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**RE-OFFENDING
IN THE
CRIMINAL JUSTICE SYSTEM**

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The main objective of the Criminal Justice System cannot be just to punish and contain. It must also be to reduce the level of criminal activity. Some might argue that we can achieve this with strong punishment and long incarceration. However in practice this does not seem to be the case and more punishment, and in particular more prison sentences, do not in general dissuade criminals from offending again. The community justice system does not seem to be very much more successful either. The only 'success' seems to be that while criminals are in prison they cannot be committing offences in the rest of society. However if that imprisonment alienates and brutalises those who undergo it, so that when they are released they are even more likely to commit crime, the system is an abject failure. The ultimate solution following this path is to lock up even minor criminals for life. This would be as disproportionate a sentence as deporting a man to Australia for stealing a loaf of bread. .

We need to unpack the issue of re-offending.

First we need to consider who offends and re-offends¹. The majority are young men aged 16 to 30. They are often some of the most vulnerable members of our society. Many are drug users² and have one or more mental illnesses³. They come, in many cases, from dysfunctional families and many have been in care⁴. At school they are often failures⁵, are bullied and bully others, and in many cases they are very angry. It is no wonder that they kick against their lot in society and turn to crime. There is much we can do to help these young people before they become criminals and in small ways the government is working at this, but it is not enough. (However this is not the subject of this paper and "Youth Offending" will be the next Penal Affairs Panel paper to be issued during 2009.)

So, let us consider that a vulnerable, mentally ill, addict has committed a crime and comes before a court. Unless we can change the prison regimes we need to send as few as possible to prison. We need to spend the money elsewhere. We need to give the addict proper residential treatment. Studies have shown that good residential drug treatment has a far greater success rate than imprisonment in preventing re-offending⁶. Although many prisons have withdrawal programmes, they do not have a good record of success and many have very minimal facilities⁷. Good treatment is complex and expensive, but the fact that it has been calculated to offer a better chance of deterring re-offending, makes us ask why prisons are so unsatisfactory in this respect.

Prison, it turns out, is the last place to learn to manage without drugs. It is common knowledge that drugs are readily available in prisons. We are led to believe that the prison authorities may allow this because it makes for a calmer prison. A substantial proportion of those who enter prison drugs free emerge as addicts⁷. Is it surprising that we get high levels of re-offending? We need a transformation in the way prisons are run and *administered* and the provision of appropriate residential treatment programmes.

Imagine you are one of the many prisoners who suffer from one or more mental disorders. Is the current brutalising regime, with overcrowding and long periods in often shared cells, one which will offer you a good chance to recover? Nobody could possibly say it was or say that it would not make the condition worse. The number of psychologists working with prisoners is woefully inadequate and compares miserably with those available in many other countries⁹. Of course, they will cost more money, but in the end it is money well spent and will result in less re-offending and save money.

Many of those who are convicted of criminal activity are unable to get or hold alternative “work” because they cannot read adequately and have very low levels of numeracy⁵. Prisons just do not do enough to remedy this situation. Nor do they offer enough vocational training. The organisation of training is haphazard and not given the necessary priority. Prisoners are paid less *for undertaking educational training than* for time doing useless humdrum jobs. So they revert to what they know and have learned a lot more about while in prison - criminal activity.

Prison does little to raise the self-worth of those in prison. Prisoners are part of a brutal regime and often emerge more vulnerable than when they entered. Prison does offer a certainty in life that can often be comforting. The result is that vulnerable young people can commit crimes in order to return to the “security” of prison. They are little prepared for life on the outside and have lost the contact *with* and support of their families¹⁰ so that they feel *that by* committing more crime they have nothing further to lose. The idea that prison is a place to build people up rather than put them down is foreign to many parts of the current prison regimes. Rehabilitation has been submerged by the many problems in the prisons.

When people come out of prison they have difficulty¹¹ getting jobs and often they have nowhere to live¹². Their problems are made much worse if they are on drugs, have mental disorders and no skills. It is not surprising that we have high levels of re-offending.

The costs of re-offending are gargantuan¹³. It is not just the cost of prison or community sentences, but the cost of the criminal acts themselves, the cost of the police time, the cost of the court time and the costs of the many agencies involved. It makes total economic sense and is in the end self financing to take the right steps to reduce re-offending.

- We need the widespread availability of good residential drug treatment.
- We need a massive increase in the availability of mental treatment.
- We need regimes that do not brutalize.
- We need to eliminate drugs in prisons.
- We need to make education excellent, available and compulsory (with incentives).
- We need to make sure that every released prisoner has a job for a period.
- We need to see that every released prisoner has somewhere to live.
- We need to organise the means for maintaining regular family contact.

Community sentences require much the same attention in much the same ways. Avoiding prison removes some of the factors that contribute to re-offending. However we still need to improve the facilities to treat mental illness and drug addiction, for mentoring by more able prisoners and for learning new skills, for finding somewhere stable to live and for getting a job. At present not spending adequately in these areas is false economy. In the end it results in more rather than less criminal activity and even greater costs.

The factors that lead young men, and also young women, to criminal activity *and* which often spill over into adulthood are, in many cases, not of their own making. The vulnerability resulting from poor parenting, from family unemployment, from failure at school is not really the responsibility of wicked individuals, but is in great part the result of a society which causes the vulnerability that leads to criminal activity.

We all need to see that something is done about it.

Notes:

¹ Of the 280,000 people sentenced for indictable offences in 2007, 78% had been previously convicted and about half were sentenced to custody. The prison population is 95% men and 5% women and 58% of the men and 51% of women are reconvicted within two years of release. This is a few per cent higher for those serving less than twelve months. However for younger prisoners those under 21 the two year reconviction rates rise to 80% and for those serving short sentences it is 92%.

Over 83,000 offenders are currently in prison and the numbers are rising. This includes nearly 14,000 on remand awaiting trial. Of the 136,000 people sentenced to prison in 2007 42% ,57,000, were sentenced to serve 6 months or less, but due to time on remand and early release, on conviction they serve only 7 weeks in prison and thus comprise only 8% of the convicted prison population while 87% are serving sentences of over 12 months. Only some 4000 are women and of the remainder 2500 are juveniles (15-17 yrs), 10,000 are young males (18-20yrs).

² In the year before imprisonment two thirds of prisoners used illegal drugs and about 30% admitted to using heroin or crack cocaine. 60% admitted to drinking at a level which carried the risk of physical or mental harm.

³ 95% of young prisoners (15-21yrs) suffer from a mental disorder and 80% from two. Over all prisoners 70% suffer from two or more mental disorders, 8% a psychotic disorder and over 60% a personality disorder. Over one fifth had previously attempted to commit suicide.

⁴ About 50% of prisoners had run away from home and just over a quarter had been taken into care as children. Nearly half (43%) had a family member who had been convicted of a criminal offence.

⁵ 30% of prisoners had been regular truants at school – 85% of short sentenced male prisoners involved in drug misuse. Over half had no qualifications at all and nearly half had been excluded from school. Half of prisoners had a reading age below that of an 11 year old, two thirds in numeracy and four fifths in writing.

⁶ A report by the Matrix Knowledge Group in November 2007 worked out from current experience that residential drug treatment as a sentencing option instead of prison was so much more effective for drug addicts that taking reoffending into account it would save circa £88,000 per offender.

⁷ It is estimated that about a third of those who enter prison drugs free emerge as addicts.

⁸ Due to overcrowding and lack of facilities an increasing number of prisoners share cells, are frequently moved (often to places considerable distances away from their family), and are confined to cells for extended periods.

⁹ Compared to Finland it has been calculated that the prison service would need 10 times the number of psychologists to reach the Finnish level.

¹⁰ Approaching half of prisoners say they have lost contact with their families. In one survey in 2001 prisoners were held on average 53 miles from home. With current overcrowding this is likely to have increased but also indicates that many prisoners are held at much greater distances from their home as well as some nearer. About a quarter of young male offenders are fathers and over a third of young female offenders are mothers. Research indicates that the number of prison visits are dropping. A quarter of families face a round trip journey to visit of over 5 hours. More than a third of prisoners do not receive the minimum statutory entitlement of two visits a month.

¹¹ Research has shown that employment reduces the risk of re-offending yet one third arrive in prison from unemployment and three quarters leave prison without a job to go to.

¹² Research suggests that stable accommodation can make a difference of 20% in reoffending levels yet around a third leave prison without anywhere to stay.

¹³ The costs associated with a conviction average about £100,000. This is composed of two thirds of cost before conviction and then one third after conviction. If 120,000 are sentenced to a period of custody this brings the annual cost of reoffending to £12billion. In fact the cabinet social exclusion unit calculated the cost as £11billion.

Principal sources:

(Please note: While an enormous number of research reports and commentaries exist it can be difficult to extract absolutely accurate figures. The figures quoted while of the right order may in reality vary a little due to this fact and any recent improvements or deteriorations since the information was reported.)

*Reducing re-offending by ex-prisoners - report by the Cabinet Office Social Exclusion Unit 2002
Ministry of Justice Statistics and Reports.*

Make Me a Criminal - IPPR report February 2008

Risk and Protective Factors - Research undertaken on behalf of the Youth Justice Board.