

7th March 2011

## **Make Justice Work National Enquiry Interim Report Community or Custody: which works best?**

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### **Foreword**

Our criminal justice system is at a crossroads. The Coalition Government has announced radical plans for reform, aiming to cut crime in a more cost-effective way. This is set against the political backdrop of swingeing budget cuts and a desire to reduce the role of the state as the deliverer of public services.

This National Enquiry, commissioned by Make Justice Work, is designed to inform policy makers and highlight what works. In Bradford and Manchester we have seen real innovation where tough community sentences, with integrated and effective support services, are producing promising results. We have found strong expert agreement that these programmes, if sustained and developed, offer the prospect both of reducing the prison population and of reducing the levels of offending in the future.

This consensus, which we fully support, includes practitioners from across the criminal justice system – including police officers, magistrates, prison governors and probation officers, as well as those who are primarily concerned with the needs of victims. Our evidence shows that offenders themselves consider the schemes to be more demanding and challenging than a short prison sentence – and much more constructive.

We recognise that the Government is under extreme financial pressure and that its ability to invest in the development and expansion of programmes such as those we have identified is limited. We are, however, very concerned that most, if not all, of them face the prospect of major cuts in funding at the end of this financial year, and that some may even be forced to close. This would be a disaster and would gravely undermine the likelihood of achieving the goals so boldly set out in the Green Paper.

With the Ministry of Justice now focusing on the detail of their proposals, we are keen to share our initial findings and inform their work. But we are also realistic about the need to ensure community alternatives to custody are placed on a sustainable financial footing.

It is clear that any plans to reduce prison numbers must be coupled with investment in robust community alternatives. Simply having the goal to cut the number of prisoners is not enough. If offenders are not re-directed to community programmes like those we have seen during the course of our Enquiry, there is a risk that they will simply go on to reoffend. Many of us still remember the disastrous care in the community scheme which saw a wave of mental hospital closures and a reduction in the number of hospital places

which outstripped community-care provision. We are still battling today with the problems caused by such ill thought through policy making, driven by a short term need to cut budgets rather than building a more efficient and effective system. Unless the looming funding gap in the criminal justice system is plugged, ministers may well find themselves repeating the mistakes of the past.

We are encouraged by ministers' plans to consider alternatives to custody for low-level offenders. Our Enquiry has shown that short-term prison sentences are costly and ineffective. They allow little opportunity to direct offenders away from a life of crime and instead keep the revolving door turning.

But we are concerned that the Government is setting itself up for a fall. New social enterprise models and a shift towards payment by results are not a quick fix. It will take considerable time for new money to flow into the system and for different funders, charities and private providers to come together and work differently. It is unlikely that it will be possible to continue the invaluable work of such schemes as we have seen without state investment in the short to medium term.

Yet under current plans, front loaded budget cuts are imminent and are set to create a funding black hole. This would have catastrophic consequences for schemes that offer us a passport to a better, and much more effective, way of dealing with crime and preventing offending.

**Peter Osborne (Chair)**  
**Lord Blair**  
**Roma Hooper**  
**Paul McDowell**  
**Dame Anne Owers**  
**Owen Sharp**  
**John Thornhill**

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## **Executive Summary**

This Enquiry, entitled 'Community or Custody: Which Works Best?' was launched in 2010 by Make Justice Work, an independent campaigning organisation. It is an independent, open-minded and objective, rather than scientific, exploration of the views of criminal justice sector practitioners and experts around the country about what works best; community or custody.

The Enquiry is chaired by **Peter Osborne**, author, broadcaster and chief political commentator for the Daily Telegraph. Our panel members to date have been:

- **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 (until March 2011; to be replaced by Javed Khan, incoming Chief Executive of Victim Support)
- **John Thornhill**, Chair of the Magistrates' Association

The panel is evaluating evidence that robust community sentences can be more effective – both in reducing reoffending and reducing cost – than short-term prison sentences, from a cross-section of the UK. Evidence is being gathered on key cohorts of offenders most disproportionately found serving prison sentences of less than 12 months: young men aged 18 to 25; women; those with drug and alcohol problems; and those with mental health needs.

This interim report summarises the findings gathered so far from the first two Enquiry sessions, the first, conducted in Manchester, focused upon the Intensive Alternative to Custody scheme (IAC), and, the second, which looked at the Together Women Project (TWP) in Bradford.

The final two Enquiry sessions will focus on the Criminal Justice Drugs Team in Leicester on April 5<sup>th</sup> and a Mental Health Programme in London on July 11<sup>th</sup>. The panel will report on their findings and will put forward concrete recommendations in September 2011.

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## **Findings**

**Examination of the Intensive Alternative to Custody scheme in Manchester, and the Together Women’s Project in Bradford revealed that they compared favourably with short-term prison sentences in terms both of their effectiveness in reducing re-offending and cost. The detailed findings highlight the following:**

**1. The projects do contribute to the reduction in re-offending.**

Chris Noah, deputy Chief Executive of Manchester Probation, produced figures which compared the reoffending rates of offenders on short term sentences and those given alternatives to custody such as the Manchester IAC. According to her, the reoffending rate for community alternatives is 37%, which she argued, was a substantial improvement on those of short term custodial sentences which is in the region of 61%.

According to further evidence offered at the Bradford event, over the past two years West Yorkshire Police has overseen 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, Detective Superintendent Ian Wilson believes, to the effectiveness of community based programmes.

**2. There are significant cost savings to the public purse.**

Paul Pandolfo, senior Probation Officer with the IAC, offered figures to support this argument; the average cost of an IAC Order in Manchester is £5,400. The minimum length of an IAC order is 12 months. By contrast, the estimated annual cost of a male adult local prison space is £47,000, while a Youth Offender Institution (YOI) place cost £60,000 per year. Someone sentenced to a six month prison sentence will serve three months, at an average cost of £11,250.

The Together Women Project costs from £750 to £1000 per woman per year, compared to £4,500 for a six week custodial sentence. Further evidence was

offered from Professor Hedderman that £1 in support-focused alternatives to prison generates £14 worth of social value, to women, their children, victims and society, over ten years. The long term value of the benefits to society of not imprisoning mothers but instead focusing resources and attention on rehabilitation is in excess of £100million over ten years.

**3. The projects were challenging and demanding for the offenders and were more effective and constructive than imprisonment in changing attitudes and behaviour.**

*“A prison sentence would not have changed my behaviour. If I were given a two month sentence I would have come out of prison exactly the same. On the IAC there is time for rehabilitation”*

Edward, 24 years old, serving an IAC order in Manchester since September 2009

**4. The projects raised the awareness of the offender to victim impact.**

*“I thought driving without a license was a victimless crime, but I can understand now that it wasn’t”*

Edward, 24 years old, serving an IAC order in Manchester since September 2009

**5. The projects achieved high compliance rates compared to other forms of supervision.**

The IAC is achieving better levels of compliance and engagement among young adult males than alternative forms of supervision. Of the 281 IAC Orders imposed since April 2009 only 64 orders have been revoked and resentenced, representing a continuing order rate of 78%.

Rokaiya Khan, Chief Executive of TWP, introduced figures which showed that ‘one-stop-shop’ solutions, like the Together Women’s Project, enforce Intensive Alternative to Custody Orders (IACOs), with overall compliance rates at 96%. (Together Women Impact Report 2009-2010)

**6. The projects enjoyed the confidence of the local police, probation and magistrates.**

The IAC pilot is proving popular with local courts as an alternative to custody due to the high rates of compliance.

However, according to Nicola Stell speaking at the TWP enquiry, new orders and projects take time to become well known to sentencers, so new orders and projects must have time to ‘bed in’.

**7. The enquiries revealed that short term prison sentences were particularly inappropriate for certain offenders.**

According to Chris Noah and Garry Shewan in Manchester, problems with short term sentences are the product of there being insufficient time to address the causes of an offender’s criminal behaviour; many offenders have drug and alcohol problems which are not adequately addressed in prison over such a short period of time.

Professor Carol Hedderman presented evidence to the Enquiry from research conducted by Matrix (The Economic Case for and against Prison, 2007) which revealed that short-term sentences were not the appropriate solution for those with mental health needs or requiring drug or alcohol treatment and that community-based alternatives were both more effective and less expensive.

**8. The Enquiries revealed that there was inconsistent knowledge among magistrates about what projects were available to them locally.**

Nicola Stell said ‘that she was constantly surprised by the magistrates on her own bench who were unaware of the existence of the Intensive Alternative to Custody’

**9. The Enquiries revealed that there were issues around public opinion and perception of community alternatives.**

It was identified that for courts to feel confident about community sentences, public understanding was crucial. Paul McDowell stated that whilst statistics show that reoffending rates for short term sentences are higher than for community alternatives, *“the public does not believe those statistics”*. For Paul Pandolfo, this was a key lesson learnt with the Manchester IAC; external scepticism must be confronted quickly and confidently, he argued, taking the offensive to demonstrate why IACs are of benefit to victims, offenders and society more broadly.

**10. The Enquiries revealed that integral to the projects was the individual, tailored approach adopted for each offender.**

Effective alternatives to custody must also tailor their approach to each offender. Both Paul Pandolfo and Chris Noah in Manchester maintained that the trick was to develop a programme which was relevant and appropriate to the offender and which both discouraged further offending and encouraged reintegration into society. This, approach had, in Pandolfo’s view, already borne fruit in the Manchester IAC pilot.

The women’s 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 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.

**For Information about the National Commission of Enquiry please visit:**  
[www.communityorcustody.com](http://www.communityorcustody.com)

**Ends**