

SACRO LECTURE: 7TH OCTOBER 2008, UNIVERSITY OF EDINBURGH

IMPRISONMENT IN CONTEMPORARY SCOTLAND

POLITICAL RHETORIC AND PRACTICAL REFORM.....CHANGING THE MIND SET

EXTRACTS FROM THE LECTURE

NO 1. INTRODUCTION,

MY INVOLVEMENT, 10 YEARS ON.....WESTMINSTER....HOME AFFAIRS....THE ICE CREAM WARS FALL OUT, DONALD DEWAR, PROTECTION AND THE DESTRUCTION OF A NEIGHBOURS PROPERTY.... DEATH ROW IN THE US....THE GRAHAMS AND ANTI- SOCIAL BEHAVIOUR....SURVEILLANCE CAMERAS AND THREATS....THE SIX SUICIDES AT CORTON VALE.....NO SUITABLE EXPERIENCE!....READING REPORTS FOR RELEASING PRISONERS AS A MINISTER.....THE REFRESHING APPROACH OF CAB SEC MACASKILL.....THE BRONX AND REIKERS PRISON NEW YORK.....EVIDENCE SESSIONS FOR THE COMMISSION.....THE PROMISE OF DEVOLUTION AND NEW WAYS OF WORKING.

NO 2. TIME FOR REFLECTION.....LOOKING FORWARD

TO NIGHT I DO NOT INTEND TO COVER AGAIN IN DETAIL THE FINDINGS OF THE COMMISSION BUT INSTEAD WOULD LIKE TO REFLECT ON THE CRIMINAL JUSTICE SYSTEM AND DISCUSS WITH YOU HOW WE GO FORWARD AND IN PARTICULAR TO MAKE SOME SENSE OF A DEBATE WHICH IN MANY WAYS IS NOT SERVING EITHER THE PEOPLE OF SCOTLAND OR THE PEOPLE WHO ARE INVOLVED IN CRIME AND PUNISHMENT. OUR DEBATE IS COMPLEX, CONFUSED, CONTRADICTIONARY AND OFTEN DISCONNECTED FROM RELEVANT INTERNATIONAL EXPERIENCE; EVIDENCE BASED KNOWLEDGE; THE CONTEXT AND THE CONDITIONS THAT HOST MOST OF OUR OFFENDERS AND CRIMINALS; AND THE TENSIONS BETWEEN POLITICAL RHETORIC AND PRACTICAL REALITIES.... I CALL THIS MY SEARCH FOR PROGRESS. I

HAVE THOUGHT LONG AND HARD ABOUT WHY SCOTLAND IS WHERE IT IS AND MORE IMPORTANTLY WHY IT IS NOT IN A BETTER PLACE IN TERMS OF MORE SUCCESS AND POSITIVE OUTCOMES FROM ITS CRIMINAL JUSTICE SYSTEM. WE HAVE SOME OF THE BEST PRACTICE IN THE WORLD- JUDICIAL & COURT SYSTEM, SOCIAL SERVICES, POLICE, PRISON SERVICE, LEGAL SYSTEM AND VOLUNTARY SECTOR (WORLD CLASS RESOURCES)-BUT WE ARE NOT YET A WORLD CLASS COUNTRY. SHOULD WE EXPECT MORE FROM OUR POLITICAL LEADERS? ARE THEY THE CAUSE OF OUR UNDERPERFORMANCE AND LACK OF SUCCESS? ARE THEY HOLDING US BACK? IS OUR DEBATE A MICROCOSM OF MANY OF THE ATTITUDES AND SELF DOUBT WHICH UNDERMINES OUR CONFIDENCE AS A SOCIETY AND A NATIONWHICH IN TURN LEADS TO OUR INABILITY TO DEAL WITH CHANGE? OR IS IT THE MEDIA AND THE PROPENSITY OF OUR NEWSPAPERS TO ALWAYS WALK ON THE DARK SIDE OF CRIME AND CRIMINALITY AND REPORT IN THE WAY THAT THEY DO? OR IS IT ALL OF THESE THINGS?

I WANT TO OUTLINE MY OWN THINKING AND MORE IMPORTANTLY SET OUT SOME IDEAS FOR MOVING FORWARD. THIS IS ALSO ABOUT SCOTLAND THE BRAND...THE WAY WE SEE OURSELVES AND THE WAY OTHERS SEE US.

NO 3. CONTEXT.....CONTEMPORARY SCOTLAND...

WHAT IS THE NATURE OF THE DEBATE SURROUNDING THE CRIMINAL JUSTICE SYSTEM? THERE SHOULD BE AN ECONOMIC AND SOCIAL POLICY DEBATE. THERE ARE SELF EVIDENT TRUTHS. BUT ALTHOUGH WE HAVE ONE NATION WE HAVE MANY DEBATES- HIGHLY POLITICISED, POLARISED AND LACKING LOGIC.....AND WHERE DISCONNECTS ABOUT AMIDST A GROWING GAP BETWEEN POLITICAL RHETORIC AND PRACTICAL REALITIES.....

WE ARE NOT SHORT ON IDEAS, MODELS, EXPERTISE, EVIDENCE, EXPERIENCE AND INTERNATIONAL EXEMPLARS BUT SEEM UNABLE OR UNWILLING AS A MODERN NATION TO ACHIEVE MORE POSITIVE OUTCOMES FROM OUR CRIMINAL JUSTICE SYSTEM AND BUILD THE TRUST AND CONFIDENCE OF THE PUBLIC, COMMUNITIES

AND THE VICTIMS WHO ARE IN THE FRONT LINE OF OFFENDING AND CRIMINAL BEHAVIOUR.....

THERE IS IN MY MIND A FUNDAMENTAL DISCONNECT BETWEEN THE “CONTENTED MAJORITY” WHO COMMENT AND RESPOND AND THE “DISCONTENTED MINORITY” WHO EXPERIENCE AND SUFFER..... (JK GALBRAITH, THE CULTURE OF CONTENTMENT)

AT THE HEART OF OUR CRIMINAL JUSTICE SYSTEM AND OUR SOCIETY, WHAT IS HOLDING US BACK FROM MAKING THE REFORMS, SHIFTING THE MIND SET, DEVELOPING A NEW NARRATIVE AND ACKNOWLEDGING THAT THE ISSUES WE DEAL WITH AND THE PROBLEMS WE SEEK TO SOLVE WITHIN THE CRIMINAL JUSTICE SYSTEM- PREDOMINANTLY BY THE IMPORTANCE AND STATUS WE GIVE TO PRISON- CAN NO LONGER BE CONSIDERED IN ISOLATION FROM THE SOCIAL, ECONOMIC AND INSTITUTIONAL REALITIES OF OUR COUNTRY. IN PARTICULAR OUR FAILURE TO ACKNOWLEDGE AND SENSIBLY TACKLE THE WIDENING INEQUALITIES IN SCOTLAND AND THE INCLUSIVE SOCIAL AND ECONOMIC APPROACH THAT THIS DEMANDS.

WE ARE TALKING ABOUT CRIMINAL JUSTICE REFORMS IN THE SHORT TERM BUT MORE SIGNIFICANT SOCIAL AND ECONOMIC REFORMS IN THE MEDIUM TO LONG TERM. THE TWO ARE INEXTRICABLY LINKED. THERE HAS TO BE NEW THINKING AND A NEW APPROACH TO THE POLITICAL AND MEDIA DEBATE SURROUNDING CRIMINAL JUSTICE. POLITICISATION AND POLARISATION OF THE ISSUES IN ITS CURRENT FORM SERVES LITTLE USEFUL PURPOSE AND IS A MASSIVE DISTRACTION FROM THE DEBATE A MODERN AND AMBITIOUS SCOTLAND SHOULD BE HAVING IN THE FIRST DECADE OF THE 21ST CENTURY.

I DO HOWEVER UNDERSTAND THE POLITICAL ISSUES AT WORK HERE- TOUGH ON CRIME, TOUGH ON THE CAUSES AND MY WESTMINSTER EXPERIENCE. THERE IS THE LINK BETWEEN ANGER- DISGUST- REVENGE- AND SO CALLED HARSH AND TOUGH REMEDIES- AND THE PUBLIC RECOGNITION OF SUCH AN APPROACH (WE NEED TO RESHAPE THAT PART OF POLITICAL DILEMMA) THERE IS THE INSTINCTIVE DESIRE OF OUR POLITICAL PARTIES TO HYPE UP THE DRAMA AND

THE NATURE OF THE DRACONIAN MEASURES NEEDED. WE NEED TO RECONNECT THE CRIMINAL JUSTICE DEBATE WITH THE WIDER ISSUES IN SOCIETY (POLITICIANS NEED TO SEE THE PROBLEMS IN A WIDER CONTEXT)

AND LET US NOT IGNORE THE PRESSURE OUR ELECTED REPRESENTATIVES AND GOVERNMENT MINISTERS ARE UNDER FROM THE PRINTED PRESS IN PARTICULAR- THIS WILL ONLY INTENSIFY AS INSTANT COMMUNICATION VIA THE INTERNET, TEXTING, INTERACTIVE TECHNOLOGY EVOLVE. (POLITICIANS GIVING A SOUND BITE RESPONSE TO A SENSELESS AND HEINIOUS CRIME WILL NOT BE ABLE TO DWELL ON THE NICETIES OF TOUGH ON THE CAUSES!)

POLITICS IS ABOUT PASSION AND THE CUT AND THRUST OF DEBATE. BUT IN ALL OF THIS THERE IS A NEED TO EDUCATE AND INFORM; TO RECOGNISE THE IMPORTANCE OF EVIDENCE AND EXPERIENCE; TO REACH SOME CONSENSUS ON WHAT BEING TOUGH ON CRIME AND TOUGH ON THE CAUSES OF CRIME ACTUALLY MEANS. THERE IS A NEED FOR POLITICIANS TO REACH OUT ACROSS THE AISLE FOR SOME "BIPARTISAN" APPROACH AS THE AMERICANS WOULD DESCRIBE IT.

THE PRESS HAVE ALSO A MORE SIGNIFICANT, SUBSTANTIAL AND CONSTRUCTIVE ROLE TO PLAY. THE MEDIA PERFORMS A VITAL ROLE IN OUR DEMOCRACY AND PUBLIC POLICY DEBATE. SOME OF THE PROBLEMS RELATE TO CRIME AND PUNISHMENT AND AN OBSESSION WITH "THE DARKER SIDE" OF HUMAN EXPERIENCE- THE HIGHLY CHARGED NATURE OF BASIC RAW HUMAN EMOTIONS, A MORBID CURIOSITY, A MEDIEVAL INTEREST AND A SINISTER PREOCCUPATION WITH GOOD, EVIL AND PUNISHMENT. THERE IS NO AREA OF PUBLIC POLICY THAT CUTS SO DEEPLY INTO THE PUBLIC PSYCHE. WE, THE CRIMINAL JUSTICE COMMUNITY, UNCONSCIOUSLY PLAY INTO THIS BY BEING TOO PRECIOUS ABOUT WHAT WE DO, BEING TOO INTOLERANT, INDIGNANT AND DISMISSIVE ABOUT PRESS AND PUBLIC COMMENTARY OF WHAT WE DO, AND OFTEN ADOPTING ULTRA LIBERAL VIEWS WHICH RUN AGAINST THE GRAIN OF POPULAR AND COMMON SENSE THINKING...ALL OF THIS PROVIDES AN EASY TARGET FOR THOSE PRESENTING A HARD LINE APPROACH.

BUT OF GREATER IMPORTANCE IS THE LACK OF TRANSPARENCY OF THE CRIMINAL JUSTICE SYSTEM....WE SIMPLY HAVE TO OPEN UP, BE MORE INVOLVED AND ENGAGED.....WE HAVE TO SHIFT THE BALANCE OF THE DEBATE AND EDUCATE AT THE SAME TIME. THE MORE WE HIGHLIGHT OUR LACK OF OPENNESS THE MORE WE REINFORCE THE DARKER SIDE OF THE CRIME-PUNISHMENT –PRISON SCENARIO. WE HAVE TO UNDERSTAND AND THEN DISENTANGLE THIS COMPLEX RELATIONSHIP BETWEEN PRESS, PUBLIC AND THE POLITICAL PROCESS IF WE ARE TO HELP SHAPE A NEW DEBATE IN SCOTLAND AND A NEW MIND SET. WE HAVE TO REMOVE THE MYTHS, KILL THE DEMONS AND CREATE A MORE NORMAL UNDERSTANDING OF THE COMPLEX ISSUES INVOLVED.

NO 4. COMMISSION FINDINGS AND THINKING:

THE COMMISSION AIMED TO PRODUCE A PACKAGE OF REFORMS, EACH SIGNIFICANT IN THEMSELVES, BUT OVERALL; TO CHANGE THE FACE AND SUBSTANCE OF OUR APPROACH TO CRIMINAL JUSTICE IN SCOTLAND; TO ACHIEVE THE RESULTS AND POSITIVE OUTCOMES WE DESIRE AND IN TURN START TO ADDRESS AND TACKLE SOME OF THE WIDER AND DEEPER ISSUES WHICH ARE REPRESENTATIVE OF THE CONTEXT, THE CONDITIONS AND CAUSES WHICH CONTRIBUTE TO THE CULTURE OF CRIME, CRIMINALITY AND OFFENDING IN SCOTLAND. THE PACKAGE PRESENTED BY THE COMMISSION COULD ACHIEVE THAT. BUT WHAT WAS REVEALING FOR THE COMMISSION WAS THE PROFILE OF THE PRISONER POPULATION AND THE CHANGES IN THE DIFFERENT CATEGORIES OVER A TEN YEAR PERIOD.....THIS INFLUENCED OUR AGENDA AND SHAPED OUR THINKING SETS THE AGENDA..... WOMEN, YOUNG OFFENDERS, RECALLED (+ 1000% / FEWER PAROLLED, REMAND (+69%), ROLLING UP OF OFFENCES, SHORT SENTENCES, MENTAL/PHYSICAL ILLNESS/ DRUGS AND ALCOHOL.....

BUT AT THE HEART OF OUR CONCERNS WAS THE QUESTION OF WHY WE HAD NOT MADE MORE PROGRESS UP TO NOW? WHY IS IT THAT AFTER MANY YEARS OF DEBATE AND POLICY MAKING - AND WITH SOME NOTABLE EXCEPTIONS A REASONABLY STABLE CRIME RATE - WE ARE STILL UNDERPERFORMING,

ACIEVING POOR RESULTS AND OUTCOMES, GETTING A POOR PUBLIC VALUE RETURN ON OUR INCREASING FINANCIAL INVESTMENT. IN THE LAST TEN YEARS WE HAVE PRODUCED MORE LAW AND ORDER LEGISLATION THAN PREVIOUS GOVERNMENTS BUT DESPITE THAT WE STILL LOOK LESS LIKE OTHER MORE SUCCESSFUL WESTERN EUROPEAN COUNTIRES. PRESS COVERAGE AND SCRUTINY OF CRIMES AND SENTENCING AS NEVER BEEN GREATER. THIS IS ALSO AGAINST A BACKDROP OF UNPRECEDENTED PUBLIC SPENDING OVER THE LAST 10 YEARS, LOW UNEMPLOYMENT, HIGH EMPLOYMENT AND A STABLE ECONOMY. ALL OF THIS WAS A MAJOR AND WORRYING CONCERN FOR THE COMMISSION.

AS WE SAID IN OUR REPORT THERE ARE SOME BASIC CHOICES TO BE MADE- DO NOTHING....OR MOVE FORWARD WITH THE REFORMS.

NO 5. PROGRESS, PRACTICALITIES AND POLITICS (BETWEEN POLITICAL RHETORIC AND PRACTICAL REFORM)

(A) PROGRESS, WHAT DOES IT MEAN

FACED WITH COMPELLING EVIDENCE OF WHAT SHOULD BE DONE AND WHAT WORKS. FACED WITH THE HARD FACTS OF SOME REMARKABLY POOR OUTCOMES. FACED WITH THE REAL CONCERNS AND FEARS OF THE PUBLIC. LET US LOOK IN MORE DETAIL WHY MORE PROGRESS HAS NOT BEEN MADE.

(1) THE POLARISED AND POLITICISED NATURE OF THE DEBATE IS A SERIOUS OBSTACLE TO A WORKING CONSENSUS - NOT ONLY IN TERMS OF WHAT SHOULD BE DONE BUT ALSO IN TERMS OF THE COLLECTIVE COURAGE AND CONVICTION NEEDED TO TAKE SOME SERIOUS AND FAR REACHING DECISIONS.

(2) THE WHOLE CRIMINAL JUSTICE SYSTEM LACKS TRANSPARENCY AND MANY ASPECTS AND ACTIVITIES MAKE LITTLE SENSE TO THE PUBLIC AND AS A CONSEQUENCE THERE CONFIDENCE IN IT.

(3) WE HAVE HAD NEITHER THE COURAGE NOR THE INTELLECTUAL ENERGY TO CHANGE THE SCRIPT. WE HAVE ALLOWED OURSELVES TO BE INFLUENCED BY THE IDEA THAT PRISON IS THE ONLY REAL ALTERNATIVE, THE DEFAULT POSITION. IN TURN WE HAVE FAILED TO ACKNOWLEDGE THE PROFILE OF CRIME AND CRIMINALS AND PUT THE REQUIRED EFFORT INTO COMMUNITY ALTERNATIVES. COMMUNITY SENTENCING SHOULD BE THE DEFAULT DISPOSAL WITH PRISON BEING USED IN A MORE PARTICULAR AND SERIOUS WAY FOR CRIMINALS WHO NEED TO BE THERE.

(4) WITHIN THE CRIMINAL JUSTICE SYSTEM THERE IS NO OVERALL DRIVING FORCE. IT OFTEN LACKS COHERENCE AND DESPITE SOME OF THE BEST AND IMAGINATIVE PROFESSIONAL WORK WE END UP WITH DISAPPOINTING RESULTS....SO HOW DE WE GENERATE A WIDER SENSE OF COLLECTIVE RESONSIBILITY FOR WHAT WE ACHIEVE OR DON'T ACHIEVE. HOW DO WE OVERCOME A "SILO MENTALITY" WHICH UNDERMINES OUR EFFORTS TO ACHIEVE COLLECTIVE SUCCESS? THE WHOLE SYSTEM IS FRAGMENTED OVER DIFFERENT LEVELS OF GOVERNMENT LEADING TO DIFFICULT LINES OF RESPONSIBILITY AND ACCOUNTABILITY...THE POST CODE LOTTERY OF PROVISION SEEMS AT ODDS WITH THE NATIONAL IMPORTANCE AND PRIORITY ATTACHED TO THIS WHOLE AREA OF INTEREST.

(5) INEQUALITY, THE GEOGRAPHY OF CRIME, THE CYCLE OF GENERATIONAL AND FAMILY INVOLVEMENT, THE NEED FOR SPECIFIC, CONSISTENT AND EARLY INTERVENTION PROVIDE A POWERFUL NARRATIVE OF CAUSE, CULTURE AND CONDITION; WITH COMPELLING EVIDENCE OF THEIR IMPORTANCE....THIS HAS LESSONS FOR POLICY THAT SHOULD BE INFORMING OUR ACTIONS. THIS IS NOT YET PLAYING A SIGNIFICANT ROLE IN OUR CRIMINAL JUSTICE WORK. WHY IS THIS?

(6) THERE IS ALSO THE ISSUE OF SOCIETY AND THE ROLE IT SHOULD PLAY IN DEALING WITH CRIME AND CRIMINALS. THE COMMUNITY JUSTICE SYTEM HAS TO BE MORE HONEST WITH ITSELF AND THE PEOPLE IT SERVES. IT DOESN'T MAKE ANY SENSE FOR THE SYSTEM TO ASSUME TOTAL RESPONSIBILITY FOR THE

ACTIONS OF PEOPLE WHO ARE PRODUCTS OF SOCIETY. THEY ARE IN NEED OF THE HELP ONLY THE WIDER SOCIETY CAN PROVIDE. ALCOHOL, DRUGS AND SUBSTANCE ABUSE CAN ONLY BE SOLVED BY SOCIETY AND THE HEALTH SERVICE NOT THE CRIMINAL JUSTICE SYSTEM; ILLITERACY CAN ONLY BE SOLVED BY SOCIETY AND EDUCATION NOT BY THE CRIMINAL JUSTICE SYSTEM; LACK OF SELF BELIEF AND SELF CONFIDENCE CAN ONLY BE RESTORED IN SOCIETY NOT BY THE CRIMINAL JUSTICE SYSTEM; MENTAL AND PHYSICAL ILLNESS CAN ONLY BE SOLVED BY HEALTH CARE AND TREATMENT NOT BY THE CRIMINAL JUSTICE SYSTEM. PUT SIMPLY, POVERTY, FAMILY BREAKDOWN, MENTAL HEALTH, POOR EDUCATION, PHYSICAL HEALTH, LOW EXPECTATIONS, UNEMPLOYMENT AND LACK OF DECENT HOUSING ARE NOT AN EXCUSE FOR CRIME BUT THEY ARE THE CONDITIONS AND THE CONTEXT FOR WHICH SOCIETY IS RESPONSIBLE AND HAS THE MOST SIGNIFICANT ROLE TO PLAY NOT THE CRIMINAL JUSTICE SYSTEM AND IN PARTICULAR THE PRISON SERVICE. CRIMINALS AND OFFENDERS PASS THROUGH PRISON OR SOME OTHER FORM OF SENTENCE FOR VARYING LENGTHS OF TIME AND THEN RETURN TO SOCIETY.....IT IS SELF EVIDENT THAT WE ARE ONLY AT BEST ABLE TO DELIVER SOME MINOR IMPROVEMENTS IN THE LIVES AND PROSPECTS OF THOSE THE SYSTEM IS DEALING WITH(ON THE MARGINS). WHY DO WE CONTINUE TO SUGGEST OTHERWISE? THIS IS THE CHALLENGE FACING SOCIETY!

(7) AS A NATION WE HAVE BECOME VERY DEPENDENT ON GOVERNMENT, BUREAUCRACY AND INSTITUTIONS (PRISON). THIS SENSE OF COLLECTIVISM IS BOTH POSITIVE AND NEGATIVE—THERE IS THE DANGER OF LOOKING THAT WE LOOK FOR SOLUTIONS TO PROBLEMS WHICH IGNORE IDEAS OF COMMUNITY, FAMILY INDIVIDUAL. IN THIS REGARD THE CONCEPTS OF RESPECT, RESPONSIBILITY AND SOLIDARITY ARE KEY TO THE KIND OF PROGRESS WE WISH TO ACHIEVE.

(8) HOW DO WE DEAL WITH THE NOTION OF COMMUNITY AND THE PUBLIC INTEREST? WE OFTEN PAY ONLY LIP SERVICE TO THEIR VIEWS, WORRIES, ANGER AND FRUSTRATIONS- NEEDS. DEVELOPING A BETTER UNDERSTANDING BETWEEN THE PROFESSIONALS AND THE PUBLIC IS AN IMPORTANT PART OF BUILDING A

NEW APPROACH WHERE THE COMMUNITY IS SEEN AS A RESOURCE AND AN INESCAPABLE PART OF SOLVING SOME OF THE OTHER PROBLEMS WE FACE: I AM INFLUENCED HERE BY THE FACT THAT MOST OF THE CRIME THAT GIVES RISE TO REAL PUBLIC CONCERN AND ANGER IS GENERATED IN CERTAIN PARTS OF SCOTLAND OR GENERATED BY PEOPLE LIVING IN CERTAIN PARTS OF SCOTLAND. BY DEFINITION CRIMINALS AND VICTIMS ARE ALSO LOCATED THERE. THIS PROVIDES A TIMELY REMINDER OF THE “CONTENTED MAJORITY” AND “DISCONTENTED MINORITY” ARE LOCKED INTO THE SAME ISSUES BUT WITH COMPLETELY DIFFERENT PERSPECTIVES AND EXPECTATIONS.

(9) MUCH OF OUR HESITANCY, AMBIVALENCE, INSECURITY AND SPLIT PERSONALITY HAS TO DO WITH SOME OF OUR DEEPEST NATIONAL CHARACTERISTICS AND OUR INATE CONSERVATISM AND OUR INABILITY TO CHANGE....WE ARE OFTEN COMFORTABLE WITH THE PAST AND THE PRESENT BUT SEE CHANGE AS CHALLENGING. IN SITUATIONS WHERE THERE ARE POWERFUL CURRENTS OF CONFLICTING OPINION THIS ONLY REINFORCES THE RELUCTANCE TO RENEW, INNOVATE AND REFORM.

(10) IT IS ALSO HARD TO IMAGINE HOW OUT OF LINE WE ARE WITH MUCH OF DEVELOPED WESTERN EUROPE, NOT JUST IN TERMS OF RATES OF IMPRISONMENT. CLEARLY THERE ARE SIGNIFICANT HISTORICAL, CULTURAL, ECONOMIC AND SOCIAL FACTORS AT WORK. BUT YOU DO GET THE IMPRESSION THAT MANY OF THEIR MIND SETS ARE MORE MODERN, MATURE AND FOR WANT OF A BETTER WORD SOPHISTICATED. THERE ARE CLEARLY IDEAS AND MODELS TO LEARN LESSONS FROM, BUT WHY ARE WE NOT GOOD LEARNERS? ALONG WITH OUR LACK OF NATIONAL SELF CONFIDENCE AT TIMES AND PARADOXICALLY WE SEEM TO HAVE A GOOD CONCEIT OF OURSELVES WHICH INHIBITS US FROM THINKING THAT WE HAVE SOMETHING OF VALUE TO LEARN. IN THIS REGARD WHY DO WE HAVE THE LOWEST AGE OF CRIMINAL RESPONSIBILITY IN EUROPE, 8 YEARS OF AGE? WHY DO WE INCARCERATE NEARLY 200 YOUNG PEOPLE UNDER 18 IN ADULT PRISONS? WHY ARE OUR PRISONS FILLED UP WITH PEOPLE WITH MENTAL AND PHYSICAL HEALTH PROBLEMS CAUSED BY ALCOHOL AND DRUGS? WHY ARE THE MAJORITY OF YOUNG MEN IN POLMONT UNABLE TO READ OR

WRITE TO THE BASIC STANDARDS REQUIRED IN A MODERN SOCIETY? AND JUST TO ADD INSULT TO INJURY WHY ARE MOBILE PHONES, INTIMIDATION AND BULLYING, DRUG TRAFFICKING TAKING PLACE INSIDE OUR PRISONS AND ALSO BEING USED TO ORGANISE THE TRADE OUTSIDE THE PRISONS. WHY IS ILLEGAL DRUG TAKING PART OF THE EVERY DAY LIFE OF OUR PRISONS? WE SHOULD USE MODERN TECHNOLOGY TO SUBSTANTIALLY REDUCE THIS AND RESPECT THE ANGER OF THE PUBLIC ABOUT THIS. WHAT DOES THIS SAY ABOUT SCOTLAND IN THE 21ST CENTURY.....HISTORY HAS ITS PLACE BUT SO DO THE LESSONS OF HISTORY.....HOW DO WE PROPEL SCOTLAND INTO A MODERN , PROGRESSIVE, ENLIGHTENED AND SUCCESSFUL COUNTRY WHERE CRIMINAL JUSTICE IS A GLOBAL EXEMPLAR? FAR TOO OFTEN THE BEST OF SCOTLAND STANDS EXAMINATION WITH ANYTHING IN THE WORLD BUT OUR BEST IS STILL NOT THE NORM.

(11) WHAT ARE THE OBJECTIVES....WHAT OUTCOMES CAN WE AGREE ON? THESE SHOULD BE STRAIGHTFORWARD AND BECOME THE TEST OF PROGRESS AS WELL AS BEING THE OBJECTIVE INDICATORS AROUND WHICH SOME CONSENSUS COULD BE BUILT. THE KEY OBJECTIVES ARE PUBLIC SAFETY AND SECURITY. THE OTHERS ARE PUNISHMENT, TURNING LIVES AROUND, REOFFENDING RATES, DETERRENCE, REHABILITATION THROUGH COHERENT AND WELL RESOURCED THROUGH PUT PROGRAMMES AND REDUCING CRIME

(B) PROGRESS AND POLITICS

IN TERMS OF THE COMMISSIONS PROPOSALS SIGNIFICANT PROGRESS CAN BE MADE THROUGH NEW LAWS, EXECUTIVE DECISIONS AND SOME ORGANISATIONAL CHANGE. ONLY SOME OF THAT CAN CHANGE THE MIND SET OR THE CURRENT ILL-TEMPERED AND DIVISIVE DEBATE(S) IN SCOTLAND. THE REAL MEASURE OF PROGRESS WILL BE NOT ONLY WHAT WE CAN DO IN THE SHORT TERM TO MOVE AHEAD WITH THE PACKAGE OF REFORMS BUT HOW WE DEEPEN AND WIDEN OUR UNDERSTANDING AND INTENSIFY OUR RESOLVE TO DEAL WITH THE UNDERLYING SOCIAL AND ECONOMIC POLICY ISSUES . BUT TO

BRIDGE THE GAP BETWEEN LIBERALS AND CONSERVATIVES ON SOME OF THE ISSUES THERE HAS TO BE SOME AGREED PRE-CONDITIONS FOR A DIALOGUE AND THEN A CONSENSUS.....WHAT MIGHT BE THE BASIS OF A NEW APPROACH?

(1)THE COMMISSION'S REPORT WAS ABOUT ALTERNATIVES TO PRISON, NOT ALTERNATIVES TO PUNISHMENT.....

(2) PUBLIC SAFETY AND SECURITY.....

(3) INEQUALITY IS NOT AN EXCUSE FOR CRIME AND OFFENDING BUT IT IS OBVIOUSLY A CONDITION/ CAUSE/ CONTEXT THAT HAS TO BE A SERIOUS PART OF THE ANALYSIS (NOT EVERY PERSON IN A DEPRIVED AREA ENDS UP IN PRISON, BUT MOST OF THE PEOPLE THAT END UP IN PRISON ARE FROM DEPRIVED AREAS).....

(4)PRISONS ARE NOT HEALTH CENTRES OR HOSPITALS; THEY SHOULDN'T BE FULL OF PEOPLE WHO ARE MENTALLY AND PHYSICALLY ILL AND DAMAGED BY DRUGS AND ALCOHOL....

(5)FOR SERIOUS CRIMINALS AND OFFENDERS THE PUNISHMENT SHOULD FIT THE CRIME AND BE INTELLIGIBLE TO THE PUBLIC....

(6)TAXATION AND THE USE OF PUBLIC FUNDS HAS TO BE TAKEN MORE SERIOUSLY, THERE HAS TO BE A BETTER RETURN FROM SCARCE RESOURCES.....

(7)MORE RESPONSIBILITY HAS TO BE ASSUMED BY PARENTS AND FAMILIES, WITH OR WITHOUT INTERVENTION FROM SOCIAL AGENCIES, GENERATIONAL ASPECTS OF THE PROBLEM HAVE TO BE DEALT WITH.....

(8)COMMUNITY SENTENCES MUST BE CREDIBLE AND REQUIRE A TOTAL MAKE OVER IN TERMS OF HOW THEY APPEAR TO THE PUBLIC AS A SERIOUS ALTERNATIVE TO PRISON. THEY MUST HAVE MORE SUBSTANCE, IMMEDIACY AND IMAGINATION IN ATTEMPTING TO TURN THE LIVES OF PEOPLE AROUND - IN TERMS OF EFFECTIVENESS AND BEING SOCIALLY AND PERSONALLY CHALLENGING THESE SENTENCES SHOULD BE CONSIDERED THE TOUGH OPTION(IN TODAY'S

LANGUAGE) ESPECIALLY COMPARED WITH A FEW DAYS OR WEEKS IN PRISON- IS SENDING 7000 PEOPLE TO PRISON 47000 TIMES A TOUGH OPTION?.....

(9)WE HAVE TO DO SOMETHING ABOUT RISK, FEAR AND FAILURE (THERE ARE REAL CONCERNS THAT FOR EXAMPLE THE PAROLE BOARD MAY BE LESS INCLINED TO GRANT PAROLE AND AT THE SAME TIME RECALL MORE PEOPLE TO PRISON FOR BREAKING THE RULES IF THEY LACK CONFIDENCE IN THE RISK ASSESSMENT PROCESS AND ARE SIMULTAENOUSLY WORRIED ABOUT ADVERSE CRITICISM IN THE MEDIA).....

(10)WE NEED TO MORE OBJECTIVELY REVIEW THE DEMAND FOR MANDATORY SENTENCES FOR A GROWING NUMBER OF HIGHLY VISIBLE AND SHOCKING CRIMES SUCH AS CARRYING A DANGEROUS WEAPON- WITHOUT ASSESSING THE DETERRENT EFFECT AND THE THREAT TO LIBERTY MUCH OF THIS DEBATE COULD BE THE SLIPPERY SLOPE- PROVIDING AN OULET FOR OUR ANGER AND DISGUST BUT DOING LITTLE TO TACKLE THE INCIDENCE OF CARRYING DANGEROUS WEAPONS IN OUR SOCIETY.....

(11)FINALLY WE TRY AND MAKE POLITICAL POINTS SCORING LESS FASHIONABLE. THE ENDLESS INFLATING OF CLAIMS AND COUNTERCLAIMS FOR ONE POLICY OVER ANOTHER HAS TO END. THERE ARE FEW SILVER BULLETS IN CRIMINAL JUSTICE NOR ARE THERE ABSOLUTE GUARANTEES FOR THE WISDOM OF ANY ACTION OR THE SUCCESS OF A PARICULAR APPROACH. WHERE THE DEBATE LURCHES FROM ONE KNEE JERK REACTION TO ANOTHER, LITTLE PROGRESS CAN BE MADE. ALL OF US HAVE VALUES, A MORAL FRAME OF REVERENCE, A SENSE OF RIGHT AND WRONG, AN UNDERSTANDABLE ANGER AND FRUSTRATION AT SENLESS AND MOTIVELESS OFFENDING. THAT IS WHAT MAKES US HUMAN. BUT AS PULICLY ELECTED OFFICIALS THE PUBLIC ALSO EXPECT US TO USE OUR WISDOM AND EXPERIENCE AND TO SEARCH FOR TRUTH AND SOLUTIONS AND NOT INDULGE IN DEVELOPING SOME ARTIFICIAL AND ABSOLUTE IDEOLOGY FOR CRIME AND PUNISHMENT. THIS OFTEN PANDERS TO THE LOWEST COMMON DENOMINATOR OF BASE INSTINCTS AND VALUES.

(12) NEEDS AND EXPECTATIONS....TO REDEFINE THE TERMS OF ENGAGEMENT AND REWRITE THE NARRATIVE...CONSENSUS AND REFORM VERSUS CONFLICT AND RHETORIC!

(C) PROGRESS AND PRACTICALITIES

(A) A NEW COALITION OF THOSE INTERESTED IN DEVELOPING CONSENSUS AND AT THE HEART OF THAT IS A BIPARTISAN APPROACH BY OUR PARLIAMENT, POLITICAL PARTIES AND POLITICIANS. THIS SHOULD BE POSSIBLE IN SCOTLAND WHERE THERE IS SOME PUBLIC EXPECTATION THAT WE SHOULD BE DOING THINGS DIFFERENTLY....DEVOLVED GOVERNMENT HELPS THIS PROCESS AND ALLOWS US TO DIVERGE FROM THE REST OF THE UNITED KINGDOM.

(B) A NEW COMPACT WITH COMMUNITIES AND FAMILIES MOST AFFECTED BY CRIME AND CRIMINALS IS NEEDED. AND AS PART OF THAT WE MUST HAVE A MORE REALISTIC ENGAGEMENT WITH VICTIMS.

(C) THERE HAS TO BE A RETHINK OF THE INVOLVEMENT OF GOVERNMENT DEPARTMENTS AND THE VOLUNTARY SECTOR IN DEALING WITH THE GREAT SOCIAL AND ECONOMIC ISSUES FACED BY COMMUNITIES WITH HIGH LEVELS OF CRIMINAL BEHAVIOUR. THESE AREAS HOST THE PEOPLE GOING INTO THE CRIMINAL JUSTICE SYSTEM AND HOST THEM WHEN THEY RETURN.....JOINED UP JUSTICE MAKES SENSE IN THIS REGARD....PERIODS IN PRISON OR ON A COMMUNITY SENTENCE ARE ONLY BRIEF STOPS ON AN OFTEN CHAOTIC AND DESTRUCTIVE JOURNEYS FOR MANY OF THESE INDIVIDUALS - WHERE PRISON IN PARTICULAR PROVIDES LITTLE DETERRENT EFFECT - LIFE SENTENCE BY INSTALLMENTS...IN 2005/6 WHERE 7000 PEOPLE SENTENCED TO CUSTODY THEY ALREADY HAD BETWEEN THEM 45000 PREVIOUS PERIODS IN JAIL.

(D) COMMUNITY SENTENCES HAVE TO BECOME THE DEFAULT POSITION FOR THOSE BEING DISPOSED OF IN OUR CRIMINAL JUSTICE SYSTEM. CLEARLY THERE WILL BE A SIGNIFICANT NUMBER OF DANGEROUS, VIOLENT PEOPLE WHO POSE REAL AND IMMEDIATE THREATS TO THE PUBLIC AS WELL AS CREATING FEAR IN

PARTICULAR COMMUNITIES. PRISON IS THE ONLY SOLUTION FOR THEM. PUBLIC SAFETY IS THE GUIDING PRINCIPLE. FOR OTHERS PRISON HAS BECOME TOO READILY AVAILABLE. IT IS AN INSTITUTION WITH HISTORY ON ITS SIDE. IT IS AN OBVIOUS DISPOSAL AND HAS A MIXED RECORD OF ACHIEVEMENT... IT NOW THOUGH DISTORTS THE CONSIDERATION OF SERIOUS COMMUNITY ALTERNATIVES. THE PUBLIC GIVE PRISON CREDENCE BECAUSE IT IS PART OF THE MIND SET OF CRIME- PUNISHMENT-PRISON. THIS IS DEEPLY ENGRAINED IN THE PUBLIC PSYCHE AND WILL BE DIFFICULT TO SHIFT UNLESS AND UNTIL THE WIDER DEBATE ABOUT ALTERNATIVES GAINS TRACTION AND MORE PARTICULARLY ACHIEVES RESULTS. THE PUBLIC DO NOT UNDERSTAND COMMUNITY SENTENCES. THEY HAVE AS A CONSEQUENCE LITTLE CONFIDENCE IN THEM. AS EACH BAD STORY LINE ABOUT A CRIME OR CRIMINALS APPEARS IN THE PRESS IT ONLY REINFORCES THE BELIEF IN LOCKING PEOPLE UP. WE ARE LARGELY TO BLAME FOR THIS. UNDERSTANDING HOW "ORDINARY" PEOPLE THINK IS THE FIRST STEP ON THE ROAD TO A NEW APPROACH COMBINING A BETTER UNDERSTANDING OF THE ISSUES AND THE MORE POPULAR ACCEPTANCE OF ALTERNATIVES TO PRISON. IN THIS CHALLENGE OF WHO SETS THE DEBATE AND WHO LEADS THERE IS A NEED FOR A BETTER UNDERSTANDING OF THE PRESS- PUBLIC –POLITICAL DYNAMIC. STUDIES SHOW THAT THE PUBLIC MAY BE THE MOST IMPORTANT GROUP. THEY CAN OFTEN HAVE A GREATER PROPENSITY FOR WISDOM AND COMMONSENSE THAN CAN BE SHOWN BY EITHER THE PRESS OR THE POLITICIANS. THIS IS NOT SURPRISING. THEY ARE THE VICTIMS AND THE LONG SUFFERING. THEY ARE THE "DISCONTENTED MINORITY" AND THEY DESERVE TO BE TAKEN SERIOUSLY.

(E) INEQUALITY MATTERS. THIS IS WHY THE "CONTENTED MAJORITY" HAS TO ACCEPT THAT SCOTLAND IS A VERY UNEQUAL AND DIVIDED SOCIETY AND THIS WILL HAVE MORE DIRECT IMPLICATIONS FOR ALL OF US IN THE FUTURE. THERE SHOULD BE A CLEARER SENSE OF NATIONAL URGENCY AND PRIORITY ATTACHED TO A SET OF PROBLEMS WHERE A SMALL PROPORTION OF PEOPLE CREATE A HUGELY DISPROPORTIONATE IMPACT ON CERTAIN COMMUNITIES. THE EXCESSES OF THIS SPILLOVR EFFECT CAN BE MAINLY SEEN IN THE USA WHERE PEOPLE ON THE MARGINS, MORE PHYSICALLY OBVIOUS THAN THEY ARE HERE, COEXIST IN

PARALLEL, BUT DIFFERENT LIVES. IT ALL REVOLVES AROUND WHAT A DECENT, MODERN, CIVILISED, FAIR, PROSPEROUS AND ROUNDED SOCIETY SHOULD LIKE AT THIS MOMENT IN TIME; OUR PRISONS ARE NOT REFLECTIVE OF THESE QUALITIES AND THE SCOTLAND WE WOULD LIKE TO SEE.....BUT THIS IS NOT THE FAULT OF OUR PRISONS

(F) BUT OTHER CHANGES ARE NEEDED...A GREATER SENSE OF ASSERTIVENESS AND COMMUNITY COHESION IS NEEDED IF RESPECT, RESPONSIBILITY AND SELF HELP ARE TO CLIMB UP THE COMMUNITY AGENDA. SOME PARENTS WANT TO PASS THEIR RESPONSIBILITIES ON TO ANY ONE OTHER THAN THEMSELVES FOR THE BEHAVIOUR OF THEIR CHILDREN...THAT IS WHY EARLY INTERVENTION WITH PARENTS AND CHILDREN MAKES A GREAT DEAL OF SENSE.....ESPECIALLY IN RELATION TO MINDLESS AND OFTEN INDISCRIMANTE ANTI SOCIAL BEHAVIOR....MUCH OF THE ANGER AND FRUSTRATION IN OUR POORER COMMUNITIES IS BASED ON A SENSE OF DESPAIR THAT NOTHING CAN BE DONE.....PEOPLE DON'T CARE ...THINGS DON'T GET BETTER...IT IS THE SAME PEOPLE INVOLVED EVERY TIME....THESE ARE CONSTANT CLAIMS. SELF HELP CAN ONLY BEGIN WITH SELF CONFIDENCE AND SELF BELIEF AND A GREATER APPRECIATION OF SELF WORTH...FOR PROGRESS TO BE MADE IN PURSUING A NEW AGENDA FOR CRIMINAL JUSTICE WE FIRST HAVE TO UNDERSTAND, EMPATHISE AND RESPOND TO THE LEGITIMATE FEARS AND ASPIRATIONS OF THOSE IN THE FRONT LINE- SOME PEOPLES LIVES ARE A MISERY OR EVEN WORSE...THEY DESERVE BETTER AND. OUR OLDER CITIZENS IN THE TWILIGHT OF THEIR LIVES DON'T DESERVE TO EXPERIENCE A LIVING HELL IN THEIR FINAL YEARS.....WE HAVE TO RATIONALISE IN SOME TANGIBLE WAY BEING TOUGH ON CRIME AND TOUGH ON THE CAUSES OF CRIME ..THER IS A DISCONNECT IN TERMS OF BOTH POLICY SOLUTIONS AND TIMESCALE....THE TWO ARE LINKED...THIS IS A TOUGH ASSIGNMENT.

(G) RESOURCES AND NEW INVESTMENT CAN TRANSFORM IN THE SHORT TERM AND THIS WILL ALLOW US TO TRANSFER RESOURCES IN THE LONGER TERM. A GREATER EMPHASIS ON ROI (RETURN ON INVESTMENT) AND PUBLIC VALUE IS NEEDED. THE POST CODE LOTTERY AND THE DELIVERY OF CRIMINAL JUSTICE

OVERALL RAISES IMPORTANT ISSUES – MORE FLEXIBLE WORKING, RETHINKING PROFESSIONALISM, BREAKING DOWN THE SILOS AND OVERCOMING FRAGMENTATION AND A LACK OF COHERENCE MAY REQUIRE DIFFERENT STRUCTURAL SOLUTIONS FOR CRIMINAL JUSTICE. A GREATER ROLE FOR THE THIRD SECTOR IS DESERVED. A NATIONAL CONVERSATION SHOULD BE ESTABLISHED. WE NEED TO LOOK AT THE FUTURE.....GETTING SERIOUS ABOUT HOW WE TURN LIVES AROUND...AND DRIVING THE REFORMS AND SHIFTING THE MIND SET.

NO 6. CONCLUSIONS

THERE IS NOW A REAL WINDOW OF OPPORTUNITY. A NEW SET OF CIRCUMSTANCES NOW EXISTS MADE WORSE BY PRISON OVERCROWDING. A NEW SET OF PROPOSED REFORMS ARE NOW AVAILABLE, WHICH ARE SUBSTANTIAL AND PRACTICAL. WE HAVE A GOVERNMENT WILLING TO LEGISLATE. AND THERE IS THE PROSPECT OF RESOURCES BEING MADE AVAILABLE. WE HAVE POSITIVE RESPONSES FROM A WIDE RANGE OF INTEREST GROUPS. AND MAYBE, JUST MAYBE THERE IS THE POSSIBILITY OF THE MEDIA, THE POLITICIANS AND THE PUBLIC READY BEING READY FOR A NEW DEBATE.....BUT A GREAT DEAL WILL PROBABLY DEPEND ON YOU, THE PLAYERS IN THE CRIMINAL JUSTICE SYSTEM.....