



**Make Justice Work National Enquiry**

**Interim findings record – Manchester 23<sup>rd</sup> July**

Make Justice Work launched a major new criminal justice National Enquiry entitled 'Community or Custody: Which Works Best?' in Manchester on 23<sup>rd</sup> July 2010. The launch event formed the first of four in-depth 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. This event in particular focused on the Intensive Alternative to Custody (IAC) in Manchester and Salford.

The IAC programme is funded by the Ministry of Justice to run for two years through to March 2011 to test the use of intensive community orders to divert offenders from short-term (under 12 months) custody. A number of pilots were established to provide courts with enhanced community sentencing options by combining intensive probation supervision with a mix of demanding requirements and interventions delivered by partner agencies. Seven areas were chosen to pilot IAC orders: Derbyshire, West Yorkshire, South Wales, Dyfed-Powys, Greater Manchester, Merseyside and Humberside.

Launched on the 1<sup>st</sup> April 2009, the Greater Manchester IAC is a two year pilot programme. It targets 18-25 year old male offenders who have tended to be the hardest to engage with and rehabilitate, in a catchment area stretching across Salford and Manchester, which contain neighbourhoods with some of the highest levels of crime and deprivation in the UK. The pilot caters for those without an extensive criminal career, and who are perhaps facing custody for the first time, as well as 'revolving door' cases who are frequently before the courts and in and out of prison on short term sentences. For advocates of the IAC, the premise is that an intensive alternative to custody offers a better hope of achieving rehabilitation and lasting change as well as being more cost effective. The panel travelled to Manchester to gain expert testimonials on whether this premise stood up to scrutiny.

On this occasion the panel members included:

- Sir Ian Blair, former Commissioner of the Metropolitan Police
- Roma Hooper, Director of Make Justice Work
- Paul McDowell, Chief Executive of Nacro
- Owen Sharp, Acting Chief Executive of Victim Support
- John Thornhill, Chair of the Magistrates' Association

The event comprised of six testimonials from key individuals, each covering an important facet of the local criminal justice system.

- Garry Shewan, Assistant Chief Constable of Greater Manchester Police
- Chris Noah, Deputy Chief Executive of Manchester Probation
- Michael Hyman, Councillor for Trafford
- Susan Puffett, Head of Reducing Reoffending
- Paul Pandolfo, Senior Probation Officer responsible for Manchester IAC
- Edward, 24 years old, serving an IAC order in Manchester since September 2009

The evidence from the six testimonials proved revealing, offering diverse perspectives on local crime and sentencing, the IAC, and the broader criminal justice system. Each testimonial was followed by a thorough cross examination by the panel, and the event concluded with a lively and productive question and answer session. This involved the panel, the evidence givers and invited audience, which included local criminal justice sector experts

and practitioners as well as ex-offenders. A number of important themes on custody, short term sentences and community-based alternatives emerged.

### **Is prison unsuitable for certain groups of offenders?**

Roma Hooper, supported by a number of the audience, argued that there were groups within prison who were quite unsuited to that environment, from offenders with learning difficulties and poor mental health, to those with drug and alcohol problems. "Prison" she noted, "is not an asylum." This theme was later picked up by John Thornhill who relayed the story of a paranoid schizophrenic who deliberately resorted to theft in order to go back to prison. Although he had sentenced the offender to custody, he would have much preferred an alternative that addressed the root causes of his offending behaviour.

Although some participants suggested that prison might actually be the best place for treating drug and alcohol abuse, Roma Hooper argued that the evidence on residential drug rehabilitation compared to prison was categorical: it was far more effective than treatment in prison. The problem, according to Sir Ian Blair was the transfer of budgets. If the government cut prison places for these types of offenders, it was more likely in his view, that money would be banked by the Treasury rather than diverted to community-based alternatives.

### **Are community alternatives more effective than short term sentences?**

A theme which emerged from many of the testimonials concerned the argument that short term sentences are ineffective compared to community based alternatives. Chris Noah 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. Panel members claimed that as a result, the Manchester IAC has been popular with local courts, significantly exceeding its target of 178 IAC Orders by 34 in the first 15 months of operation.

Various reasons for the purported effectiveness of alternatives to custody over short custodial sentences were highlighted. According to Chris Noah and Garry Shewan, 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 they thought

Many of the evidence givers, and members of the audience, including previous offenders who had been sentenced to a community order, spoke of the intensive focus community alternatives placed on rehabilitation and behavioural change. In his testimony Edward mentioned how the Manchester IAC had addressed his thinking skills. "I thought driving without a license was a victimless crime, but I can understand now that it wasn't. A prison service would not have changed my behaviour. If I was given two months I would have emerged from prison exactly the same. On the IAC there is the time for rehabilitation." John Thornhill asked whether there was a role for community alternatives in early intervention, with IAC orders being handed down on first or second offence to stop an offender's criminal career at an early stage. Michael Hyman agreed there was room for this kind of approach.

For Paul Pandolfo, the key difference between short custodial sentences and community-based alternatives was the impact they could have on employment, education, family relationships and community ties. Imprisonment disturbed and interrupted these connections which can be crucial factors in persuading an offender's to go straight. Edward's past experience proved illuminating for many of the panel members; he had been given a four month sentence which interrupted his education and meant he could not sit his exams. Upon release from prison, Edward had had to start from scratch, setting back earlier plans that he

previously had to improve his education and employment prospects. Paul McDowell argued that offenders who complete a short term custodial sentence are given minimal resources and support to get their lives back on track, and offenders are released back into the community without statutory services. For Susan Puffett, the longer a person is separated from the community, the more difficult it is to reintegrate successfully into society. She thought that, in contrast, community orders, by definition, work with offenders in the community, building on the foundations they have already laid in education, employment and relationships, and improving the offender's immediate environment to allow them to make sustainable changes for the long term.

Owen Sharp asked how it was possible to reconcile support for community alternatives when some short term sentences do reform an offender's behaviour. Garry Shewan agreed that in some cases, and for some individuals, the experience of prison would have the desired positive effect. In most cases, however, he maintained that short term sentences were ineffective.

The role for short term sentences therefore, for many of the panel, and some of the evidence givers, was minimal. The predominant consensus was that they should be abolished for the vast majority of offenders, but kept as an ultimate sanction for those who repeatedly fail to comply with community orders. John Thornhill, for example, claimed that 95% of short term sentences handed down by magistrates are given to offenders with a significant number of previous convictions and breaches of community orders. Sir Ian Blair also thought that complete abolition was wrong and that short term sentences prove a useful counterpart to community alternatives, providing much needed 'teeth' to the latter. Roma Hooper identified a further danger if short term sentences were partly or totally abolished; the law of unintended consequences could determine that longer sentences were handed out instead of sentences under twelve months, rather than robust community alternatives.

### **The role of public opinion and public perspectives of short sentences versus community alternatives**

For courts to feel confident handing out community sentences instead of short, or even longer, custodial sentences several evidence givers noted that public opinion was crucial. In Paul McDowell's opinion, it did not matter that he thought statistics clearly show reoffending rates for short term sentences are poorer than community alternatives. He claimed there was a discrepancy between what the evidence shows and what the public believes; "the problem is that the public do not rely on these 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.

For Michael Hyman the new coalition government should therefore educate the public about community sentences, which the last government had failed to do. If the public believes in them, he claimed, magistrates will be reassured. For that reason he supported the local Crime Community Sentence initiative which allows probation officers, together with magistrates, to inform the public of what they do; figures show audiences shifting their position substantially from custodial to community sentences following these experiments.

Sir Ian Blair agreed that there has been a long-term systemic failure to explain what happens to offenders after they have been sentenced. The fallout from this, according to Garry Shewan was serious, with people failing to report offences, failing to give evidence, and thereby decreasing the potential for effective action against crime.

Roma Hooper emphasised the importance of the media as a conduit to inform the public. It was considered essential to get stories out into the public domain and engage in a

discussion with the media about crime and justice, as they were often the ones that shaped the public debate on these issues. Over the last twelve months, communications officers working for the Greater Manchester Police had been tasked with providing stories of crime, sentencing, etc to demonstrate how justice was being served.

### **Victims**

There was much agreement that demonstrating justice was being served was crucial, particularly for victims, whose interests must be taken fully into account in any criminal justice reform. An audience member made the point that, if someone was placed in jail, they were unable to commit any further offences. Many evidence-givers and panel members responded that for most victims the primary concern was not to be a victim again, and that no one else should be a victim. If reoffending rates following short-term sentences were much higher than those following community alternatives, victims would favour the latter.

Owen Sharp asked how victims could be made to understand the benefits of alternatives to custody. For Manchester Probation and the IAC, one of the methods being explored was restorative justice. Garry Shewan undertook to present at a later date evidence that the reoffending rate of criminals had been halved by the use of restorative justice conferencing methods - greatly to the benefit of all concerned, whether offenders, victims or society as a whole.

### **Cost, investment and funding**

Many of the evidence-givers and audience members were agreed that short-term sentences were not cost-effective, whereas community sentences were. During a briefing earlier in the morning, Paul Pandolfo had offered figures to support this argument; the average cost of an IAC Order in Manchester was £5,400. By contrast, the estimated annual cost of a male adult local prison space was £47,000, while a Youth Offender Institution (YOI) place cost £60,000 per year.

Investment in community alternatives was broadly considered crucial. Susan Puffet argued that local authorities needed long-term, ring-fenced funding to tackle crime, disorder and offending. But just as important as the level of investment in community alternatives, was the balance of funding between local and central government. By helping twenty offenders back into employment, Salford council had saved the government £800,000 in prison costs; "but we don't see any of that locally." Adjustment of the funding system was required in order to incentivise and reward local authorities. According to Jenny Stokes at Work Solutions, reformers should have the courage of their convictions that intensive alternatives to custody worked and should present a feasible model for 'payment by results' to Ken Clarke.

Sir Ian Blair foresaw a serious budgetary problem. If short-term sentences were cut, it would be some time before any significant savings in the prisons budget accrued. But any expansion in the use of community alternatives would require major investment. In any case, it was unlikely that the Ministry of Justice would be able to hold onto any money it managed to save. The Treasury would almost certainly refuse to release it.. Where would the necessary investment in community sentences come from?

### **Criteria for effective alternatives to custody**

Broad agreement over the necessity of investment in community alternatives was matched by consensus over the need to demonstrate that alternatives to custody were robust and demanding. Otherwise, victims, the police, magistrates and the broader community would lack confidence in the system.

While prison was publicly perceived to be a harsher punishment than a community sentence, Garry Schewan, Paul McDowell and others thought that some offenders actually regarded a short prison sentence as less demanding. Alternatives to custody, they argued, involved a restriction of liberty over many months, and intensive employment and behaviour management programmes. Edward agreed, claiming that when he was sentenced to the IAC he was disappointed not to have been given a short sentence instead, given the time it takes to complete the order.

Roma Hooper asked what criteria had to be satisfied in order to ensure that alternatives to custody were effective and robust, so that they achieved their aim of reduced reoffending, and successfully rehabilitated an offender. Several were highlighted.

1) *Housing, employment and education*

These three provisions were considered essential by panel members such as Roma Hooper and Paul McDowell, as well as a number of evidence-givers. For Chris Noah, "it is an old adage that there is little point in working with an offender to address their thinking skills if they are homeless". It was well documented that safe, stable accommodation and employment was fundamental to reducing reoffending. Likewise, low numeracy and literacy meant that many offenders never even thought of applying for employment. Sir Ian Blair quoted recent work by a Youth Offending Team in the North of England which found the average reading age of offenders was so low that many found it difficult to grasp what was being said to them in court. Offenders surveyed could often not understand words such as 'victim' or 'solicitor' and consequently, did not comprehend either warnings issued or the assistance being offered to them.

2) *Personal relationships*

All the evidence-givers expressed, to varying degrees, support for the idea that positive and trusting relationships were essential to reduce reoffending, whether that came from a mentor, a probation officer, or key worker.

Familial and peer relationships, in particular, were deemed crucial. Short-term sentences, it was argued, disrupted family relationships in ways that could be very unhelpful. One offender, mentioned by Susan Puffet, had recently told the Back to Work team, "I am not going back to prison again, I miss my little girl so much and I am not seeing her grow up." The IAC in Manchester therefore provided participants with a family support officer.

As Paul Pandolfo noted, there was also often a need to remove offenders from negative peer relationships and to help them to forge more positive ones. Prison, according to Edward, did the reverse, forming connections and peer relationships with other criminals rather than positive role models. According to Roma Hooper, more research was required here and the government must be convinced that relationships really mattered.

3) *Drug and alcohol rehabilitation*

Criminal behaviour is often closely associated with drug and alcohol problems. Short term sentences, it was argued, were ineffective at addressing these factors for the simple reason that there was not enough time to do so. In sharp contrast, the length of Intensive Alternatives to Custody and their programmes to challenge and change offending behaviour meant that there was a much greater focus on drug and alcohol

rehabilitation.

#### 4) *Multiple agencies*

Lastly, it was argued that effective inter-agency cooperation was essential. The key to programmes such as the Intensive Alternative to Custody in Manchester, Paul Pandolfo argued, was an Integrated Offender Management approach where probation and police worked closely together alongside a range of public, private and third sector organisations to implement a structured sentence plan – efficiently utilising all available skills and resources. The need to work closely with all agencies to support the reduction in reoffending, claimed Chris Noah, had long been recognised by Greater Manchester Probation Trust. This was the primary reason, it was argued, why over 75% of offenders in GMPT completed their orders satisfactorily.

However, in Sir Ian Blair's view, the wide range of agencies involved could also be problematic. He described a 'crowded landscape' in which organisations with differing targets often found it very difficult to collaborate effectively.

It was also considered that alternatives to custody should also tailor their approach to each offender. Both Paul Pandolfo and Chris Noah 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 born fruit in the Manchester IAC pilot.

After an interesting evidence giving session and fruitful question and answer session from the audience, Peter Osborne thanked all those who attended and informed everyone that the next session of the national enquiry would be held before the end of 2010, with details to follow shortly.

#### **Conclusion**

The intensive interventions and robust offender management arrangements delivered by the Manchester IAC were producing impressive results. Despite the challenging client group and difficult economic climate, on average 24% of unemployed IAC service users had found full time work. The IAC was also achieving better levels of compliance and engagement among young adult males than alternative forms of supervision. As a result, the pilot was proving popular with local courts as an alternative to short-term custody. It had significantly exceeded its initial target, attracting 212 Orders in its first 15 months of operation against a target of 178. These successes had not come at any additional cost. On the contrary, given that 65% of IAC cases in Greater Manchester were aged 18-21 and so would have received a YOI imprisonment at £60,000 per annum, the IAC was, by comparison highly cost-effective.

**Comment [a1]:** This does not pass the Nick Ross test and so I think it should be completely deleted. This more analytical section should be included in the final report, not the interim one.

ENDS