed with the statistics, communicating the comparative effectiveness of short custodial sentences versus community alternatives was to show that the latter resulted in reduced crime. The robustness, effectiveness and punitive nature of community alternatives must be communicated to bridge the large perception-reality gap which exists, without which any progress towards a rehabilitation revolution could be derailed. Owen Sharp, responding to Ian Wilson's comments on communicating relative effectiveness to the public, broadened the debate out, asking whether police officers need to have faith in community alternatives as well.

Finally the issue of funding was raised. For Ian Wilson, this is the fundamental threat to community alternatives. "The economics offered by community alternatives", he argued, "means we have got to keep their momentum going. It would be a great shame to lose their economic benefits on the back of spending cuts". Dame Anne Owers agreed, questioning the rationale for a constant replacement of orders with endless new pilots. Community alternatives, she argued, require investment to establish, bed in and influence others to adopt. Paul McDowell therefore asked whether the investment required could come from closing prison wings, to which Clive Chatterton agreed that this was possible, necessary and indeed might happen soon. John Thornhill questioned whether closing wings would be enough. To make sufficient savings, he argued that whole prisons would have to close as the savings accrued from the cost of short term prison sentences of, for example, seven weeks, would only be £2000, whereas an Intensive Alternative to Custody order, which takes twelve months to complete, could be double that.

Peter Osborne concluded the session by thanking the evidence givers for contributing and the audience for participating. He then informed everyone that there would be a third session of the enquiry in the new year, with details to follow shortly.