



SAFEGUARDING COMMUNITIES – REDUCING OFFENDING

Manifesto 2006

Suggested policy targets
for the Scottish Parliament 2007 – 2010

TO REDUCE RE-OFFENDING:

**RESTORATIVE JUSTICE SHOULD BE
MADE AVAILABLE AT ALL STAGES OF THE
CRIMINAL JUSTICE AND YOUTH JUSTICE
PROCESSES**

**THE USE OF IMPRISONMENT SHOULD
BE RESTRICTED TO THOSE WHO HAVE
COMMITTED SERIOUS OFFENCES OR ARE
A DANGER TO THE PUBLIC**

**CONSTRUCTIVE CONFLICT RESOLUTION
SHOULD BE AN INTEGRAL PART OF
SCOTTISH SOCIETY**

SACRO'S MISSION IS TO REDUCE CONFLICT AND OFFENDING AND TO MAKE COMMUNITIES SAFER.

Sacro's view, based on over 35 years experience, is that safer communities can be created more effectively and fairly by increasing the use of community sentences, than by a continued high level of use of imprisonment.

Sacro currently works in 28 local authorities in Scotland, providing 71 community-based services and programmes to reduce conflict and offending.

In 2005–2006 Sacro dealt with nearly 9,000 referrals involving over 15,000 people, plus over a thousand passenger trips through the travel service, and we continue to expand and develop our services across Scotland.

Evidencing Effectiveness

Sacro does this through a range of methods. These include: tracking the reconviction data of clients pre and post their engagement with Sacro; analysing each service's database; client feedback; case studies; and reporting on all this monitoring and evaluation work.

RESTORATIVE JUSTICE SHOULD BE MADE AVAILABLE AT ALL STAGES OF THE CRIMINAL JUSTICE AND YOUTH JUSTICE PROCESSES

If a crime has a significant impact on identifiable victims, then restorative measures which put victims interests at the heart of the criminal justice and youth justice systems, should be an option at all stages in the process.

Restorative justice approaches in youth justice services should continue to be strengthened.

It should be recognised that the imposition of Anti-Social Behaviour Orders is a failure to find alternative, more effective means of working with people. Rather than the number of ASBOs being seen as a positive, these orders can be counterproductive by labelling and criminalising people unnecessarily – particularly young people.

Provision of opportunities for participation and citizenship and availability of recreational activities in communities are ways of preventing young people from behaving in an anti-social way. When they do behave anti-socially, then restorative practices, where they take responsibility and make amends is more likely to prevent a repetition of the behaviour.

When both parties agree to participate in Sacro Restorative Justice: **81% reach agreement**. This increases to **94%** when both parties participate in a face-to-face meeting.

Sacro data, Restorative Justice Service: Diversion from Prosecution (Mediation & Reparation) 1 April – 31 December 2005.

“ I felt very guilty and sympathetic towards them and wanted to reimburse them as soon as possible. ”

Client (Accused)

“ Accused truthfully accepted responsibility – gave reason for behaviour – offered no excuses – seemed genuinely sorry. His honesty renewed my faith in youth. ”

Client (Adult Victim)

CONSTRUCTIVE CONFLICT RESOLUTION SHOULD BE AN INTEGRAL PART OF SCOTTISH SOCIETY

Community Mediation in Scotland is a voluntary and confidential process of conflict resolution. It advocates for the development of more harmonious and equitable communities and assists in the resolution of individual disputes while strictly avoiding advocating for the position of either side.

It has a substantial and growing reputation for success in a number of fields.

Conflicts arise in all aspects of our lives, and Sacro services have a long track record in using mediation successfully in neighbour disputes, workplace disputes, educational contexts and in cases involving anti-social behaviour.

Sacro has been providing mediation services since 1987, and currently runs 16 Community Mediation services across Scotland.

Growth in Community Mediation in Scotland has come about because of a number of factors that are distinct from the experience in the rest of the UK. Of particular importance is the history in Scotland of successful voluntary sector/government partnerships. Crucial factors include a commitment from the Scottish Parliament to work towards all citizens of Scotland having free access to Community Mediation services.

Sacro also believes that conflict resolution and mediation techniques should be extended to all schools.

“ When both parties agree to participate in Sacro Community Mediation: **57% reach full agreement.** A further **28%** achieve **some improvement** to the situation. ”

Sacro data, Community Mediation Service: 2005 – 2006.

“ Things are going well between us now. Had I known about this service earlier, it would have saved all the animosity piling up. Thank you. ”

Client of Aberdeen Community Mediation Service.

THE USE OF IMPRISONMENT SHOULD BE RESTRICTED TO THOSE WHO HAVE COMMITTED SERIOUS OFFENCES OR ARE A DANGER TO THE PUBLIC

Research shows that the public are not as punitive as is often portrayed. Once sentencing is explained and discussed, they are in favour of community sentences, which address the harm and give victims a voice.

FIRSTLY,

society needs to address the underlying causes of crime.

The recognised criminogenic factors are:

- > Unemployment
- > poverty and deprivation
- > homelessness
- > drug and alcohol misuse
- > school failure and exclusion
- > early years disadvantage, especially in terms of parenting.

SECONDLY,

community sentences, and repeated use of them if necessary, should be the norm and there should be a presumption against imprisonment.

Community sentences should include internationally recognised restorative practices in which the victim can have a central role and the offender makes amends. They also need access to associated services which address the main underlying factors associated with the crime and to programmes to challenge offending behaviour.

“ The findings suggest that non-custodial sentences fulfil for the public important symbolic and emotional functions: they can embarrass and shame (the youngster curfewed in the house; the hard man picking up litter in the park), and are able to offer a ‘second chance’ to offenders to prove, and improve, themselves. Notions of ‘paying back’, ‘facing one’s victim’ and ‘restorative justice’ have particular power and resonance. ”

Rethinking Crime and Punishment (2002). What do the public really feel about non-custodial sentences?

“ 61% of victims think prison is not effective in reducing re-offending. ”

ICM (2006). Victims of Crime survey.

THIRDLY,

use appropriate disposals at each stage of the criminal justice process by:

- increasing the use of conditional cautions, diversion, restorative justice and Fiscal-imposed fines and unpaid work.
- increasing the use of bail supervision
- clearly laying down objectives and expected outcomes for sentences
- increasing the use of the fine (while establishing effective mechanisms to facilitate payment and reduce default) and electronic monitoring
- abolishing imprisonment for fine default by implementing Section 235 of the Criminal Proceedings (Scotland) Act 1995. Also, Sacro concurs with the recommendation of the Sentencing Commission that “imprisonment as a first alternative for default on fines up to £5,000 should be abolished”.
- increasing the use of deferred sentences, to allow referral to drug services and other programmes, as provided in the Criminal Justice (Scotland) Act 2003
- substantially reducing the use of custodial sentences of six months or less through statutory limitations (safeguarded against the possible consequent use of sentences over six months)
- redefining certain crimes e.g. non-payment of TV licence
- ensuring adequate post release supervision and support services across the country, to stop the revolving door for short sentence prisoners.

Impact on Community Sentences

Appropriate disposals would lead to a decrease in the use of community sentences for low-risk and vulnerable offenders and an increase in their use for medium and high-risk offenders.

Impact on Prisons

These measures would reduce the prison population which would then contain only those who should be there to protect the public. A conservative estimate is that it could be reduced by 1,275, thus cutting the need to build another prison (see table overleaf).

Of people imprisoned in 2004–2005, 42% were sentenced to three months or less and 66% were sentenced to less than six months.

*Scottish Executive (2005).
Prison Statistics Scotland, 2004/05.
Statistical Bulletin Criminal Justice
Series, CrJ/2005/8.*

HOW TO CUT THE NUMBER OF PRISONERS BY THE POPULATION OF TWO PRISONS

“There is no reason why Scotland’s prison population cannot be greatly reduced.”

Baroness Vivien Stern. Convenor, Scottish Consortium on Crime & Criminal Justice

Table A

Average Daily Prison Population 2004/05	
Remanded in custody	1,216
Imprisoned for fine default	61
Sentenced to less than six months	532
Women sentenced to between six months and two years	85
All other prisoners	4,885
Total	6,779
Achieve Reductions in Prison Population by:	
Increasing Bail Services – reduce remand population by 50%	600
Stop imprisonment of all sentenced for fine default, to less than six months and all women within group sentenced to between six months and less than two years through increased use of community penalties	675
Reduce Prison Population By	1,275

1,275 is a conservative estimate as there are others sentenced to over six months who are not a danger to the public.

SUPPORTING PRISONERS ON RELEASE REDUCES THEIR LIKELIHOOD OF RE-OFFENDING.

Post-release supervision

From experience, Sacro knows the importance to community safety of working with newly released prisoners to address the factors underlying their criminal behaviour. This time is when they are most vulnerable to re-offending. There should be even more investment in this area, as the evidence shows that issues such as suitable accommodation, education, employment, drug and alcohol misuse, health, debt management and building family networks, are as important as offender behaviour programmes. Ex-prisoners may need to be supported in dealing with their issues. This support may range from advice being provided to having an advocate accompany them to an interview at say, the housing department.

“ Research suggests that stable accommodation can make a difference of over 20% in terms of reduction in reconviction. ”

Social Exclusion Unit (2002). Reducing re-offending by ex-prisoners.

THE AVAILABILITY OF DRUG AND ALCOHOL PROGRAMMES SHOULD BE INCREASED

Drug and alcohol issues in particular, are involved in a lot of crimes. If these can be effectively tackled, crime can be reduced without expensive punitive measures. The following is suggested:

- > Increased availability of alcohol programmes for those on probation, as provided by Sacro's Alcohol Education Probation Programme. The programme was recently recognised by receiving one of the three **Schemes of Special Merit Awards** at the **Howard League's Community Programmes Awards 2006**. Currently only available in Edinburgh.
- > Increase diversion schemes available for drug users.
- > Recognise drug and alcohol issues as health based and ensure universally available treatment.

PRISON DOES NOT WORK – IT DOES LITTLE TO ADDRESS CRIMINOGENIC FACTORS AND CAN EXACERBATE THEM.

Prison should only be used where it is necessary to protect the public, yet the prison population has increased while the crime rate shows an overall decrease and:

Scotland has the **fourth highest imprisonment rate** in Western Europe (**141 per 100,000 population**), after Luxembourg (167), England and Wales (145), and Spain (144).

International Centre for Prison Studies. www.prisonstudies.org, 28 July 2006.

Scotland Prison Statistics for the year 2004/05:

Average **daily** prison population: **6,779**

Prison **receptions**: **18,892**

Scottish Executive (2005). Prison Statistics Scotland, 2004/05. Statistical Bulletin Criminal Justice Series, CrJ/2005/8.

The **official capacity** of Scotland's prison system is **6,378**, indicating that the occupancy is currently at **113% of capacity**. This is an average and some prisons are far more overcrowded than this.

International Centre for Prison Studies. www.prisonstudies.org, 28 July 2006.

Women and Prisons

“The Howard League for Penal Reform is calling for a properly planned closure programme for women's prisons and the transfer of resources to community programmes and projects that meet women's needs and, unlike prison, do successfully reduce re-offending. [...] The vast majority can be managed safely in the community where they can make amends for their offending and help to heal the damage done by crime directly with victims or with the wider community.”

The Howard League for Penal Reform 2006

Mentally Disordered Offenders

Anecdotally, we are aware that a significant proportion of prisoners, especially women prisoners, suffer from mental health problems. Prison is damaging for almost all of these prisoners and new approaches need to be developed which combine public protection with treatment.

“The courts should not send people like me to prison. I see the same faces coming and going here all the time. Prison is not the right place for people with mental health problems.”

Sarah (38) has been sectioned under the Mental Health (Scotland) Act on several occasions. She has been a regular inmate at Cornton Vale prison since the age of 17.

Hate Crimes Against Minorities

Funding and support for programmes to specifically address these crimes is needed, rather than longer sentences, for which there is no evidence that they are effective as a deterrent. Sacro has developed a Racially Motivated Offence programme, which aims to explore and challenge inappropriate attitudes. This could be used as a condition of probation, if funding were available for it to be offered.

Fines

Imprisonment for non-payment of fines in Scotland in 2004–2005:

6,888 people were imprisoned for non-payment of fines.

113 of these were for fines **under £50**.

589 of these were for fines **between £50 and £100**.

1,565 of these were for fines **between £100 and £200**.

For prison receptions for non-payment of fine, **51% of sentences were for seven days or less**.

Scottish Executive (2005). Prison Statistics Scotland, 2004/05. Statistical Bulletin Criminal Justice Series, CrJ/2005/8.

Sentence Length

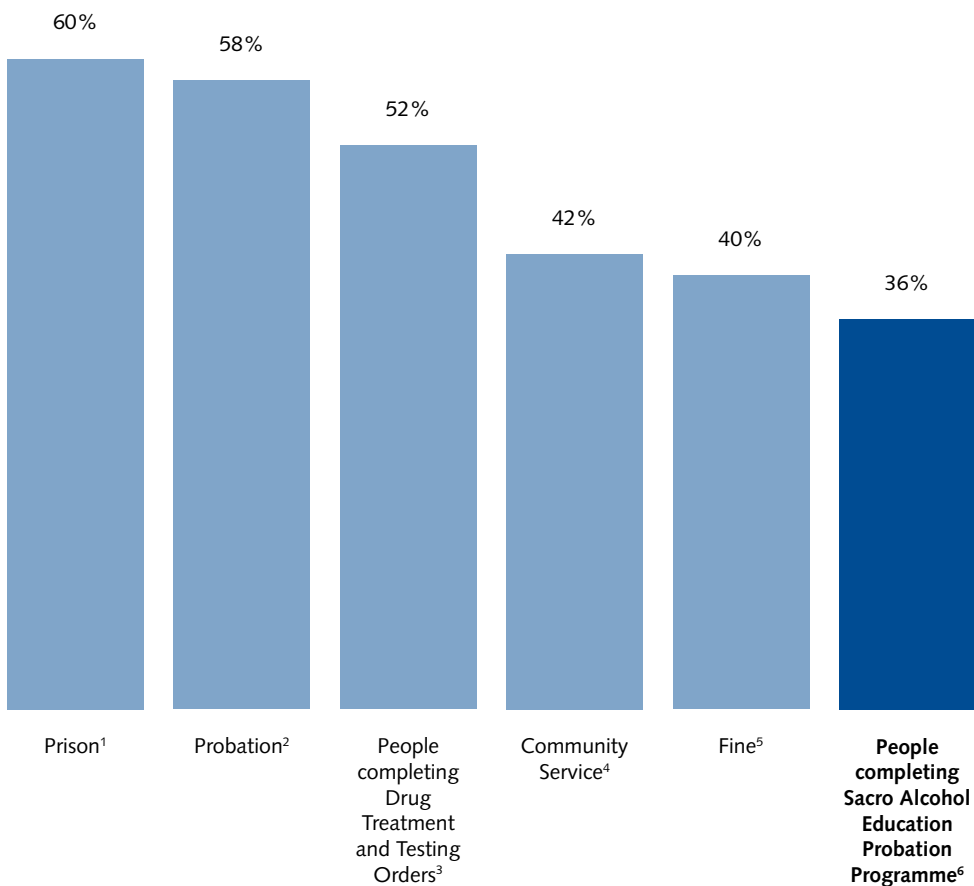
There has been a recent trend to impose longer and longer sentences. In the 10 years 1993–2002, the number of adults arriving in prison with **sentence lengths of four years and over**, excluding life, **increased by 51%**, and **those with life sentences increased by 115%**. This is a major factor in increased prisoner numbers in Scotland.

Figures from: Scottish Consortium on Crime & Criminal Justice (2004). A Unique Punishment: Jacqueline Tombs.

“An important part of the growth in the prison population is due to more severe sentencing practices; sentencers are now imposing longer prison sentences for serious crimes, and they are more likely to imprison those appearing before the courts today than they were 10 years ago.”

Scottish Consortium on Crime & Criminal Justice (2004). A Unique Punishment: Jacqueline Tombs.

Proportion reconvicted within two years



^{1,2,4,5} Scottish Executive (2005). *Reconvictions of offenders discharged from custody or given non-custodial sentences in 1999, Scotland, CrJ/2005/7.*

³ McIvor, G. (2006). *Reconviction following Drug Treatment and Testing Orders.*

⁶ Cutting, Elizabeth (2004). *The Effectiveness of Sacro's Alcohol Education Probation Service in Reducing Re-convictions.*

THE USE OF BAIL SUPERVISION SHOULD BE INCREASED IN ORDER TO REDUCE THE HIGH NUMBERS REMANDED TO CUSTODY

Bail Supervision

Sacro's Bail Supervision Services work to prevent unnecessary custodial remands and re-offending on bail by providing supervision and monitoring (including tagging in some areas) as well as support and accommodation (as necessary).

These services provide courts with a robust and cost-effective alternative to remand, allowing the accused to remain in the community while undertaking offending behaviour work, and having access to other services at an early stage.

Use of Remand

The average daily remand population in 2004–2005: **1,216**.

Scottish Executive (2005). Prison Statistics Scotland, 2004/05. Statistical Bulletin Criminal Justice Series, CrJ/2005/8.

The number of remand receptions in 2004–2005: **18,892**

Scottish Executive (2005). Prison Statistics Scotland, 2004/05. Statistical Bulletin Criminal Justice Series, CrJ/2005/8.

“ Given that the substantial majority of those held on remand were unconvicted; a large number of those admitted to prison are being detained without being convicted of a crime or offence. In this regard, it has been estimated that about half of those remanded go on to be convicted and receive a custodial sentence. ”

The Sentencing Commission for Scotland (2005). Report on Use of Bail and Remand

The estimated total annual cost for remanded prisoners: **£34,274,564**

This estimate is based on the Scottish Prison Service average cost per prisoner, and it is therefore conservative as it would cost more than this to 'process' the high numbers of remand receptions.

Proportion who receives custodial sentences after completing Sacro Bail Supervision: **20%**

Sacro data. Bail Supervision Service 2005 – 2006

“ In the **majority** of cases of **suicide** in prison the prisoner was **on remand**. ”

Royal College of Psychiatrists (2002). Suicide in prisons.

Q WHERE DOES THE MONEY GO?

A MINIMALLY TO THE PART OF THE SYSTEM THAT MANAGES COMMUNITY SENTENCES.

Current Distribution of Resources in the Criminal Justice System

Scottish Executive (2005).

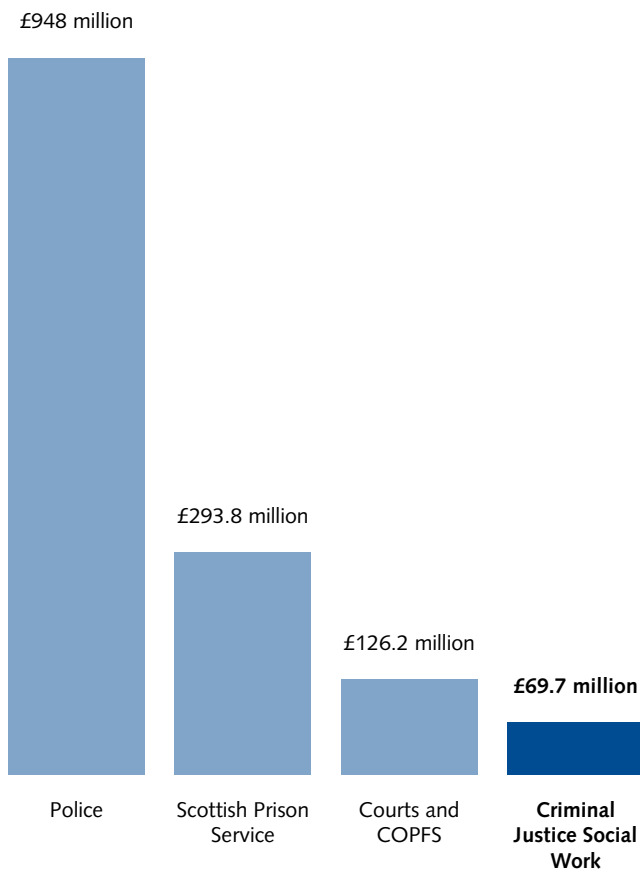
Section 306:

Costs, sentencing profiles and the Scottish Criminal Justice System, 2003.

Edinburgh: Scottish Executive.

The Scottish Executive provides over £6million in funding for victim and witness services.

Scottish Executive (2004). *Scottish Strategy for Victims.*



If you would like further information on Sacro's work,
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