

scottish justice matters

Volume 1 | Number 2 | December 2013

SPECIAL ISSUE ON DESISTANCE

Edited by
Fergus McNeill

ALSO

Mike Nellis on
Electronic Monitoring

Andrew Coyle on
early prison reform in Scotland

Bernadette Monaghan on
Children's Hearings

Interview with
HMIP David Strang



DESISTANCE

MOVING ON: DESISTANCE AND REHABILITATION



Scottish Justice Matters is a publication of the Scottish Consortium of Crime and Criminal Justice (SCCCJ). The Consortium is an alliance of organisations and individuals committed to better criminal justice policies. It works to stimulate well informed debate and to promote discussion and analysis of new ideas: it seeks a rational, humane, constructive and rights-based approach to questions of justice and crime in Scotland.

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ISSN 2052-7950 (Print)

ISSN 2052-7969 (Online)

Scottish Consortium on Crime and Criminal Justice is a registered charity [SC029241]

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Take Five

Scottish Justice Matters asks our politicians to respond to questions about crime and justice. We asked:

What can the Scottish Government do to make it more likely than at present for people with criminal convictions to stay out of trouble?



Patrick Harvie,
Scottish Green Party

WHAT'S the criminal justice system for?

The answer can depend on your perspective, and governments tend to try and strike a balance between the various priorities. Efforts to rehabilitate offenders have been given attention in recent years, however the system is still fundamentally based around the concept of punishment. All too often political debate about crime and sentencing is characterised by a desire for retribution as an end in itself. Certain media outlets devote substantial efforts to maintaining this approach.

A visitor from another world could be forgiven for thinking that the criminal justice system is designed to keep things just as they are; not to make society as safe and crime-free as possible but rather to supply a steady stream of offenders to keep the courts busy and to let the red-tops fill their pages with outraged copy.

Any government which wanted to change the current dynamic would be taking on a tough job. What's needed is a cultural change, not just within the justice system but in wider society. If we wanted a system which makes rehabilitation and crime prevention the top priorities, we'd have to accept that sometimes this will conflict with the instinctive desire for punishment. We'd have to accept that the court's job, once an offender's actions are proved beyond reasonable doubt, is to understand the root causes of the offending behaviour and to find disposals which are directly relevant. Sometimes we'd have to let evidence of effectiveness supercede our feelings about justice and fairness.

More fundamentally we'd have to recognise the economic and cultural context in which offences take place. The breathtaking material and health inequalities in our society are not moral excuses for offending, but they can be drivers of that behaviour. Tough on the causes of crime? Anyone remember that line?



Kenny MacAskill,
Scottish National Party

FOR THE majority of low-level offenders, prison is not the answer to stopping them re-offending. What does work are

robust community sentences like Community Payback Orders (CPOs), which make sure offenders give something back, but can still access the support they need to go straight. We are seeing the benefits of our approach to community sentencing in reduced rates of reoffending, but we are not complacent and will continue to ensure CPOs provide the maximum benefit for both offender and community.

The period just after leaving prison is when offenders need the most support. That's why we are supporting national mentoring services for women and prolific male offenders that will provide practical help, support and encouragement to promote reintegration back into everyday life. We are also working with the Scottish Prison Service and local authorities to make sure that rehabilitation, better health and new attitudes started in prison don't fall away on release. This is not singling out offenders for extra help. It's about making sure public services are there to support those trying to change for the better, to everyone's benefit.

We know one of the greatest barriers to offenders moving on is gaining employment. Consequently, we are looking again at the Rehabilitation of Offenders Act and building in provisions to make it easier for those who have served their time to secure a job.

For those involved in serious crime, prison is the right place. In recognition of this we are proposing additional safeguards through our Criminal Justice Bill to ensure such offenders serve their entire sentence. We also know that reoffending rates decrease if prisoners spend their sentence learning new skills or carrying out work for the community. The Scottish Prison Service is currently reviewing such "purposeful activity" so that time behind bars is meaningfully spent.



**Alison McInnes,
Liberal Democrats**

RECONVICTION rates in Scotland have barely changed in a decade. We are overdue an early intervention revolution in the criminal justice system.

Too many people are sent to prison, particularly on short sentences. Alternatives such as community-based justice programmes and diversion-from-prosecution projects are often more successful in reducing reoffending, especially among young people. However, to be truly effective, community based reparations must be properly resourced and rigorously assessed.

Turning to those who are imprisoned, often the most disadvantaged and marginalised people in our society, the government must ask more, both of them and of our prison service.

Prisons should become intensive care units for rehabilitation and learning, challenging and supporting offenders to take steps in a new direction through personal development. When offenders develop skills, confidence and self-esteem they are more capable and resilient on release, and better able to integrate positively into their community.

Each offender should have an individual development and learning plan, to tackle the factors that have contributed to their offending behaviour. Interventions such as tackling literacy and numeracy problems in an imaginative and relevant way, providing anger management strategies, and developing communications skills are all worthwhile investments.

For young offenders and women in particular, the problems that lead to reoffending respond well to support and treatment in the community. We know that short term prisoners are most at risk of reoffending, yet now, too often, we leave them at the prison gate with nowhere to go and no support. There is no statutory requirement to provide support: local authorities only have a responsibility to provide throughcare for long term prisoners. The government must now extend statutory care to provide all offenders with seamless end-to-end support in areas such as education and training, health, substance misuse, families, money management, accommodation and support.



**Margaret Mitchell,
Scottish Conservatives**

THE 2012 Audit Scotland report revealed nearly 10,000 people convicted in 2010/11 had ten or more previous convictions. Police,

judges and social workers see the same faces time and again. Meanwhile reoffending costs around £3 billion annually. Clearly more not only could but must be done to tackle this dismal reoffending record.

There's plenty of evidence on what works to cut reoffending. One key challenge is to implement a holistic, joined up and effective approach.

We know offenders serving a prison sentence are much less likely to offend on release if they have a positive a reason to

stay out of trouble. The support of a significant other while they are in prison and when they complete their sentence, whether that's a relative or friend, helps. Here the charity Circle has some outstanding success, reducing reoffending by, working with and supporting prisoners while in prison and on release.

Crucially all prisoners (including those serving short term sentences) must have access to rehabilitation programmes which identify literacy and numeracy, mental health and other underlining problems and help the prisoner with these issues. It is vitally important that this work started in prison continues seamlessly on release.

Thereafter employment provides the best chance for offenders to turn their lives around. For those with a multitude of complex problems simply learning life skills to cope with everyday living is an important first step to stability, remaining crime free and hopefully gaining employment later.

Community sentences need better enforcement and offenders on CSOs require meaningful work experience which is relevant to that offender. This in turn helps foster a work ethic gained from a sense of achievement.



**Graeme Pearson,
Scottish Labour**

REDUCTIONS in offending and reoffending rates are difficult to achieve.

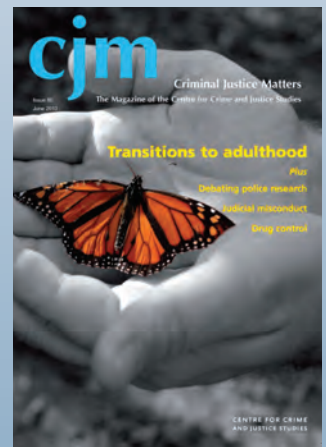
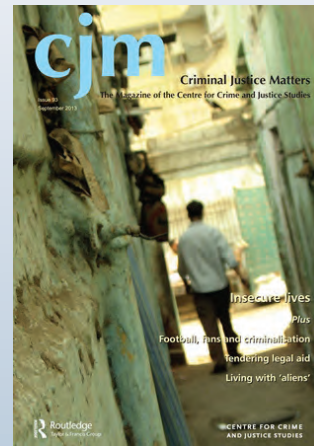
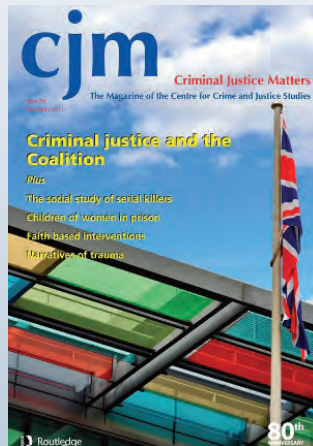
Government must act to deal with the on-going challenge of innumeracy and illiteracy affecting many of those who end up in our prisons. Anyone unable to fill in forms and respond to requests for information is unlikely to achieve anything other than infrequent employment. In that light there is little surprise in the fact that stubbornly high levels of disability in this context continue amongst our prisoners.

Second, Government must encourage enterprise and meaningful employment as part of community development in those areas devastated in recent years by the economic realities of deindustrialisation. Apprenticeships and practical skill development offers those less academically inclined the opportunity to succeed in their terms.

Third the underlying impact of poverty on many families must be addressed to ensure that hunger and need play no part in pushing people into a criminal lifestyle.

Justice agencies continue to operate barriers between them. This must be challenged. Successive 'reforms' have changed language and structure across the public sector but have seldom amended internal cultures and protectionism. The ability of public services to coordinate information, intelligence and thereby an effective response, is often hampered by organisational and departmental interests. Government must reward those services that are successful in dealing with offending and offenders. Statistical analysis identifying what works in real terms must be rigorously applied. At the same time national drugs and alcohol policy and alongside that prisons policies, should direct efforts to not merely managing problems but importantly challenging errant behaviour, in the interests of the offender, the community, but as importantly in the interests of targeting public funds. In addition our system of community protection has to be honed in its ability to identify dangerous offenders at an early stage thereby preventing new victims.

'If **cjm** did not exist, someone would have to invent it'
 Professor Tim Newburn, London School of Economics.



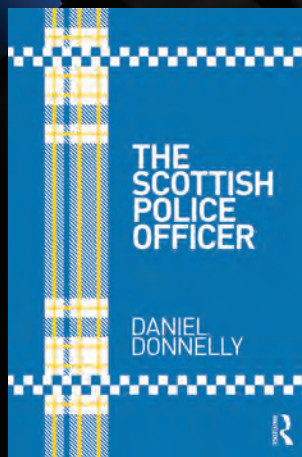
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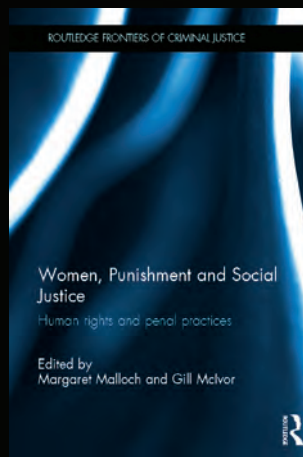
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October 2013 ■ 188 pages

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