

The Centre for Social Justice

Green Paper on Criminal Justice and Addiction

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Foreword

The Centre for Social Justice (CSJ) exists to put social justice at the heart of British politics. In *Breakthrough Britain* we identified how poverty, and its reversal, runs much deeper than an absence of money.

For too long politicians of both the Left and the Right have focused narrowly on tackling poverty by initiating tinkering reforms to the tax and benefit systems, using a simplistic economic view of poverty. Yet while income has a significant bearing on whether a person lives in poverty or not, this one-dimensional approach has failed too many communities.

As the CSJ visited Britain's most deprived communities, and as we listened to those working for change within them, we quickly discovered five common drivers of poverty: family breakdown; educational failure; intergenerational worklessness; severe personal debt; and addiction to drugs and alcohol. These 'pathways to poverty' both cause and entrench dependency.

Consider a family living below the income poverty line, headed by a drug-addicted lone parent. A decision taken to increase the family's income through changes to different benefit entitlements might technically move the household above the income poverty line. However, for as long as the parent remains a drug addict, the family will, in all likelihood, remain in both economic and lifestyle poverty as a large proportion of the household's increased income funds the continuing substance dependency.

Therefore, unless we are serious about tackling the drivers of poverty, as well as increasing income in our poorest areas, we will continue to fall short in our aspiration to fight it.

The CSJ also quickly recognised that there is one system which picks up the pieces of poverty more than any other: the criminal justice system. As our criminal justice reviews and this Green Paper make clear, crime is most prevalent in our poorest communities, victims are disproportionately drawn from our poorest areas, and the majority of offenders have backgrounds of considerable social breakdown.

Take our adult prison population as an example: a third of prisoners were in care; half have the literacy and numeracy abilities of an 11 year old child; and 70 per cent have two or more mental health disorders.

No poverty or breakdown excuses crime. We are clear we need a system that serves justice for victims and punishes the criminality of offenders. Yet far too often in policy-making and public debate, the link between social justice and criminal justice has not been made. I am pleased our work has reignited the call to do so.

Our criminal justice work also highlights why and how the system is failing communities. For too long our police have been handcuffed by targets, bureaucracy

and Whitehall prescription. Our judicial system is increasingly disconnected from the communities it should serve and a lack of transparency in sentencing has fuelled public distrust. Hardworking probation officers – undermined by the National Offender Management Service (NOMS) experiment – are forced to tick boxes and manage unworkably large caseloads. Toothless community sentences too often leave sentencers with no option but prison. Many prisons are now simply purposeless and overcrowded warehouses, devoid of rehabilitation.

Fuelling much of the crime in our communities are drugs and alcohol. Victims of violent crime believe their attacker was under the influence of alcohol in between half and two thirds of cases, and the Government estimates that more than 50 per cent of the prison population has a serious drug problem.

In *Breakthrough Britain* the CSJ was critical of our poor educational and preventative programmes and a fatalistic treatment strategy. Many of these criticisms still stand and it is important they were included in this Green Paper.

This paper presents an achievable vision that places full recovery at the heart of the drug and alcohol treatment system, and rehabilitation at the heart of the criminal justice system. It calls for a bold but necessary restructuring of the justice system – through elected Crime and Justice Commissioners – to hand leadership, power and accountability back to local communities. Its implementation would put police officers back on the streets and enable them to use the brave instincts that first inspired them. It would introduce transparency in sentencing and deliver more effective justice. It would transform our prisons from institutions of containment to instruments of change. It would break the re-offending cycle and make our communities safer. And it would deal with the addiction and substance abuse ruining lives and fuelling so much of this criminal activity.

This is an agenda too important for purely punitive politics and headline grabbing initiatives, and it is too costly for continued failure. The bill for public order and safety has risen by 49 per cent in real terms since 1998, and crime by ex-prisoners alone costs our society at least £11 billion every year. Given Britain's grave economic predicament we literally cannot afford more of the same.

The new coalition Government has a significant opportunity to do things differently. We welcome several of the key announcements it has made since entering office about the criminal justice system, and the addiction that fuels it. We hope that these intentions translate into targeted action.

If implemented, this Green Paper would go a long way to building the second chance society Britain urgently needs – for the sake of victims, offenders and our communities.



Gavin Poole

Executive Director, the Centre for Social Justice

CHAPTER ONE

Picking up the pieces of social breakdown

1.1 Poverty, social breakdown and the criminal justice system

The criminal justice system must serve every community – regardless of wealth or class structure – and it should respond justly to offenders and victims from every section of society. However, in order to understand the nature of crime and implement effective and lasting criminal justice reform, it is vital that policy-makers recognise that the majority of people who come into contact with the system are drawn from our most disadvantaged areas. It is essential that the link between social justice and criminal justice is fully understood.

1.1.1 THE OFFENDING BASE

Overt criminal behaviour is overwhelmingly concentrated within our poorest communities and although we should not immediately conclude that offenders live in these areas – they may simply operate there – independent evidence demonstrates that criminals are disproportionately drawn from our most deprived neighbourhoods.

“One magistrate told us that a sizeable portion of the defendants she saw were from particular streets which she could name.”

Evidence taken by CSJ Courts and Sentencing review,
Order in the Courts

A study of the Scottish prison population in 2003 found that the poorest areas of Scotland were significantly over-represented: the rate of imprisonment among men was 953 per 100,000 in the most deprived communities (on the Scottish Index of Multiple Deprivation), which compared to a Scottish average of 237 per 100,000. Among 23 year old men this rose to 3,427 per 100,000: one in 29 of all 23 year-olds from these areas were in prison.¹ When looking at the urban prison population, the statistics are even starker. In Glasgow City prison, for example, six out of ten offenders supplied a residence address which was in the poorest social housing estates.

¹ Houchin, R., *Social Exclusion and Imprisonment in Scotland*, Glasgow: Glasgow Caledonian University, 2005, p.18.

1.1.2 BACKGROUNDS OF BREAKDOWN

Further illustrating the link between poverty and criminality are the social characteristics of offenders in contact with the criminal justice system. The overwhelming majority have backgrounds of multiple social exclusion and severe social breakdown.

Family breakdown

As *Breakthrough Britain*² and the recent *Centre for Social Justice Green Paper on the Family* outlined,³ stable and healthy families are the foundation of strong societies. It is within the family unit that an individual's physical, emotional and psychological development takes place. Stable, healthy families give children the best start in life.

As the family Green Paper also outlines, however, Britain has peculiarly high levels of family breakdown which is particularly prevalent in our most deprived communities. It is unsurprising, therefore, that a significant number of offenders come from chaotic, abusive and dysfunctional family environments.

Childhood abuse amongst young offenders:⁴

- 42 per cent of female young offenders had experienced violence at home
- Nearly a quarter of male sentenced and remand young offenders had experienced violence at home
- Nearly one in three female young offenders had experienced sexual abuse

The Home Office's Offending, Crime and Justice Survey clearly demonstrates this correlation between negative family experiences and offending. Where the 10–15 year old has experienced family breakdown or poor parenting, the likelihood of offending is significantly increased, in many cases, particularly for frequent and serious offenders, the likelihood has doubled or more.⁵ Studies also show that up to 70 per cent of young offenders come from lone parent families⁶ and approximately a third of all adult prisoners had contact with the care system as a child – this rises to 50 per cent for offenders under 21 years old.⁷

2 The Centre for Social Justice, *Breakthrough Britain*, London: The Centre for Social Justice, 2007.

3 The Centre for Social Justice, *Green Paper on the Family*, London: The Centre for Social Justice, 2010.

4 Lader, D., Singleton, N. and Meltzer, H., *Psychiatric Morbidity Among Young Offenders in England and Wales*, London: ONS, 2000.

5 *Young People and Crime: Findings from the 2005 Offending, Crime and Justice Survey*, Home Office, 2006.

6 Youth Justice Board, *Review 2001/2002: Building on Success*, London: Stationary Office, 2002.

7 Social exclusion Unit, *Reducing re-offending by ex-prisoners*, London: Cabinet Office, 2002, p.18.

Furthermore, significant levels of crime occur within dysfunctional families. Every minute of each day the police receive a domestic assistance call,⁸ and a recent Home Office report found that domestic violence accounts for up to a quarter of violent crime in England and Wales.⁹

Parental crime dramatically impacts the behaviour and life chances of their children. Approximately 160,000 children experience the imprisonment of a parent a year – this is approximately two and a half times the number of children in care. Within five years it was estimated by the previous Government that this number could increase to 200,000.¹⁰ Indeed, during their time at school, 7 per cent of children experience their father’s imprisonment.¹¹

The imprisonment of a parent is highly damaging for children. Studies have found that the increase in emotional strain on children with a parent in prison means that their risk of developing mental health problems and engaging in anti-social behaviour is three times higher than that of their peers.¹² The Social Exclusion Taskforce also found that such an experience was particularly damaging for boys with a parent in prison. It cited research which found that 65 per cent of boys with a convicted parent will themselves go on to offend in later life, thus increasing the likelihood of future crime in our communities.¹³

Educational failure

Figure 1: Educational failure in our prison system¹⁴

Social characteristic	Percentage within prison population	Percentage within general population
Excluded from school	Males: 49 per cent Females: 33 per cent	2 per cent
No qualifications	Males: 52 per cent Females: 71 per cent	2 per cent
Numeracy at or below level of an eleven year old child	65 per cent	23 per cent
Reading ability at or below level of an eleven year old child	48 per cent	21–23 per cent

8 Amnesty International, *It’s in our hands-stop violence against women*, London: Amnesty International, 2004, p.1.
 9 Home Office, *Domestic Violence: A National Report*, London: Home Office, 2005, p.28.
 10 Department for Children Schools and Families and Ministry of Justice, *Children of Offenders Review*, London: Department for Children Schools and Families, 2007, p.7.
 11 Department for Education and Skills, *Every Child Matters*, London: Stationery Office, 2003, p.43
 12 Murray, J., *Research on the effects of parental imprisonment on children*, section of SCIE report written by Joseph Murray, not published – cited in Department for Children Schools and Families and Ministry of Justice, *Children of Offenders Review*, London: Department for Children Schools and Families, 2007, p.5.
 13 Cabinet Office Social Exclusion Taskforce, *Reaching Out – Progress on Social Exclusion*, London: Cabinet Office, 2005, p.7.
 14 Social exclusion Unit, *Reducing re-offending by ex-prisoners*, London: Cabinet Office, 2002, p. 19.

Poor quality education in our most deprived communities renders many people ill-equipped for adulthood. Where schools should offer hope and a future, too many instead entrench social breakdown and dysfunctionality. The results are most clearly apparent in our criminal justice system, where many offenders enter (and leave) illiterate, innumerate or significantly below expected levels of academic and social ability. The table above outlines the nature of educational underachievement within our prisons.

Economic dependency, worklessness and personal debt

Intergenerational worklessness – driven largely by educational failure and a benefits system which disincentivises work or progression in work – is a common characteristic of life in Britain’s poorest communities. Before the recent economic recession, the number of working age adults in receipt of out-of-work benefits reached 5.4 million and youth unemployment had remained virtually static for a decade (it is now increasing).

The correlation between worklessness and offending cannot be ignored. Nearly two-thirds of young offenders did not have a job at the time of their arrest,¹⁵ and 70 per cent of prisoners were in receipt of benefits prior to imprisonment.¹⁶ In addition, approximately half of all prisoners have a history of personal debt.¹⁷ During the CSJ Prison Reform Review, witnesses frequently cited poverty and damaging debt as a driver of offending and, in particular, re-offending.

Multiple needs

The assertion that offenders are drawn from our most disadvantaged communities and represent some of our most vulnerable individuals is further confirmed by the fact that 70 per cent of prisoners have two or more mental health disorders,¹⁸ and almost a third were homeless prior to their imprisonment.¹⁹ It goes without saying that poverty should on no occasion excuse crime, but unless policy-makers recognise and act on the fact that many offenders experience multiple and preventable social breakdown during their lives, the cycle of crime in Britain is likely to continue.

1.1.3 POVERTY AND VICTIMS OF CRIME

If it is unsurprising that the majority of offenders originate from our poorest neighbourhoods, it is perhaps less understood that so too do our victims: victim and victimiser inhabit the same areas. While many middle class people spend significant sums of money alarming their houses, barring their windows and

15 Ibid, p.173.

16 Ibid, p.21.

17 Ibid.

18 Ibid.

19 Ibid.

securing their cars, it is the people living in our dysfunctional social housing estates and chaotic inner towns and cities who encounter crime on a daily basis.

High victimisation and re-victimisation rates

Across a range of crimes, people living in the 20 per cent most deprived Local Authorities (LAs) are twice as likely to be victims of crime than those living in the 20 per cent least deprived LAs.²⁰ More specifically, those categorised as ‘inner city adversity’ by the Acorn classification system are almost four times as likely to be a victim of theft from their person than the average person, and 60 per cent more likely to have been victims of violence in the past 12 months.²¹

Furthermore, we have consistently heard evidence from witnesses about high levels of unreported crime in deprived areas – at least in part (as discussed below) due to mistrust of and lack of confidence in the criminal justice system.

As a young man on a deprived social housing estate in Croydon told the Courts and Sentencing review:

“No one reports nothing nowhere... If it [burglary] happened to me I’d take the law into my own hands – I don’t see them giving out good enough punishment.”

Why report crime if you don’t expect it to be solved?

A recent Ipsos MORI study showed that living in a deprived area is independently correlated with having less confidence in the way crime is dealt with locally.²² This is perhaps unsurprising given that, according to the British Crime Survey (BCS), people living in ‘Hard-Pressed’ areas are twice as likely to think that crime *locally* has increased ‘a lot’ compared to those in ‘Wealthy Achiever’ areas.²³ If you perceive crime to be getting worse, you are unlikely to believe that the police and the wider criminal justice system are doing a good job.

One of the results of low confidence in the criminal justice system is disengagement from it. This goes some way in explaining why true crime levels are anywhere between 6 and 26 times higher than that recorded by the police.²⁴

1.2 Drug and alcohol addiction: a pathway to poverty

Drug and alcohol abuse ruins lives, fuels crime and destroys communities. Numerous addiction workers, former addicts and social commentators claim Britain is now in the grip of an addiction epidemic.

20 Home Office, *Crime in England and Wales 2007/08: Findings from the British Crime Survey and police recorded crime*, Table 6.11, 2008, p.163.

21 Ibid.

22 Ames, A. et al., *Anti-social behaviour: People, Place and Perceptions*, Ipsos MORI, 2007.

23 Home Office National Statistics, *Crime in England and Wales 2007/08: Findings from the British Crime Survey and police recorded crime*, 2008, p. 130.

24 Garside, R. and McMahon, W., eds., *Does criminal justice work? The ‘Right for the wrong reasons’ debate*, Crime and Society Foundation, 2006, p.17.

According to the independent UK Drug Policy Commission, the UK ‘has the worst drug problem in Europe’. It claimed the UK has the highest rate of problem drug use and the second highest rate of drug-related deaths.²⁵

Yet while addiction and substance abuse affects the whole of society, as *Breakthrough Britain*²⁶ outlines its prevalence and impact is disproportionately acute in our poorest communities. Alongside the other four key drivers of poverty and social breakdown in Britain – identified by the CSJ as family breakdown, educational failure, economic dependency and worklessness, and severe personal indebtedness – drug and alcohol abuse, and addiction, significantly increases the likelihood that a person will be living in poverty. Such behaviour also entrenches poverty.

1.3 Addiction and substance abuse in the criminal justice system

Addiction and substance abuse do not merely impact the lives of users and their immediate neighbours, but wider society as well. This reality is most apparent in the patterns and levels of criminal behaviour: drugs and alcohol fuel crime in communities on a daily basis.

Importantly, the public recognises this link. The most recent BCS poll of the national population found that the public views drug use as a significant cause of crime in Britain today, with 68 per cent of people polled selecting it as a major cause of crime.²⁷ Just over one in four people (26 per cent) went further, describing drug use as the main cause of crime.²⁸

A typical offender

Jack is a boyish 24 year-old, under sentence at the Glasgow Drugs Court. He started using drugs at 12 and started on heroin at 16. He used ‘one or two bags a day’ – on average costing £30-40 a day. To fund this he stole SatNavs, and sold them for £40. Jack was a one-man crime wave.

1.3.1 DRUG AND ALCOHOL FUELLING CRIME

Drug and alcohol abuse fuels crime directly – the use or sale of an illicit substance itself – and indirectly – crimes resulting from the offender being intoxicated, or which are committed to fund an addiction.

25 Reuter, P. & Stevens, A., *An Analysis of UK Drug Policy*, London: UK Drug Policy Commission, 2007.

26 The Centre for Social Justice, *Breakthrough Britain, Volume Four: Towards Recovery*, London: The Centre for Social Justice, 2007.

27 Home Office, *Crime in England and Wales 2008/09: findings from the British Crime Survey and police recorded crime*, London: Home Office, 2009, p.96.

28 Ibid, p.96.

The number of crimes for which the substance is integral to the conviction, although significant, remains relatively low. In 2008 the number of offenders convicted and sentenced for drug offences (at all courts) was 56,953,²⁹ while the number charged with drunkenness was 21,321.³⁰

However, policy-makers should direct more attention to the broader categories of crimes which are linked to substance abuse. Although it is difficult to ascertain the exact scale of drug- and alcohol-fuelled crime from police recorded statistics, the BCS provides considerable insight.

Alcohol and Violent Crime

The latest BCS found that victims of violent crime believed their attacker was under the influence of alcohol in 47 per cent of incidents, which increased to 62 per cent when they did not know the attacker. This represents almost a million (973,000) incidents of ‘violence against the person’ where the victim believed the offender to be drunk. The victim believed the offender to be on drugs in 17 per cent – 334,000 – of violent incidents (these proportions are similar to previous years).³¹

In addition, the Home Office Arrestee survey 2003–2006 showed the high proportion of people who judged themselves to be violent after drinking alcohol (even if no crime was committed): across all ages, almost 40 per cent of respondents reported violent behaviour after drinking, with nearly half of 17–24 year olds reporting this tendency.³²

As well as those crimes committed by offenders under the influence of drugs or alcohol, there is a broader category of crime which is indirectly caused by substance abuse.

Acquisitive crimes – muggings, domestic burglaries, car thefts and shoplifting offences – are committed in large numbers by drug users and addicts to fund their habit. Research about street violence found that 60 per cent of these offences had been committed to fund serious or recreational use of drugs, or while under the influence.³³ The Home Office similarly reported that 75 per cent of crack and heroin users claim to commit crime in order to feed their habit.³⁴

“Funding a heroin habit can require an individual stealing up to £100,000 worth of goods a year to sell on.”

Criminal Justice drugs worker in discussions with the CSJ Prison Reform Working Group, 2008

1.3.2 DRUGS AND ALCOHOL FLOW THROUGH PRISONS LIKE A RIVER

A high proportion of our prison population are drug users. The prevalence of drugs in our prisons is shocking, drug testing regimes are easily navigated,

29 Ministry of Justice, *Criminal Statistics, England and Wales 2008*, London: Ministry of Justice, 2009, supplementary table S5.1.

30 Ibid.

31 Home Office, *Crime in England and Wales 2008/09*, London: Home Office, p.57.

32 Boreham, R., *The Arrestee Survey 2003–2006*, London: Home Office, 2007, p.7.

33 Bennett, T., *A Qualitative Study of the Role of Violence in Street Crime*, Economic and Social Research Council, 2006, p.7.

34 Home Office, ‘*Drug-related crime*’, available at: <http://www.homeoffice.gov.uk/crimevictims/reducing-crime/drug-related-crime> [Accessed February 24, 2009].

there is a dangerous custodial treatment imbalance which marginalises full recovery and too many discharged prisoners are more likely to be met by the local dealer than a support worker.

Huseyin Djemil, the former head of drug treatment policy at the National Offender Management Service (NOMS), recently estimated that the annual prison drug trade is worth £100 million,³⁵ and during our criminal justice review we found no one willing to disagree with this claim.

We also received evidence, consistently, that the drug trade in prison is, in part at least, flourishing as the result of half-hearted and weak enforcement strategies. One senior prison officer claimed that the number of corrupt prison officers was also increasing, which significantly undermined existing security efforts.

A wide range of estimates – official and unofficial – have been made to ascertain the number of prisoners with a drug problem. In 2003, a Home Office report found that more than half of all prisoners reported committing offences linked to their drug addiction, citing the need for money to fuel their habit as the most common incentive.³⁶ A more recent Home Office Freedom of Information release suggests the prevalence is now greater: it concluded that 55 per cent of prisoners received into custody each year are Problematic Drug Users (PDUs). This equates to approximately 70,000 people or more than 40,000 prisoners at any one time (the equivalent of 1 in 6 of all PDUs in England).³⁷

The influence of alcohol in the prison population is also significant. Research presented by the Social Exclusion Unit found that 63 per cent of men and 39 per cent of women in prison had recently engaged in hazardous drinking.³⁸ Too often, the production and consumption of alcohol in prison is treated as nothing more than a harmless, even humorous, pastime by officers and inmates alike.³⁹

Addiction to drugs too often starts in prison

Perhaps most disturbingly, addiction and substance abuse too often *begins* in prison. According to the Ministry of Justice one in five men who report using mainstream drugs first used them in prison.⁴⁰

“One in five men who report using mainstream drugs first used them in prison.”

Rt. Hon David Hanson, then Minister of State for Justice, 2007

35 BBC News, ‘Prison Drugs Trade worth £100 million a year’ <http://news.bbc.co.uk/1/hi/uk/7339876.stm> – accessed 6 April 2010

36 Ramsay, M. (ed), *Prisoners’ drug use and treatment: seven studies*, London: Home Office, 2003.

37 Home Office, *Freedom Of Information Release 4631*, 6 December 2006.

38 Social Exclusion Unit, *Reducing re-offending by ex-prisoners*, London: Cabinet Office, 2002, p.20.

39 Evidence given by witnesses to the Prison Reform Working Group, November 2007–March 2009.

40 Hansard, House of Commons written answers, 14 November 2007.

CHAPTER TWO

The need for reform

2.1 Addiction and substance abuse: a fatalistic strategy

2.1.1 A SIGNIFICANT MINORITY

According to a recent report by the Centre for Policy Studies, despite annual Government expenditure on drugs and alcohol amounting to £1.5 billion a year, the UK still has the worst drug problem in Europe.⁴¹

There are 332,000 Problem Drug Users (PDUs) in England and Wales, the equivalent to more than 10 per 1000 of the adult population.⁴² This compares poorly to 4.5 in Sweden and 3.2 in the Netherlands.⁴³ Although the number of people dependent on alcohol is much more difficult to ascertain, official estimates claim up to 1.3 million children have a parent with an alcohol abuse problem.⁴⁴

Importantly, although the number of people with a substance abuse or addiction problem is low within the overall population, the impact of this group is highly significant across society. The Cabinet Office has even gone as far as to suggest that harms arising from drug use, including health and social costs, amount to £24 billion a year.⁴⁵

2.1.2 SPIRALLING BUREAUCRACY AND DECLINING EFFECTIVENESS

The National Treatment Agency (NTA) was established in 2001 to tackle the problems of drug addiction. Since its inception, its bureaucracy has grown dramatically: NTA staff levels have risen from 30 to 180 and its operating (administration) costs are now in excess of £18 million⁴⁶ (an increase of approximately £16 million since 2001/02). According to professionals and practitioners who have given evidence to the CSJ, at least part of this growth is the result of a need to ‘police’ the increasingly unaccountable Drug and Alcohol Action Teams (DATs).

41 Centre for Policy Studies, *The Phoney War on Drugs*, London: Centre for Policy Studies, 2009, p.50.

42 Home Office, *Drugs: protecting families and communities: The 2008 drug strategy*, London: Home Office, p.50.

43 Home Office, *Drugs: protecting families and communities: The 2008 drug strategy*, London: Home Office, 2008, p.8.

44 Prime Ministers Strategy Unit, *Alcohol Harm Reduction Strategy for England*, London: Cabinet Office, 2004, p.4.

45 Cabinet Office Strategy Unit, *Cabinet Office Strategy Unit Drugs Report, Phase one – Understanding the issues*, 2003, p.2.

46 National Treatment Agency, *Annual Accounts 2008/2009*, 2009, p.3.

Furthermore, since 2001 the Pooled Treatment Budget has amounted to £2.7 billion⁴⁷ and expenditure on prescribed methadone alone now totals £300 million per annum.⁴⁸ Yet, as the following sections demonstrate much of this expenditure has been misplaced and wasted.

2.1.3 PROCESS DRIVEN TARGETS INSTEAD OF FULL RECOVERY

Since its inception the NTA has focused on simply moving addicts into treatment and processing them through a 12 week course of, usually, maintenance prescription. Upon completion of 12 weeks treatment, generally addicts are considered successfully engaged and recorded as such. The more addicts the NTA processes in this way, the more targets it meets. In short, there is no strategy or incentive to reduce the numbers on maintenance treatment and move people into recovery.

As a result, local commissioners and drug treatment providers work within an unhelpful and unambitious target culture.

2.1.4 A FATALISTIC ADDICTION TREATMENT STRATEGY

Maintenance not full recovery

The most recent NTA treatment statistics (2008/09) showed that of the 207,000 clients in contact with structured drug treatment services, only 8,980 completed their treatment drug free: a mere four per cent of the total. Just 4,600 addicts in treatment had access to residential rehabilitation, while the number of heroin users prescribed methadone reached 147,500.⁴⁹

Harm reduction and stabilisation, while often an important step in an individual's recovery journey, have routinely dominated treatment provision in recent years. In this, central government and local commissioners have too regularly pushed rehabilitation to one side. That more than 20 residential rehabilitation centres have closed since January 2008⁵⁰ is symptomatic of such a culture – full recovery is too often considered only as a last resort.

“Methadone is really nasty stuff and extremely tough to come off. Give me a heroin addict any day of the week.”

Leading consultant Psychiatrist in evidence to the CSJ Addictions implementation team, 2010

Alcohol is a major but forgotten problem

In recent years, although alcohol harms have gone up,⁵¹ the gulf between treatment and need has widened. A Freedom of Information request published

47 Hansard, Written parliamentary answer, 21 July 2009.

48 Hansard, Written parliamentary answer, 26 November 2009.

49 National Treatment Agency, *Statistics from the National Drug Treatment Monitoring System (NDTMS) 1 April 2008 – 31 March 2009*, National Treatment Agency, 8 October 2009.

50 Correspondence with Addiction Today magazine and information accessed via – <http://www.addictiontoday.org/>

51 See for example NHS, *Statistics on Alcohol: England, 2009*, The Health and Social Care Information Centre, 2009, p.61.

in 2007 found that alcohol related expenditure ran at only 6 per cent of the overall drugs budget, despite the higher levels of alcohol abuse.⁵²

In contrast with its highly interventionist approach to drugs policy, the previous Government's approach to alcohol misuse was remarkably *laissez faire*. Whilst willing to legislate on alcohol to liberalise licensing laws, it gave no signal that it viewed alcohol as a potentially dangerous commodity. From a public health perspective this is disturbing: under the Labour Government we saw increasing levels of harm due to alcohol and, in particular, increased levels of alcohol consumption amongst children who drink.⁵³

2.1.5 POOR PREVENTION AND EDUCATION PROGRAMMES

The recent history of drugs education has not lived up to the ambition to focus on prevention and intervention. Instead, through programmes like *Talk to Frank*, it has progressively focused on harm reduction and taking drugs as safely as possible, rather than providing the unambiguous message that abstinence from drugs is the only risk-free and legal option.

2.2 Policing: ineffective and prescriptive

At its heart, policing is about the relationship between police officers and the public they serve. As Sir Robert Peel wrote while outlining his landmark Nine Principles of Policing, 'the police are the public and the public are the police'. Policing impacts on every street, every village, every town and every city.

Increasingly, however, the focus of policing in England and Wales has become the centrally set targets, indicators and priorities that have jeopardised the Police Service's unique history of localism and policing by consent.

Our 43 independent Police Forces now employ 140,000 full-time officers, a 16 per cent increase since 2000. Since 1998, police expenditure has increased by 40 per cent in real terms – policing costs £283 per person annually.⁵⁴

2.2.1 CENTRALISED AND BUREAUCRATIC

During the last 13 years, through a torrent of criminal justice legislation and political interference, policing has become far too complicated.

Rather than being empowered to tackle these challenges, Forces were beset by a myriad of Whitehall-imposed targets, performance indicators and inspection demands. This meant officers policed according to a centralised prescription, rather than the needs of local communities and victims.

As a result of this centralisation and policy-making by media headline, frontline officers have been discouraged from using police discretion and

52 Figures obtained by David Burrowes MP under the Freedom of Information Act, for the Centre for Social *Breakthrough Britain*, London: The Centre for Social Justice, 2007.

53 The number of units of alcohol consumed by 11–15 year olds who drink doubled between 1990 and 2000; Department for Children, Schools and Families, Home Office, Department for Health, *Youth Alcohol Action Plan*, 2008, p.3.

54 Centre for Social Justice, *A Force to Be Reckoned With*, London: The Centre for Social Justice, 2009.

common sense. Those recruited in recent years may *never* have known the crucial role these tactics can play in truly serving people and tackling law and order issues.

When an arrest is made, mountains of paper work render an officer desk bound and off the frontline. The resource-sapping seven hours of police time it takes to secure a ‘detection’ or court appearance contributes to the fact that the average officer spends only a fifth of their time on street patrol. At such a rate, in order for a Force to add one full-time officer to street patrol, five new officers need to be employed.

2.2.2 AN UNBALANCED TRIPARTITE GOVERNANCE STRUCTURE

As a result of such mass centralisation the Tripartite structure – designed to give sufficient power to each party (the Home Secretary, Police Authorities and Chief Constables) to ensure that no one party could dominate the other two in setting the agenda for policing in any given locality – is not currently fit for purpose. And based on the evidence it received, the Police Reform Working Group took the view that its aspiration to see interventionist neighbourhood policing delivered in every neighbourhood could not be achieved within the current governance arrangements.

According to one Chief Constable’s evidence to the review, “In the past decade, a lot of the power over policing has shifted to the Home Office.” Interviews, with both frontline and senior ranks, suggest that this perception is widespread, and generally linked to the centralised managerial controls.

To the great detriment of local policing, the Home Secretary is now the dominant party and has used this dominance to micromanage the delivery of local service. Mass evidence received by the review found that Police Authorities have largely failed to prevent or resist this movement of power to the centre.

Chief Constables have also, willingly or unwillingly, ceded their independence. While the CSJ supports the existence of powers to remove a failing leader, undoubtedly, the introduction of Fixed Term Appointments and Performance-Related Pay has created a generation of senior leaders who are, in effect, under great obligation to their political overseers for their continued tenure and enhanced remuneration.

2.2.3 LOW PUBLIC CONFIDENCE

Public confidence in the Police is far too low. According to the 2009 British Crime Survey, only 38 per cent of the public agree with the statement that ‘the Criminal Justice System as a whole is effective’, while less than 60 per cent agreed it was fair.⁵⁵ And 85 per cent of the public thinks there should be more police on the streets.⁵⁶

55 Home Office, *Crime in England and Wales 2008/09*, London: Home Office, 2009, p.95.

56 Centre for Social Justice YouGov polling – see Centre for Social Justice, *A Force to Be Reckoned With*, London: The Centre for Social Justice, 2009, p.73.

For a number of well-documented reasons, including unclear recording changes and mass under-reporting, the public has also lost faith in official crime statistics. Instead, all people now believe is what they see and what they hear around them.

2.3 Courts and sentencing: cumbersome and dysfunctional delivery of justice

2.3.1 REVOLVING DOOR OFFENDING

Almost half of all offenders commencing community sentences are reconvicted at least once for committing a crime within two years of starting the sentence and more than a third are reconvicted within the first year.⁵⁷ This is startling on two levels: (i) reconviction rates are not the same as reoffending, which is likely to be even higher given that a significant proportion of crime is never reported never mind brought to justice; and (ii) the average length for a community sentence is almost a year and a half,⁵⁸ meaning that most of the reconvictions are for offences committed whilst the offender is serving their sentence.

Disconnected from sentence outcomes

The courts, however, are unlikely to be aware of how an offender is doing on a sentence they have passed. Normally the court has no involvement in how, or even whether, the sentence is carried out. Without an understanding of the success or otherwise of the sentences they hand out, judges and magistrates are unable to assess the effectiveness and suitability of sentences, and due to poor or non-existent supervision (65 per cent of community orders have no supervision requirement⁵⁹) many do not even complete the sentence.⁶⁰

A number of courthouses have trialled increased involvement, in which the offender is required to return to the court at pre-determined intervals. Yet although this represents a positive step it is not sufficient. Unlike their American counterparts, these courts lack any real power to intervene: they are unable to change the terms of a sentence or to impose any interim sanctions for non-compliance.

As a result, many community sentences are toothless and unreliable. Routinely magistrates consider that they have no worthy alternative but to utilise short prison sentences which have exceptionally high rates of recidivism.⁶¹ Such sentences – which usually last only a few weeks – offer no meaningful rehabilitative intervention or effective deterrent.

57 Ministry of Justice, 2009. *Re-offending of adults: results from the 2007 cohort, England and Wales*, MoJ, Appendix 1, Table A5.

58 Ministry of Justice, *Offender Management Caseload Statistics 2008, 2009*, Table 4.2.

59 Ministry of Justice, *Offender Management Caseload Statistics 2008, 2009*, Table 3.9.

60 Hollis, V., *Reconviction Analysis of Interim Accredited Programmes Software (IAPS) data*, RDS NOMS, 2007, p.6; calculated from raw data.

61 Ministry of Justice, *Offender Management Caseload Statistics 2008*, MoJ, Tables 4.8 and 7.32, 2009.

Equally damaging is the fact that for all sentences of less than a year (of which less than half the time will be served in prison), there is no statutory supervision at all upon release from prison, despite this group of offenders being most likely to commit new crimes.⁶²

These short custodial sentences are primarily negative and do not serve victims or society: they increase the difficulty of maintaining family relationships and jeopardise employment and accommodation provision, the stability of which is often pivotal in the battle to reduce re-offending.

2.3.2 A SLOW AND INAPPROPRIATE PROCESS

Crime should be dealt with swiftly and appropriately, too often this is not the case. Not only have we seen a doubling in a decade of the proportion of offences dealt with by police disposal rather than at court⁶³ – something which has been criticised by the Commissioner of the Metropolitan Police Service⁶⁴ – but the average time between crime and sentence for those found guilty of summary non-motoring offences is almost 20 weeks.⁶⁵ The situation is in part a result of the police's Offences Brought to Justice targets and in part Crown Prosecution Targets (CPS) which are based on successful convictions, encouraging CPS lawyers to bring forward only those cases likely to result in conviction.

Further disrupting the process are the waiting lists for some community order requirements such as offending behaviour programmes: the average waiting time for these is five and a half months.⁶⁶ Even worse, many community order requirements are simply not available – for example for substance abuse and mental health treatment⁶⁷ – making rehabilitation all the more unlikely. Such fundamental flaws in the system are most commonly the result of a lack of funding earmarked for community order requirements.

2.3.3 FAILING TO TACKLE ADDICTION

As we have seen, substance abuse and addiction is a key driver of offending behaviour – both directly and indirectly – yet the two standard treatment orders fall woefully short of their potential. The Drug Rehabilitation Requirement (DRR) has staggeringly high reconviction and drop-out rates⁶⁸ and Alcohol Treatment Requirements (ATR) are so rarely prescribed that no robust national statistics on outcomes exist.

62 Figure 5.5: Ministry of Justice, *Re-offending of adults: results from the 2006 cohort*, England and Wales, MoJ, Table A5, 2009

63 The breakdown of police disposals made in 2007/08 is: Penalty notice for Disorder (207,544), cannabis warnings (104,207) and cautions (362,898). See Ministry of Justice, *Sentencing Statistics 2007 (England and Wales)* (revised edition), MoJ, Table 1.1, 2009, p.21.

64 Sir Paul Stephenson, Transcript of the meeting of the Metropolitan Police Authority, 24 September 2009. Available at: <http://www.mpa.gov.uk/downloads/committees/mpa/090924-transcript.pdf> [Accessed 13 October 2009].

65 Ministry of Justice, *Time Intervals for Criminal Proceedings in Magistrates' Courts: September 2008*, 2008, Table 3.

66 Ministry of Justice, *Offender Management Caseload Statistics 2008*, MoJ, Table 3.2, 2009.

67 National Audit Office, *The Probation Service- The supervision of community orders in England and Wales*, The Stationery Office, 2008.

68 Ministry of Justice, *National Probation Service for England and Wales Annual Report 2007–2008*, 2008, p.10.

Such profound failure is, at least in part, due to the current focus on maintenance rather than recovery. A recent Scottish survey found that ‘there was no significant tendency for acquisitive crimes to fall faster among those who received methadone treatment than in the rest of the sample.’⁶⁹ Numerous drug rehabilitation workers supported this by telling our reviews that continued illicit substance abuse was almost universal among the addicts they had worked with who had been on methadone maintenance scripts.

“Every addict I’ve ever met on a methadone script was using illegally on top. It is naive to say methadone stops crime. To truly stop crime you have to get them into full recovery.”

An addiction worker, in evidence to the CSJ Addiction implementation team, 2010

However, and more fundamentally, it is the failure to address the underlying causes behind substance abuse and addiction that condemns so many maintenance programmes to failure.

2.3.4 MASS CENTRALISATION

In seeking to micro-manage the criminal justice system from the centre and reduce the discretion of professionals (including magistrates) at the ground level, the previous Government scored an own goal. It introduced more criminal justice legislation and interfered more in the application of this legislation than any previous administration. As a parliamentary question by the crossbench peer Baroness Stern revealed, approximately 3,600 new offences were created since 1997, of which at least 1,036 are imprisonable.⁷⁰

Furthermore, the politicisation of crime has impacted the criminal justice agencies heavily. There has been a complete centralisation of organisations which were previously locally controlled: neither Her Majesty’s Court Service, nor the National Probation Service, nor the National Offender Management Service – which are now wholly responsible for managing the criminal justice system from the centre – existed in 1997.

The result has been a loss of local knowledge, responsiveness and ownership of the criminal justice institutions. This has affected the probation service in particular: the closure of small offices has eroded awareness of local conditions and means that offenders often have to travel many miles for their ‘supervision’. Furthermore, the movement towards managerialism (‘offender managers’) has created pressure to meet centrally set targets rather than engaging with the complex situations many offenders find themselves in. Underlying this centralisation is the ever-strengthening view that crime is an infraction against the State, rather than against individuals. Victims themselves are marginalised.

69 Bloor, M. et al, “‘Topping up’ methadone: An analysis of patterns of heroin use among a treatment sample of Scottish drug users’, *Public Health*, 122(10), 2008, p.1013–1019.

70 Hansard, House of Lords Debate, 9 December 2008.

2.4 Prisons: a failing and purposeless system

2.4.1 AN UNCLEAR PURPOSE

Only 12 per cent of people we polled said prisons were currently effective at rehabilitating people. 78 per cent said they were not very effective, or not effective at all.

CSJ YouGov polling, January 2008

There has long been a ‘definition vacuum’ in the minds of policy makers and prison managements about what prison is for. This failure to grasp the *why* of prison has too often undermined *how* prisons should work. Many of the system’s present failures stem from the inability of successive governments to provide a clear and comprehensive definition of the purpose of prison. Considerable confusion has been created by too many ad hoc responses to short-term political and public opinion pressures.

2.4.2 DISCONNECTED FROM COMMUNITIES

The National Offender Management Service (NOMS), though well-intentioned, has been a wasteful mistake. Its nine regions are heavily bureaucratic and costly. They work to strategies devised in Whitehall and imposed central process-driven targets. In rehabilitation there exists an underlying suspicion and petty marginalisation of the voluntary sector. Numerous groups are subject to constant review and engage in a daily battle to justify their existence, instead of being able to concentrate on the fundamental task of turning lives around. Commissioning for rehabilitation and resettlement services is overly complex, pushing out smaller, grassroots organisations.

2.4.3 AN OVERCROWDING CRISIS: PRISONS AT BURSTING POINT

Prison overcrowding – the prison population has more than doubled since 1993 – remains *the* impediment to effective Prison Service decision making and rehabilitative efforts. It too often reduces prisons to basic warehouses and prevents staff from investing the necessary time and energy in the lives of offenders.

As a result of overcrowding the previous Government has introduced emergency early release schemes and, although these have now been ended, they resulted in thousands of prisoners being awarded unmerited release and public confidence in the criminal justice system being severely undermined. Overcrowding has also forced ministers to use expensive police and court cells to temporarily house prisoners while prison space is found: a preventable waste of taxpayers’ money.

2.4.4 A DUMPING GROUND FOR THOSE WHO NEED TREATMENT, NOT WAREHOUSING

As we have seen, far too many people with mental health disorders and severe drug or alcohol dependencies are sent to prison, when diversion into

secure treatment would be far more effective. Drugs and alcohol are rife in our prisons, and authorities seem to have given up. Illegal smuggling is common place; testing regimes are easily navigated; alcohol is largely ignored; treatment is dominated by harm reduction and maintenance – the majority of prisoners do not have opportunity to access abstinence-based interventions; and released offenders too often fall through the gap between the prison gate and the community.

2.4.5 INADEQUATE REHABILITATION AND RESETTLEMENT

Patchy rehabilitation

A number of factors, including an uncertainty of purpose and record prison overcrowding, have meant too many prison regimes offer very little relevant and life-changing rehabilitation. Most damagingly, as *Locked Up Potential* identified, there is patchy support for the family members of those in prison – particularly the children of prisoners who the previous Government had admitted are an ‘invisible group’⁷¹ – and there is a lack of quality education and realistic work opportunities.

As Her Majesty’s Chief Inspector of Prisons noted in her latest annual report the introduction of a ‘core day’ for all prison regimes means there is now no formal activity between Friday lunchtime and Monday morning.⁷² The ‘core day’ has also reduced the time available for prisoners to engage in purposeful activity during the week, and restricted the amount of time out of their cell on the weekends.

Leaving prison

For too long policy-makers have naively expected prisoners to reassume full personal responsibility for their lives immediately post-release. This approach ignores the fact that many prisoners have never known positive order and stability in their lives. There is also a failure to recognise that truly effective and relevant prison rehabilitation is rare, and that society is structured to make it as hard as possible to reintegrate an ex-offender – such as through the overly punitive Rehabilitation of Offenders Act or in the unacceptable delays in processing benefit applications.

Cutting re-offending

This is all the more unacceptable given that evidence shows effective rehabilitative work and resettlement planning with prisoners significantly reduces re-offending. Studies have shown prisoners receiving visits from family members are almost 40 per cent less likely to re-offend;⁷³ those who

71 Department for Children Schools and Families and Ministry of Justice, *Children of Offenders Review*, London: Department for Children Schools and Families, 2007.

72 HM Chief Inspector of Prisons for England and Wales, *Annual Report 2008–09*, London: The Stationery Office, 2010, p.48

73 Ministry of Justice, *Research Summary 5, Factors linked to re-offending*, London: Home Office, 2008, p.6.

take no part in education, training or work are up to three times more likely to be reconvicted on release;⁷⁴ and stable accommodation on release can reduce re-offending by 20 per cent.⁷⁵

2.4.6 BRITAIN'S RE-OFFENDING CRISIS

It should be considered a national crisis that 47 per cent of adults are reconvicted within one year of being released – for those serving sentences of less than 12 months this increases to 60 per cent⁷⁶ – and 75 per cent of children released from custody in 2007 reoffended within a year.⁷⁷ However, as the majority of crime committed is not reported, true levels of re-offending will be much higher.

Such recidivism by ex-prisoners is estimated to cost society at least £11 billion a year,⁷⁸ it makes our communities less safe, it fuels victim dissatisfaction and significantly undermines public confidence in the criminal justice system.

74 Social Exclusion Unit, *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p.44.

75 Ibid, p.94.

76 Ministry of Justice, *Reoffending of adults: results from the 2007 cohort*, London: TSO, 2009.

77 Ministry of Justice, *Reoffending of juveniles: results from the 2007 cohort*, England and Wales, London: TSO, 2009.

78 Social Exclusion Unit, *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p.3.

CHAPTER THREE

Towards rehabilitation and recovery: the CSJ agenda for reform

3.1 *Breakthrough Britain* and early intervention: prevention is better than cure

As we have noted, our criminal justice system is picking up the pieces of social breakdown. Offenders are most often drawn from our most deprived communities and display the characteristics identified in *Breakdown Britain*:⁷⁹ they have grown up in dysfunctional, fractured and chaotic families, many having been abused; they have few if any formal qualifications and many truanted or were excluded from school; they have been unable to sustain employment, often having been dependent on state benefits; they have abused alcohol and drugs, with addiction a common characteristic; and many have experienced poverty and debt.

In recognition of this, our *Green Paper on Criminal Justice and Addiction* firstly and fully endorses the recommendations contained within *Breakthrough Britain*, and its subsequent and linked policy reviews, which have called for nothing short of a social policy revolution.

The measures outlined in our *Green Paper on the Family*⁸⁰ would strengthen families and help to prevent the devastating effect that family breakdown and dysfunction has on the outcomes for children. This means intervening early to ensure that support is in place to enable every child to have the best chance in life: agencies and professionals must be identifying risk factors early and acting to address them. More health visitors are needed and with an expanded remit, intensive early years programmes should be implemented across the country and relationship and parenting support should be available nationally.

In addition, we need better schools and greater encouragement and support for parents to play an active role in their child's education. We need a benefits system that incentivises work and two parent families, and we need much

79 The Centre for Social Justice, *Breakdown Britain*, London: The Centre for Social Justice, 2006.

80 The Centre for Social Justice, *Green Paper on the Family*, London: The Centre for Social Justice, 2010.

better support in the form of community-based debt advice and credit unions for low income families to prevent damaging debt.⁸¹

The implementation of this agenda to reverse social breakdown is vital if society is to see a genuine and lasting reduction in crime, and its consequential human and financial costs. Our proposals for criminal justice reform will be most effective if the system becomes less of an overcrowded dustbin of preventable failure. This means strengthening families, effective early intervention, better education in our poorest areas, welfare reform and support for those in severe personal debt.

The CSJ welcomes the establishment of the Social Justice Cabinet Committee, to be chaired by the Rt Hon Iain Duncan Smith MP. We will work to hold this Committee and the new coalition Government to account on its commitment to rebuild our most deprived and dysfunctional communities.

3.2 Towards full recovery: drug and alcohol reform

In publishing *Breakthrough Britain*,⁸² the CSJ has set out our agenda for reform.

3.2.1 STRUCTURE, GOVERNANCE AND CULTURE

We believe it is time to put full recovery at the heart of our addiction governance structures and their leadership.

A new governance structure

Successive governments have found that delivering social policy across a multitude of government departments is highly complex and often counterproductive. The CSJ believes that a new approach for the delivery of fully collaborative and outcome-focused government is required. Only by providing clear political leadership to the departments that manage criminal justice and addictions systems will genuine progress be made. We look forward to the newly established Social Justice Cabinet Committee, and associated Sub-Committees, working to achieve this.

Abolish the National Treatment Agency (NTA) and replace it with an integrated Addiction Recovery Board (ARB)

Building on these broader structural changes across Whitehall, the dissolution of the NTA is both an essential practical and symbolic step for change in the way that addiction treatment is led and coordinated, which will ensure that full recovery drives our treatment system. It will also introduce a more efficient model for the funding of addiction recovery programmes.

The replacement of an Agency with a Board will facilitate stronger political leadership in order to ‘turn the tanker around’. The integration of alcohol

81 See The Centre for Social Justice, *Breakthrough Britain*, London: The Centre for Social Justice, 2007; and The Centre for Social Justice, *Dynamic Benefits*, London: The Centre for Social Justice, 2009.

82 The Centre for Social Justice, *Breakthrough Britain, Volume Four: Towards Recovery*, London: The Centre for Social Justice, 2007.

policy within the ARB – which will be chaired by an appointed Minister – will remove the artificial barrier that has led to the misdirection of treatment funds and the existence of two separate bureaucracies. Its four core functions will be (i) developing policy and research, (ii) coordinating finance and performance, (iii) setting standards and inspection and (iv) overseeing workforce development. The ARB would be far less bureaucratic and more cost effective than the NTA.

Reform local structures

Currently, most local Drug and Alcohol Action Teams (DATs) spend too much of their treatment resources on their own administration and, as the financial power sits with the Primary Care Trust (PCT), commissioning decisions are dominated by an overinvestment in substitute prescribing services.

Instead, we need to move to a model where local commissioners are freed from central control but where sufficient safeguards exist to prevent growth of equally inefficient local structures.

The key responsibility for receiving funds and co-ordinating local partnerships should, therefore, rest with local authorities (LAs). LA Chief Executives would be held personally accountable for the administration of the money and the delivery of outcomes.

LAs would be required to establish robust and focused partnership structures – comprising senior police officers, offender management officials, PCT representatives and Job Centre workers – to retain the same membership as DATs but much less bureaucratic. The organisation of this body should be a matter of local discretion, but expectations and benchmarks should be agreed by the ARB and local partnerships about limits for expenditure on administration and operations.

Local partnerships should be required to utilise their allocation of the pooled budget, and any other relevant budgets, in line with a service framework established by the ARB. Incentives should be established to move local commissioning partnerships to a model of payment by results (PBR). Some form of PBR should be operational within all local partnerships in three years.

Standards of recovery

The newly established ARB, in consultation with leading addiction experts, should agree new Standards of Recovery to replace the current tiered models of care structures and process-driven targets. This would be a needs-led system, monitored and measured in terms of real outcomes – including abstinence, improved mental health, employment and housing.

3.2.2 TREATMENT REFORM

Structural and cultural reform must be supported with a change in the emphasis and balance of local treatment provision. In order to break the cycle of addiction and abuse we must put full recovery at the heart of treatment.

In addition, to recognise the link between alcohol consumption levels and pricing,⁸³ consideration should be given to the introduction of a treatment tax on alcohol.

Expand the use of residential rehabilitation and Recovery Communities

Building on the outstanding model pioneered by Noreen Oliver MBE at BAC O'Connor,⁸⁴ recovery communities should be expanded as widely as possible. In order to promote full recovery, we also believe there should be significant expansion of residential rehabilitation provision, supported by the new Standards of Recovery framework. Residential rehabilitation should no longer be used as a last resort, but instead it should be utilised as often as practicable to promote full recovery. That in the last two years more than 20 residential rehabilitation centres have closed⁸⁵ – including Middlegate, our only centre for teenagers – despite an increase in the number of addicts entering treatment, is a travesty.

Local commissioners should develop close contact with abstinence-based local peer support groups for both alcohol and drug addicts, such as Alcoholics Anonymous, Narcotics Anonymous and RIOT (Recovery Is Out There), and direct clients to them.

Recovery Communities: BAC O'Connor

The multi-award winning BAC O'Connor Centre, established in two communities in Staffordshire, specialises in the rehabilitation and full recovery of individuals experiencing chemical dependency. It is led by Noreen Oliver MBE.

Using a comprehensive approach to rehabilitation, BAC O'Connor encourages addicts and their family to work towards a more satisfying and healthy lifestyle without dependency or chemical abuse, at the heart of the local community.

The treatment programme has five stages: Induction, Day Care, Moving-on, Aftercare and Possible relapse; this provides recovering addicts with a long term plan for how they will re-build their lives.

The most recent figures from BAC O'Connor show that on average only seven per cent of addicts who had completed treatment at the Burton Centre had relapsed after nine months.

“My life has now changed so much, I’m one year clean, and I’ve found a balance in my life mentally, physically and spiritually. The BAC Programme has helped me to look at my past, given me tools to cope with in the future and every issue in my life has been looked at with support from the BAC. This whole programme has given me a purpose and meaning to my life.” Frank

83 For a discussion of the relationship between alcohol consumption and pricing see, The Centre for Social Justice, *Breakthrough Britain*, London: The Centre for Social Justice, 2007, Volume 4, p.467.

84 See <http://www.bacandoconnor.co.uk/>.

85 Correspondence with Addiction Today magazine and information accessed via – <http://www.addictiontoday.org/>

Compulsory signposting would enable recovering addicts to access services; both the ARB and new local commissioning partnerships will also help to support these groups by purchasing and distributing literature from peer support groups and regularly promoting their work in an appropriate manner.

Prevention and education

An urgent review of existing prevention and education programmes for young people should be undertaken. Following from its recommendations policy-makers should immediately develop robust and unambiguous interventions within schools and vulnerable groups of young people.

3.3 A force to be reckoned with: police reform

The CSJ police reform review, *A Force to Be Reckoned With*,⁸⁶ made many recommendations for the transformation of policing in England and Wales. Its core recommendations are outlined below.

3.3.1 REBALANCE THE TRIPARTITE STRUCTURE

Elected Crime and Justice Commissioners

The CSJ recognises the urgent need for unprecedented local leadership and accountability within the criminal justice system. To further this aim we recommend the introduction of directly elected Crime and Justice Commissioners (CJCs) to bring control of local policing back into local hands. Where national and local priorities conflict, a directly elected local office-holder, with a mandate to deliver safety and criminal justice outcomes locally, will ensure that the needs and priorities of the local community prevails.

CJCs should:

- Act as a figurehead for community safety
- Chair the Police Authority and hold to account local criminal justice partnerships, including newly established Community Prison and Rehabilitation Trusts (CPRTs) and Local Criminal Justice Boards
- Set local priorities for these agencies and direct the spending of budgets across partnerships
- Be accountable to the Home Secretary where there is evidence of significant and persistent underperformance
- Have a duty to consult the public and coordinate consultation by all of the partner agencies, including by convening Citizen Juries in every BCU

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The Centre for Social Justice, *A Force to Be Reckoned With*, London: The Centre for Social Justice, 2009.

A CJC should be elected for every Police Force area in the country. It is also important to note that the operational independence of Chief Constables will be enshrined in any enabling legislation.

Newly mandated Police Authorities and Chief Constables

Police Authorities should remain in place at the Force level, to be chaired and led by the CJC. Police Authorities could be smaller than at present, with ten ordinary members and the CJC making the eleventh. The election of the CJC will give Police Authorities a democratic mandate. The remaining members should be appointed in the same manner as the current independent members, being selected for the relevant skills they hold to assist in the discharging of the functions of the Authority. The Authority should have the duty to maintain an efficient and effective Police Force, and should have the power to appoint, appraise and dismiss the Chief Constable. In carrying out this role, the Police Authority would be expected to hold the Chief Constable to account for his or her performance against the CJC's priorities. The Authority should have the power to set the police budget and set the precept for any contribution from local taxation.

Furthermore, if the Tripartite structure is to be effectively and fully rebalanced, then it is vital that the operational independence of the Chief Constable be reaffirmed and any structures causing suspicion that a Chief Constable is acting from any other motives than his or her professional judgement should be removed. This is particularly so in cases where it might be believed that a Chief Constable's decision-making has been affected by financial considerations.

The CSJ believes that in order to improve performance and independence of Chief Constables they should no longer be subject to Fixed Term Appointments, no longer receive performance-related bonuses, they should have the power to appoint their own top team from the lower ranks, on a fixed term basis. The CSJ welcomes the commitment from the new Government to conduct a full review of the terms and conditions for police office employment.

National and local performance management frameworks

The CSJ welcomes the commitments published and announced by the coalition Government to reduce the bureaucracy and targets that hinder effective common sense policing. Further to these intentions we make several recommendations.

National indicators

We believe that the Home Secretary should set a small number of national priorities, ideally no more than five in total, and monitor their achievement through a number of performance indicators, personally holding to account

“I don't believe in the bonus system at all. If I don't perform, sack me.”

“Chief Constables should not get bonuses – that is absolutely wrong.”

“The bonuses need to go. It undermines operational independence if performance targets are set by the Police Authority and tied to financial incentives.”

Chief Constables in evidence to the CSJ

Forces and elected CJs who are under-performing against these strategic measures. This unprecedented level of direct democratic accountability will shape police policy and strategy alone; there will be no interference in operational policing matters.

Local agenda setting

To complement national indicators and enshrine locally led policing, the CSJ recommends the replacement of performance targets with a Harm Index (HI) as the main central measurement of police performance. The proposed Harm Index is a weighted ranking that provides a common, sensible metric (total harm) on which all police-preventable harm to the public can be measured. The establishment of a local Harm Index will allow Police Forces and communities to set their own priorities according to local need. This will be a national system which is tailored to local needs but allows some, nationwide, comparison of Forces.

The CSJ also believes it is time to strengthen local accountability by the introduction of Citizen Juries. These will comprise a number of local community representatives who will be consulted by the CJC and Chief Constable, and will inform the local priorities which are set for the Police Force concerned. The juries together with the Police Authority and the CJC will consistently monitor local police performance against the priorities.

3.3.2 A NEW STYLE AND CULTURE

A commitment to intervene

72 per cent of people we polled said it was never acceptable for an on duty police officer to fail to intervene when they observed a crime or threat to public safety. 76 per cent felt officers were intervening too little against anti-social behaviour.

CSJ YouGov polling, January 2008

We believe every police officer should adopt a zero tolerance approach to anti-social behaviour on our streets, relentlessly intervening to tackle disorder and prevent crime. Under such a culture officers will not walk by but will confront, engage and intervene in every instance of law breaking and will be empowered to decide what action should be taken against the offender, ranging from arrest to verbal warnings and cautions.

Training for discretion

Police officers recruited in recent years may have never known the crucial role discretion and professional judgement can play in truly serving people and tackling law and order issues. To this end, it is vital that police officers are incentivised and trained to use their discretion and common sense, in order to make decisions as officers of the Crown and for the good of their community.

Officers need to be properly trained and supported in the use of constabulary discretion to determine what type of disposal is appropriate in any given circumstance. Unhelpful political and civil service diktat should end.

Restorative justice

While Restorative Justice (RJ) has been understood and practised in some areas of the country for some fifteen years, it has yet to enter into the mainstream of policing practice. RJ approaches are particularly useful in the neighbourhood context, for both Neighbourhood and Response officers and PCSOs, involving and engaging citizens and communities in solving disputes, tackling minor crime and antisocial behaviour and in taking control of their streets and open spaces. With minor offending it is effective as a stand-alone intervention and its use can always be backed up by the formal, conventional system when needed. Officers should, therefore, be trained to deliver RJ disposals in situations where they deem a conventional criminal justice disposal to be inappropriate.

Police charging and reform of the Crown Prosecution Service (CPS)

The success of the now overly-bureaucratic CPS, the body responsible for charging suspects and prosecuting criminal cases investigated by the police, is measured largely on its proportion of successful prosecutions. This means it can be highly risk-averse about proceeding with cases recommended by Police Forces. As a result the CPS often works at cross-purposes to police colleagues, who are driven by a need to bring offences to formal justice, which causes significant tension, as one police officer highlighted in his evidence to the police reform working group:

“We had a prolific and priority offender smash up a booking shop. The CPS wouldn’t charge because there was no CCTV. There were witness statements. He was seen by us. That afternoon he was released and raped a 16 year old girl behind the same shop. That’s the kind of thing that gets to you.”

Given the difficult and often undermining nature of the working relationships of local Police Forces and the CPS, we believe it is time for the responsibility for charging over ‘volume crimes’ (which combined make up the majority of crimes in England and Wales and occupy an estimated 20 per cent of officer time) to be restored to the police.⁸⁷ For more serious crimes, the CPS should retain charging responsibilities. Such a move would significantly reduce police bureaucracy, while simultaneously lessening the CPS workload. The CSJ welcomes the recent announcement by the Home Secretary that police charging on minor offences will be rolled out from November 2010.

⁸⁷ Association of Chief Police Officers, *Investigation of Volume Crime Manual*, London: Association of Chief Police Officers, 2002, p.9.

Further to the restoration of police charging for volume crime, there should be a full scale review of the CPS. This review should make careful consideration of its bureaucratic processes and its risk-averseness in prosecutions.

Restore public trust about crime

The ongoing controversy and debate about the representation, or misrepresentation, of crime statistics further enforces the principle outlined in *A Force to Be Reckoned With* that their collation, interpretation and presentation should be the responsibility of an independent body, not politicians.

Furthermore, the weaknesses of recorded crime and BCS processes should be alleviated by utilising alternative sources of data to enrich the picture given by crime statistics, and inform crime reduction initiatives.

3.4 Restoring trust through local justice: courts and sentencing reform

The CSJ report, *Order in the Courts*,⁸⁸ made many recommendations for reforming the courts system and sentencing processes. Its core recommendations are outlined below.

3.4.1 CONTINUED JUDICIAL OVERSIGHT

We believe that Magistrates' and Crown Courts should be put in charge of the sentences they pass, with the power to hold probation officers and prison governors to account and to vary the terms of the order imposed if the offender does not comply.

Putting the court in control of the sentence will create a powerful voice to co-ordinate the sentence passed and hold different agencies to account for their performance in a way that avoids the excessive bureaucracy and proceduralism that characterised the probation service. They should have the power to mandate certain forms of in-prison education; and hold prisons to account for failing to provide these.

3.4.2 NEW CUSTODY SANCTION FOR COMMUNITY ORDERS

Courts should be granted the power to impose swift interim sanction (up in to a week in prison) short of a formal breach of sentence and all the delay that causes. This would give the court a credible threat to deter those considering reoffending while under community sentence. Similarly the judiciary should have the power to reward strong and willing compliance and progress.

88 The Centre for Social Justice, *Order in the Courts*, London: The Centre for Social Justice, 2009.

3.4.3 EXPANDING ROBUST AND RELIABLE COURT DIVERSION SCHEMES

74 per cent of the public supported more use of secure mental health care instead of prison for diagnosed offenders.

CSJ YouGov polling January 2008

We believe Courts should be able to sentence offenders to residential drug rehabilitation and require that psychiatric hospitals accept offenders with mental health problems.

For some offenders, therapeutic sentences will reduce the likelihood that they will re-offend. Secure residential drug-rehabilitation centres should be established as an alternative to prison and also for addicted offenders on community orders who want to become substance-free.

Similarly, courts should be able to mandate treatment at psychiatric hospitals for those offenders diagnosed with serious mental health problems. This would require the phased-in removal of the power of consultant psychiatrists at hospital to refuse or delay the admission of someone sent under a mental health order. It would also require the expansion of secure wards.

3.4.4 TRANSPARENCY IN SENTENCING

Courts should state clearly how long an offender will serve in prison and under supervision, taking into account any early release schemes and likely risk-related reductions up-front.

The words used to pass sentence bear little relation to the truth of what that sentence entails. The most egregious examples relate to custodial sentences: currently a sentence of six months – the longest single sentence magistrates' courts can impose – routinely means just six weeks in prison and no supervision thereafter.

As an immediate reform, it is imperative that those issuing the sentence state clearly at the time of sentencing the likely time that an offender will serve in prison, what the effect of good behaviour dispensation will be, and also whether or not he or she is mandating any probation supervision (and not just licence conditions).

3.4.5 ABOLISH VERY SHORT SENTENCES AS A PRIMARY RESPONSE TO CRIME

Short prison sentences of less than two months (i.e. four weeks nominal time served) should be abolished, and offenders leaving short sentences should be supervised.

We believe that the short prison sentence needs to be overhauled. The main problems are the very brevity of the shortest sentences precluding rehabilitation programmes, the administrative chaos, the dubious deterrent effect on general crime, and the lack of any follow-up at all post release.

All sentences of less than two months should be commuted to community orders, reformed to ensure that they actually constitute punishment, and backed by the judge's ability to impose a short interim sanction (as explained

above). Currently offenders leaving prison in sentences of less than a year receive no community support from probation, even though they are the group most likely to reoffend.

The CSJ strongly welcomes the recent speech by the Secretary of State for Justice in which he questioned the efficacy of short sentences and committed to a wide ranging sentencing review.

3.4.6. RECONNECT THE SYSTEM TO LOCAL VICTIMS AND COMMUNITIES

Courts should refocus on ensuring that victims receive fair reparation from offenders where possible – this could include greater transfer of fines, or work, and could be combined with a restorative justice approach. The corollary of this function is to ensure that defendants and those convicted are treated fairly.

The probation service should re-discover the practice of widespread home visits, and re-open offices in those deprived areas where there is a high volume of clientele.

‘Supervision’ cannot be achieved simply by requiring offenders to turn up to a meeting at a central location. Probation officers need to be imbedded in high crime communities and understand the context which contributed to the offending behaviour.

3.4.7 STRENGTHENED LOCAL CRIMINAL JUSTICE BOARDS

Strengthened Local Criminal Justice Boards should control the administration and budgets of local justice institutions (except prisons which should be managed by a Community Prison and Rehabilitation Trust (CPRT)), under the chairmanship of its local Crime and Justice Commissioner.

Magistrates’ courts and local probation services require supervision; but this need not be centralised through Her Majesty’s Courts Service and NOMS. Instead a locally based and accountable body, which is aware of the particular crime-related problems in a local area, should be in charge of these and other local justice institutions. The Chief Constable, Chief Probation Officer, Magistrates’ Courts executives, and District Public Prosecutor should sit on this board.

It would have responsibility for setting the strategy and targets of the criminal justice agencies within its area, with sufficient power over budgets to make those powers effective. Funding, which at present comes centrally from the Home Office, Ministry of Justice and Communities and Local Government Department, should be distributed through the local Board. This would include the freedom to establish bases where they consider they would be most effective at involving communities in the criminal justice system – for example, small, local offices in high-crime neighbourhoods.

3.5 Reforming prisons and rehabilitating prisoners: prison reform

The CSJ prison reform review, *Locked Up Potential*,⁸⁹ made more than 60 recommendations to put prisoner rehabilitation at the heart of the prison system, reduce recidivism and make our communities safer in the long term. A number of its key proposals are outlined below.

3.5.1 A CLEAR AND CONSISTENT CERTAINTY OF PURPOSE

Policy-makers and politicians should be clear about the purpose of prison. This is essential because it underpins every decision taken about the nature of regimes and interventions. The CSJ believes that prison has three core purposes, which should inform all strategy and policy implementation:

- **Public protection:** prison should protect the public by removing from free society certain offenders who have been given custodial sentences because their crimes make them a danger to the community.
- **Punishment to deliver justice:** prison is for the punishment of offenders who have been sentenced for their crimes after breaking the law, in order to give justice to their victims.
- **Rehabilitation:** prison regimes should work towards a personal change in offenders' lives. It should prepare them for their release into the community as rehabilitated members of society.

Building on this we strongly welcome the new Government's commitment to introduce a rehabilitation revolution within our prisons.

3.5.2 ABOLISH NOMS AND LOCALISE THE PRISON SYSTEM

63 per cent of people we polled agreed somewhat, or strongly, that prisons should be more accountable to their local communities.

CSJ YouGov polling January 2008

NOMS should be recognised for the wasteful and expensive failure it has been. In response, Community and Prison Rehabilitation Trusts (CPRTs) should be established to localise the prison system and reconnect it with communities. The CPRT structure complements the recommendation for an elected Commissioner made by *A Force to Be Reckoned With*. CPRTs should be chaired by the newly established Crime and Justice Commissioner and comprise representatives from key local agencies, offender management services, employers, voluntary sector groups and victim organisations.

Each CPRT would employ prison staff – thus resulting in significant downsizing of Her Majesty's Prison Service (HMPS) which would only

⁸⁹ The Centre for Social Justice, *Locked Up Potential*, London: The Centre for Social Justice, 2009.

retain management of the high security estate – and hold a designated offender management budget. Each will be charged with commissioning custodial places and rehabilitation services in its area, as well as reducing re-offending. Each CPRT will also have seconded to it as many designated custodial probation officers as deemed necessary to manage the planning and supervision of custodial sentences. Assessment should be made in due course as to the practicality and viability of merging Probation teams and Trusts within CPRT structures. CPRTs will send a representative to the Local Criminal Justice Board in order to facilitate co-ordination across local criminal justice bodies.

3.5.3. GET TO GRIPS WITH ADDICTION

88 per cent of people we polled agreed that the overall aim of drug treatment in prison should be ‘to get offenders totally drug free’, compared to just seven per cent who thought that the aim should be ‘safe maintenance of a habit using a prescribed substitute.

CSJ YouGov polling January 2008

We would end the previous Government’s fatalistic approach to addiction in both the community and prison. A new programme for tackling the drug trade and addiction in prison should include greater use of diversion to secure community rehabilitation centres for those who need specialist treatment as well as punishment; robust enforcement – including more rigorous use of sniffer dogs and the introduction of loose netting over prison yard hotspots; a review of detection and testing regimes – including the introduction of innovative voluntary drug testing regimes; a rebalanced treatment programme to move as many addicts as feasible from harm reduction and maintenance to full recovery; new approaches to judicial review – by piloting the involvement of District Judges in prison to monitor sentence and treatment progress; and simple but sensible measures to assist stable resettlement.

3.5.4 RESTORATIVE JUSTICE CONFERENCES

“I was in prison waiting to be sentenced. I was asked to meet some people face-to-face who I had burgled to get money for drugs. I only did it to get out of the cell for an hour, I thought it would be easy. But it was different. When you hear about the damage you have done, when you feel the harm you have caused, you have to be a very, very bitter and twisted person for this not to affect you. I have had easier days at the Old Bailey.”

Peter Woolf, reformed prolific burglar in evidence to the CSJ

Restorative Justice is over-researched and under-utilised. It is proven to be highly effective in increasing victim satisfaction levels and reducing

re-offending. To begin to put rehabilitation at the heart of the prison system we will introduce Restorative Justice Conferences to enhance justice for victims and begin the process of life change for prisoners.

3.5.5 DOUBLE REAL WORK OPPORTUNITIES FOR PRISONERS

We believe that with energetic marketing at national and local levels there is great scope for increasing the number of prisoners doing commercial work for the external market. During our evidence gathering we regularly heard that there was a potential to double the number of prisoners doing real work in prison workshops to over 20,000. We recommend a drive towards achieving such a target figure. We believe it would be possible to double the number of ‘real jobs’ in our prisons within three years. This would require a drive into areas like training for NHS jobs, recycling contract work, forestry commission work and all work activities where there are skills shortages at local levels. There will be commercial rewards for private sector companies with such a strategy. But the greatest reward to the national interest would be that every year several thousand prisoners would be trained for work and well equipped, often for the first time in their lives, to secure jobs after their release. This would be a sure way to reduce re-offending.

3.5.6 PRE AND POST RELEASE RESETTLEMENT

Bridge the prisoner finance gap

Pre-release benefit applications

To bridge the finance gap, with the objective of reducing the resulting crime which it can fuel, we recommend that all prison employment and benefits advisors be required by the Department of Work and Pensions (DWP) and the Ministry of Justice (MoJ) to initiate core benefit applications at least three weeks prior to a prisoner’s nominated release date. Where this currently happens practices are ad hoc and under-resourced.

Successful advanced benefit applications should arrange for entitlement to be paid to a prisoner on their day of release. If a prisoner’s release date is postponed or cancelled, other than for reasons in which the prisoner is liable, the benefits entitlement when paid should be backdated to the original nominated release date. This will act as an incentive to ensure that prisons managements do not stall or continually change scheduled releases.

To further facilitate effective re-settlement, we recommend that prisoners are not released on Friday afternoons and that housing arrangements are organised prior to a prisoner’s release.

“We worked with a man who had been released from prison and was caught shoplifting after six weeks because he was so hungry. He was still waiting for his benefits application to go through. He didn’t want to steal but he was desperate.”

Resettlement organisation in evidence to the CSJ
Prison Reform Working Group, 2008

The discharge grant

The implementation of our recommendation for early benefits applications will render the existing token discharge grant unnecessary in many cases. For prison leavers who have benefits arranged on their day of release we recommend that the discharge grant should not be paid. It will however be necessary and important to maintain discharge payments in certain cases, such as for prisoners who are ineligible for benefits payments, or who have other arrangement complications. CPRTs, under the guidance of the MoJ to ensure national consistency, should devise a scheme which safeguards against counterproductive discharge cash payments being made to prisoners with a history of substance abuse, who still qualify for the discharge grant under our new proposals.

Through the gate mentoring

We recommend that the MoJ launches a kick start mentoring fund, of around £20 million, to expand or establish local voluntary mentoring schemes, targeted specifically for short-sentence prisoners approaching release and post release, aged between 18–25 years old. As we have previously noted, prisoners serving 12 months or less presently receive no post-release support from the Probation Service. The MoJ should start by dividing this fund between each of the probation areas in England and Wales in tranches of £400,000 – £500,000 per area depending on size of the local prison population.⁹⁰ As the CPRTs are rolled out they would qualify for their share of the fund, with the allocation again depending on the size of the local population. To qualify for a grant from the new fund each Probation area, and in time CPRT area, would have to provide a survey and evaluation of the existing voluntary mentoring provision for released prisoners. This survey should be accompanied by a plan providing for sustainable expansion of the existing voluntary mentoring provision based on principles of good practice identified by scheme evaluations. It should be noted that although £20 million is a relatively small sum in relation to national public expenditure (approximately 0.4 per cent of the present NOMS resource budget), it would be likely to have a significant impact in expanding local mentoring schemes and hence reducing re-offending and transforming lives.

Pilot Community Supervised Homes for Offenders (CSHOs)

We believe there are certain categories of prisoner for whom, after careful selection, it might be appropriate to serve part of their sentence in Community Supervised Homes for Offenders (CSHOs). It is proposed that such categories could include women prisoners, older prisoners and disabled prisoners. A CSHO, managed by highly trained staff and closely monitored by probation officers and the relevant Inspectorates, could in some cases provide an alternative to custody or perhaps more regularly act as a halfway house to smooth resettlement transition between prison and the community.

⁹⁰ Figures based on estimates made by mentoring experts on our working group.

Pass a Second Chance Act

“I applied for over 500 jobs on release from prison, none of my applications were successful.”

A former prisoner in evidence to the CSJ

Evidence overwhelmingly suggests that entering stable employment, alongside the maintenance of healthy family relationships and secure accommodation, significantly reduces the likelihood an individual will re-offend.⁹¹ Based on this, and a mass of public evidence we received, we recommend the Government should pass a reformed and strengthened Rehabilitation of Offenders Act appropriate for the 21st Century, to enable and assist people with a criminal record to find stable employment.

This Act – based significantly on the previous Government’s agreed but unimplemented programme of criminal records reform following its *Breaking the Circle* review⁹² – will improve resettlement information and access for offenders. Crucially, it will also sensibly yet significantly reduce the period of time for which offenders must declare criminal records, and bring this integral aspect of rehabilitation into the 21st Century.

91 See Social Exclusion Unit, *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002 and Ministry of Justice, *Research Summary 5, Factors linked to re-offending*, London: Ministry of Justice, 2008.

92 Home Office, *Breaking the Circle: A summary of the views of consultees and the Government response to the report of the review of the Rehabilitation of Offenders Act 1974*, London: Home Office, 2003

CHAPTER FOUR

A safer, fairer second chance society: conclusion

Our criminal justice system has become strangely dysfunctional and wasteful. It must be reformed.

Its mass and damaging centralisation during the last decade has been an expensive failure. In every community the Home Office has seemed to want to sit as Chief Constable, the Attorney General's Office as Chief Crown Prosecutor, and the Ministry of Justice as Judge, probation officer and prison governor.

It has been beset by a myriad of centralised and controlling government targets which far too often seem to contradict each other, and leave no room for the application of professional judgement and common sense. In chasing national headlines and targets, the now government-controlled agencies have not addressed the problem of crime in deprived communities, where it is most acute.

It is small wonder that our police officers, prison and probation officers, magistrates, and crown court judges, have, as our work shows, become frustrated by their inability to deliver for the communities they serve.

The previous Government also failed to allay heightening public concern about crime, and trust in the criminal justice system has been severely eroded. The current system deals with criminals ineffectively, neither reducing reoffending nor promoting rehabilitation.

Fundamentally, in taking over ownership of the local criminal justice system, Whitehall has denied communities the power to deal with local crime in a way that is appropriate to their specific area.

The previous Government's strategy for tackling addiction and the crime it fuels has also been fundamentally flawed. A fatalistic philosophy of targets, process and maintenance has prevented far too many drug and alcohol dependent users from entering full recovery and rebuilding their lives.

The new coalition Government has made a number of encouraging commitments about criminal justice and addiction. It is now time to return power and leadership to local communities and in doing so, develop purposeful and focused systems with rehabilitation and full recovery at their heart. If implemented, this Green Paper would begin such work of reform. Taken alongside the CSJ's agenda for radical social reform, its delivery will facilitate the development of a safer, fairer second chance society. The time for turning these aspirations into action has to be now.

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