



Alternatives to prison

The first of three public consultations



In partnership with the Independent Inquiry into Alternatives to Prison, funded by the Esmée Fairbairn Foundation

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Moderator: **Michele Newman**

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NB

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some influence on government policy which we will try to make based on sound evidence and sound reasoning. So we're very grateful to you for coming along because, as Michele has just said the purpose is that we should try to hear what you, as representatives of the public have to say and to learn from it. Now to [IA] the discussion to some extent a number of sets of facts have been prepared that will be introduced to you that we hope will give a springboard for discussion. They're not intended, it's not intended to ask you deal with legal or procedural technicalities or to try to discover what you think is the correct sentence for a particular person in particular circumstances may be. The object is to try to focus the discussion so that we can understand what you feel about custody and its alternatives and how you think they should be regarded. So Michele...

Michele Newman: Lord Coulsfield thank you very much indeed. Yes, so let me just if I may explain a few of the logistics about how those facts as Lord Coulsfield calls them will work. I would call them in my journalistic way case studies but they're the same sort of thing that we're talking about. Basically a couple of case studies, hopefully two, probably three, really to sort of set the agenda, to give us something to start with if you like but we don't need to get hung up on it, I'm quite sure the discussion will veer away into different directions and that's great. It's a very good starting point. What I will do I will read out the case study, I will then call upon one of our Expert Witnesses, and I'll introduce you to shortly and they will just have a couple of minutes to set their stall out, to give their opinion on that particular case a starting point and then it's very much over to you. What I will need you to do though is I will need you to wait for the microphone, I don't want you to feel it is in anyway a formal discussion, it's very informal you might say to me well could you remind me of one of those case studies for a few minutes there, or what about this, what about that, that's absolutely fine but it needs to be done on my mike because I think I'm right in saying Lord Coulsfield and the other commissioners would like to have a recording of this so that obviously, as you can imagine,

with three forums they need to identify who said what, to trace the opinions, so, if it feels a little artificial to wait for the microphone, bear with us because it will mean a much better view, that they will be able to hear all the views when they come to listen back. When you've heard from our Expert Witness the floor is yours and you need to help me a little bit really, I can't mind read so I'm sure that everybody here's got a real interest in participating, we have people from the police, the probation office, victim support, you name it we have... you know a huge range of people. Just catch my eye if you can, I'll bring the microphone to you as soon as I can. The commissioners might want to actually ask questions [IA] to respond, that's fine too but they have their own mikes, you need to wait for mine. We also have the three people sitting here, the people are Trevor Greeves, Diana Tempely and John [?] in the middle and they are our legal experts if you like and again to repeat what Lord Coulsfield said this is not to tie us up in legal knots and minutiae and that sort of thing but if we get... we feel we need clarification these are people that can assist, and they might want to come in any way to actually join in the debate and that's fine too, but we have people to refer to. Right, first of all what I would say to you is I hope this doesn't sound too like a school Ma'am but I mean do feel free to take notes if you want to during the case study because they're fairly dense, the facts are actually fairly dense so that's fine. And I should ask you now any questions... are you all happy? In which case we'll make a start. Each mini debate if you like will last about 20 minutes, there will be a slight pause at the end so we can get our first expert witness out and replace it with a second and also for me to just judge the timing so we get through as much as we can. Well I'm sure it's going to be a very enjoyable debate.

So if I could read the first case study and get Ken Beaumont in who will be our first Expert Witness. Thank you.

So, ladies and gentlemen, this is Case Number One and at the end of it if you want a

resume after we've heard from Ken of course I'm more than happy to do that.

This is the first case... A young man aged 17 to 18 assaulted a middle-aged woman in a street in the late afternoon, knocking her to the ground and seizing her handbag. In the course of taking her bag he twisted her arm to force her to let go of it. He was pursued by bystanders who he dissuaded by brandishing an object which may have been a bottle. Now the victim sustained bruising to her arm, leg and shoulder and was very upset. The offender pled guilty at an early stage of proceedings, now he wasn't employed and depended on benefits but he had had two short periods of employment since leaving school. He had two previous convictions for taking and driving away motor vehicles and a general history of disruptive behaviour. Police sentence reports showed that he had a history of truancy from school and exclusion from classes and had left school without qualifications of any kind. They were however, cautiously optimistic about the possibility that he might respond to probation or community service. So could I call on Ken Beaumont, our first Expert Witness. Could you identify yourself and what you do Ken, thank you.

Ken Beaumont: My name is Ken Beaumont, I'm the Deputy Head of Service at Nottingham Youth Offending Communities, and [IA]. I think that through a case of this type the inevitable starting point is custody and probably quite a lengthy custodial sentence, I think that would be the first thing in the Court's mind. There are a number of very concerning factors about it, he's a young man has no previous history of street robbery and yet he has in for an offence which is particularly unpleasant and very risky from his point of view. He's got no certainty of gain and one of the issues that I think I'd be looking at in our risk assessment would be why did he commit an offence, an act of desperation, I think in the current age, one of our first thoughts would probably be towards drugs. He clearly has a very destructive lifestyle in all sorts of ways and given the level of risk that he poses if we felt it was possible to manage that risk in a community we probably I think would be

proposing either a supervision order or a probation order with what is called an intensive supervision and surveillance programme. This is a very highly intensive programme which Nottingham is one of the pilots of originally before it became nationally applied last year. It involves people in up to 25 hours of activity per week which can range from almost inevitably involving electronic monitoring in some form either a tag or voice recognition systems so that we can track where they are. Physical tracking actually dropping in on where they are and seeing what they're supposed to do, very intensive use of police intelligence, using police information systems to find out who they're associating with, what they're doing at this and that time. There's a very wide range of behaviour change programmes, reparation to victims if that's an appropriate thing to happen and the victim wishes that to happen, a lot of work on employment and training a tremendous amount of access through connections and through other providers to employment and training programmes and particularly in this case perhaps very ready access to drug assessments and treatment if that's necessary. So in terms of what could be offered to the Court I think the intensive supervision and surveillance programme is really the only realistic option we'd be providing the Court with in this case.

Michele Newman: Ken thank you very much indeed. Right that's Ken's bit, would anybody like me to resume the case or can we start...

[COMMENT INAUDIBLE]

Michele Newman: Let's see, he was already on probation, had previously been on probation or community service.

[COMMENT INAUDIBLE]

Michele Newman: I don't know if we had that sort of information. Ken, what's your view on that?

Ken Beaumont: It's not indicated here, but I think in the risk assessment we do we decide whether it is... [IA] and if he's had

a previous order that he's not complied with then that would tend to go against a...[IA]

Eileen Stewart: I'm Eileen Stewart, Crown Prosecution Service, I was just going to say that from the prosecutor's point of view if he was 17 years old he would be dealt with in the Youth Court, if he was 18 years old it would be the Crown Court and that's because it's considered so serious that only a custodial sentence is appropriate so Ken's starting point is what I would agree with, that custody is where you'd start from for an offence like this.

Michele Newman: Would anyone like to come in on this at this point?

Les Kominiak: Chief Superintendent, Divisional Commander of City Division. What was the impact of this crime on the victim and what is the proximity of where this young person lives in relation to where the victim lives?

Michele Newman: I think in the notes it actually said that she was very upset I think at the attack wasn't she and that she was actually physically hurt. Ken have you got a response to that?

Ken Beaumont: Again it's not clearly indicated but I think you can assume that this is a person who would have felt herself reasonably safe walking down the street, and that it would be a real blow to her self esteem probably as well as the physical damage she suffered.

[COMMENT INAUDIBLE]

Les Kominiak: I think it's necessary to understand the impact that this sort of crime will have [INAUDIBLE SECTION]

Michele Newman: ... [INAUDIBLE SECTION] ... basically said supervised care and not a custodial sentence, would you not agree with that?

Les Kominiak: I think that there needs to be very careful risk assessment of this individual particularly if there's a history already of supervision that's not been effective and also I have concern with electronic monitoring devices because we already hear anecdotally and something that's been looked at

by my superintendents association that offenders in some parts of the country are already going out and abusing the electronic tagging system by managing to get between monitoring periods, which are estimated to be 20 minutes apart, so they actually go out and commit crime within that 20 minute period and they're not detected as having left the place...

Michele Newman: You're not a huge fan of tagging then?

Les Kominiak: No.

Martin Smalley: I'm a defence solicitor based in [Arnold?]. Just to say that in the first instance a 17 year old in the youth court there's going to have to be an assessment as to whether this is a grave crime or not, whether it's so serious that it's beyond the two year [para fure] detention training order which could be made by youth justices. Now here it seems as if this young man may come below that threshold because of his early guilty plea and the case that was decided earlier back in February in which the Courts can say that somebody actually coming before them as a guilty plea is a significant factor in deciding whether it has to go on to the Crown Court or not, so saying that, if it went on to the Crown Court it would almost inevitably be looking at a custodial sentence, if it stays in the youth court he has a chance and I think when Ken was talking before, when you're moderating on what he'd said you have to start from the point of view that it was actually looking like custody, if we can actually keep this young man out of custody initially that may assist an assessment in terms of ISSP, but that's about as optimistic as one would be as a defence solicitor I think.

Michele Newman: Would anyone else like to come in on that? The gentleman at the back. Sir, would you like to identify yourself on the microphone please, thank you.

Dr Harvey Price: Thank you, I'm Dr Harvey Price, a psychiatrist from Lincoln. I would be asking if this man had come up to the clinic 20 minutes before this incident what would we then have been asking and was that information available to the Courts. For

example, I know of no clinical history, I heard no family history, I heard no way of establishing either his energy, his motivation or his guise, there was nothing about the availability of dealing with those energies, drives and teaching a new way. That's a very skilled task, it's not something [blunderbuss?] therapy and the options available to the Court at this point in time are almost irrelevant to the patient's real needs.

Michele Newman: That's not a very positive view, so what would you be suggesting? What would be the best case scenario then?

Dr Price: Well I think, I would be looking to a full therapeutic community to assess what level he was functioning at in life and to setting, to take what qualities he had and build him up into a full individual who didn't need to resort to that sort of behaviour pattern.

Michele Newman: Thank you very much. Would anybody else like to come in.

Peter Dawson: Among other things I've been a headmaster of an inner city comprehensive school for 2000 children, 8% of whom came from criminal families. I note that this particular case has to do with someone who played truant, was excluded and left school with no qualifications. I could write the history of his life after that and it does seem to me that the problem needs to be addressed much earlier because what we're hearing about is how you try and clear up what's happened and the focus it seems to me of this enquiry should be in part at least upon what is happening in the schools and what is being done about those who are, as it were, without hope.

[INAUDIBLE]

Peter Dawson: One of the things that could happen in schools is that measures could be taken to prevent truancy and no youngster who's not in school is going to get educated.

[INAUDIBLE] fine them. [IA]

Peter Dawson: No, no, no. But the parents are not able to pay and won't pay. It needs to be addressed at the level of the child and I hear what the psychiatrist is saying about

the needs of the family and the focus upon the family from which this young person comes.

Michele Newman: Ken Beaumont would you like to come back on that?

Ken Beaumont: Yes, I'd agree very much with the idea of early intervention in problems and I think one of the very promising areas that we've seen in Nottingham as a result of some of the measure that have come into place since youth sentences were created four years ago is a real reduction in the number of the 10 and 11 year olds coming into the criminal justice system, and there's a lot of emphasis going on there, not just through the [IA] but right across all of the public services to try and focus [IA] I would also say that I think we can't ignore parents in this. This young person has come from a family which has been enabled to provide him with an environment in which he thrives, there can be very complex reasons for that but I don't think...

David Lindsley: I'm a head teacher of a primary school in the East Midlands, we serve the second most deprived council estate in the county. We're working with the Children's Fund and we're working with families who have got children, just like you're talking about. The biggest problem for me is not the Courts and all the things that come with the Courts but actually getting a grant to enable us to work with people who are deprived and at the bottom of society and don't see any way out and I spend all my time chasing money and dead ends and saying we're sorry to people for letting them down.

Michele Newman: What sort of grant, to do what with?

David Lindsley: The Children's Fund gives us money to employ people who are social services trained to work with families to support them, to put them into a multi-agency support work. I think there needs to be more multi-agency support work, my county talks about umbrella services, I was very excited about that but got very disillusioned when they started talking about we need committees. We need people on the ground, we need people who are prepared to

work, who actually have the experience of working with these people and the government needs to put the money into those people and not money into flashy brochures, I'm sorry but I see a lot of flashy brochures, I don't see a lot of action.

Michele Newman: I think there was a murmur of agreement there from the audience. Anybody else like to come in on this? Any of our commissioners like to come in?

Marcel Berlins: I'm one of the commissioners. So far the latter part of the discussion has concentrated on what should have happened and what could have happened when the offender was younger but we're faced with the fact that these things didn't happen and I was struck by the fact that at least four of you assumed that custody was the likely outcome. May I just throw up the possibility that in spite of the fact that all these things didn't happen it's still not necessary to send him into custody because it is after all his first offence of violence, taking and driving away seems to me to be irrelevant, it wasn't if you want primary violence, it was violence that was the result of his needing the money, he didn't set out to be violent but the woman unfortunately resisted and the violence then took place and I wonder whether you're not being perhaps over strict in all assuming that we start off with custody as the sentence.

Michele Newman: Okay, anyone like to come in on that, perhaps to think of an alternative? Thank you very much.

[?]: I think it's an interesting comment that taking and driving away isn't really to be considered, I think if you were to speak to most members of the public the two most valued possessions that they have are the home and then the car in terms of monetary value to them and interference with either of those has an enormous impact on people and I think there's an expectation then that the criminal justice system will actually protect them from that sort of crime.

Michele Newman: I think the point really is you know what about an alternative, is there an alternative in your view to custody?

[?] Again, I don't think it's just a point that we need to focus on in terms of the crime that's been committed, it's the way in which society has used that crime at this particular moment in time. The government has made a huge amount of play on street crime and street crime initiatives and they have made a commitment to tackling this and driving the level of crime down by being very firm and positive and it needs to demonstrate to the public that it means what it says in terms of returning if you like safety to our streets.

Michele Newman: So custody or nothing?

[?] It needs to have a strong punishment that people will understand, if they commit this type of violent crime then they will be dealt with harshly.

Michele Newman: Has anybody got perhaps a different view, another alternative? Would you like to identify yourself Sir?

Dan Robertson: From Human Relations Networks. I'd just like to bring up the point about the distinction between the theft of a motor vehicle and street robbery. I think there is a clear distinction. And I think in this case there's obviously been a shift within the mental state of the young person who is now moving from stealing cars to mugging people for a particular motive. Now we're not really sure what that motive is, there was the assumption that it's possibly around drugs, but we don't know and I would like to take up the point which the psychologist raised, I think it's now that we really need to interfere in this young person's life. I wouldn't necessarily recommend sending him to prison.

[INAUDIBLE]

Dan Robertson: I don't know, I mean I don't have all the answers but what I would personally recommend is to have some kind of assessment which what led the young person to shift from stealing motor vehicles to robbing people in the street. There's a clear shift there, a clear mental shift going on within this young person and that's what we need to find out.

Michele Newman: If I may leave it at that point, Ken thank you very much indeed for being our first Expert Witness and I leave the floor to Lord Coulsfield, thank you.

Lord Coulsfield: Thank you for the contributions we've had so far. I must say I find this discussion interesting in a way which I had hoped it might be and as regards the first occasion we've had in consulting people, the first step before consulting people was to hold a meeting of the RSA in London and I found that at that meeting there were a very great number of people who were prepared to come forward and say what a dreadful thing it is to send young people to custody and how every alternative must be considered in every possible way. It's therefore interesting to me that the facts, though this is not a real case, we're not talking about a real sentence and obviously if it was a real case we would know or hopefully know a great deal more about the circumstances, but it's interesting that the contributions made showed, it seems to me have so strongly favoured a custodial enterprise. So my theory is there may be a difference between what people say when they're trying to discuss things in general and what they say when they are faced with particular facts. And if so that's something we might find helpful and worth thinking about.

Michele Newman: Lord Coulsfield thank you very much indeed. Right, could I call on our second Expert Witness, David Hancock, thank you.. This is case study number two. Thank you very much for all your contributions. Just to reiterate just remember we're not here to too much concentrate on the facts of the individual case, it's really just a starting point for the discussion.

So, a woman aged about 30 pled guilty to supplying heroin over a period of about 8 months. The supply was on a relatively small scale involving about a dozen regular customers who bought from her once or twice a week and a few other casual customers. The value of each purchase is no more than £10 or £20 and there's no evidence of encouragement to the purchasers who are already established users. Now the offender herself was a user of heroin, she had a string of convictions for shop lifting

and had twice been in prison for short periods. She was a single parent of a child aged ten, reports gave a picture of a pretty [IA] lifestyle and were not optimistic about the chances of improvement. I think I'll read this out, this is in parenthesis, I think in this case one assumes that she hadn't had any previous probation intervention, so I hope that clears that one up. David Hancock would you like to identify yourself, where you're from and be our Expert Witness, thank you.

David Hancock: Thank you. I'm the Chief Probation Officer for Nottinghamshire and I also chair the Drug Action Team for the City of Nottingham, which brings together the work of the local authority services, the police, the prison service, the probation service and the health services.

Probation Officers sometimes get accused of providing unrealistic recommendations and it is very important that I establish that the supply of drugs is a terrible scourge on this city. We have to track down the supply chain and we have to disrupt the illegal drug markets. We know that over 60% of the acquisitive crime in this city is driven by people who are using Class A drugs. We know this because we are a pilot area for the enc people le5aisupply ofnrea86 Tc inty offa the woas tog

that if somebody disagrees with a particular person by locking that person up you won't necessarily change that person's opinion, similarly with behaviour, if they demonstrate a type of behaviour by locking that individual up you do not necessarily alter that person's behaviour or attitude to life. I've been recently acquainted with a lady that works in Mansfield and she works with prisoners as they come out of prison and who are, a lot of them taking heroin, cocaine etc and she supports the person in a therapeutic process but also in a practical level when they leave prison. I think that something similar to this would be useful for people as described in the case study where clearly short periods of imprisonment haven't altered behaviour, they haven't changed anything and I think it would be better for society in general if drug rehabilitation centres which are probably afforded by the middle class and the very rich could be spent by... could be placed from the public purse, it would probably lead to lower crime levels and potentially greater rehabilitation with main stream society. I also think that there's a great need for multi-agency work, job centre plus, the learning new skills council, something that is very common and clear to, I would imagine to all the case studies is that the individuals would be either unemployed, or not skilled or have very poor qualifications.

Michele Newman: Can I put that to... are you talking about a similar sort of thing to Les because Les is talking about actually being coerced into it if you like you had to perhaps go into one of these clinics and it would almost be like a prison but it would have a sort of hospital angle, is that what you're talking about or are you talking about something more voluntary?

Byron Currie: I'm saying that it's something that is compulsory due to the nature of the offences and the impact they have on wider society, but clearly custodial sentences aren't working.

Michelle Newman: Thank you very much indeed. Have I missed anyone back here who would like to come in?

Lystra Hagley: I'm from Birmingham an organisation called Birmingham City Pride.

What was of interest to me with regard to that case study was the fact that this person had been in prison twice before and one of the things that I'm involved with in terms of working with the prison, our local prison to try and increase community involvement in order to reduce re-offending so that they have already been in prison and I think we need to make a shift in the way that we sentence people and that's from in the Courts and probably start using imprisonment as a last resort rather than a first resort and hence the argument should come as to why prison should be used rather than something else and therefore we would have a situation where we're thinking about more alternatives first rather than sending somebody into custody.

[INAUDIBLE]

Lystra Hagley: Well in terms of an alternative you know as has been in discussion, this whole business of looking at various means of either supporting the person in terms of having non-institutional type arrangements because one of the things that we're sure about is that institutionalising people is not sometimes the most effective matter and we need to start from that premise saying that we should look at all the other alternatives first and then consider things like institutional type treatment. [IA] for the other things that can be done during the course of the day that can support that person in terms of drug addiction other types of violence and so on.

Michele Newman: [INAUDIBLE]
Thank you.

Dr Judith Rowbotham: Historian, Co-Director of [IA] and a member of the [Feminist?] Crime Search Network. One of the things that has struck me about the...[IA] Because they are not given long term support to help them prevent themselves falling back into the same patterns, the same problems, very often fuelled by economic problems because they cannot get jobs which will help to support themselves.

[INAUDIBLE]

Dr Judith Rowbotham: Well the probation service itself in the days when it was, in the Victorian age the London Police Court Mission worked successful, and thought in terms of probation over about five years, being prepared to help women move away from their own surroundings, their original surroundings where they were known as offenders, seeking to provide them with alternatives in the shape of accommodation, alternatives in the shape of jobs and one of the things that has not come out so far in terms of this particular case is what is her background, what is her background in terms of both class and race.

Michele Newman: We're looking for a long term solution, not a short term. Thank you.

Paul Scaife: Thank you. I'm Assistant Chief Probation Officer in Nottinghamshire. Just a short point really but just to say that one of the factors it seems to me that would affect the long term future of alternatives to custody is public and legal confidence in the alternatives to custody and one of the particular points about the drug treatment and testing order it seems to me is the ongoing Court oversight of the order, which I think might have quite some difference in this particular case and has some relevance in terms of the ongoing judicial oversights of the course of the community sentence which I think can only have a positive impact in terms of public confidence that alternatives to custody are being rigorously supervised and enforced.

Michael Henry: I'm also from the [IA] network. Just a general question really because I... one of the things that struck a chord with me was that you mentioned the glossy brochures and the lack of funding, particularly for grassroots organisations because quite often... I mean I've worked in various organisations and sitting round a table in so called multi-agency partnerships, looking at issues of crime, [IA] etc and really I don't often feel that they are truly multi-agency in terms of the voluntary community sector's a massive, massive resource that we have, they're very, very well placed, very close to the people likely to perpetrate crime and they're being over looked, so, it's just a general point really I think

there's a lot more we could do and at a lot less cost.

Dr Judith Rowbotham: I would say the London Police Court Commission was precisely such a voluntary agency.

David Hancock: I would like just to make a couple of points if I may, I mean on the point about long term needs to address serious structural problems in the [IA] indeed in our society I do feel very strongly about that and agree wholeheartedly with the points that you've made, I think what I'd say from a probation perspective is that probation officers are skilful in assessing the needs of offenders, their thinking need, what is wrong in the way they think, how crooked is their logic and what are the structural, what we call criminogenic issues: the housing, the lack of education, the employment opportunities and those issues and what I'm confident about is that the DTTO programme is sufficiently well resourced to allow us to have specialists with employment skills, with housing skills, employing high quality clinical nurses and clinicians to assist with the treatment etc. So, these particular orders it's not glossy brochures, there are the resources on the ground. Now just one other point about the review courts, I have heard some of our offenders on these programmes saying this judge really believes in me and I've got to go back and give an account and this direct dialogue between the sentencer and the offender every few weeks with the offender required to come back and give an account in Court, in open Court to account for their test results and their behaviour and progress I do think that is a real strength of this form of community supervision.

Michele Newman: David Hancock thank you. In this case if I may leave the last word to Lord Coulsfield.

Lord Coulsfield: Two interesting points have come out of this discussion: one was the point about voluntary organisations, I think we have received over a hundred, I think now, submissions from various people who have written to us and one of the points that keeps coming out is the suggestion that there

should be greater community involvement in dealing with offenders who do not require prison. That's obviously a very interesting idea, whether or not it, what the practicalities are of setting up a large scale community involvement over a long period of time are at the moment I frankly don't know but it is an interesting idea, and it's one which I've no doubt we'll be looking at. The other is the drug treatment and testing order, and I think it's certainly true from the point of view of the Courts and the judges that there is great hope in this means of dealing with drug related offences. It's something to which judges and magistrates feel quite drawn, precisely because of the involvement that they have in the follow up sentence. One of the things that as a judge one finds is that you sit there and you deal with a case and you pass a sentence you never actually know what happens to the offender afterwards. And you certainly never have any involvement with him or her, and I think it's certainly a hope in the minds of many judges and magistrates that this kind of order will provide a means by which the Courts can become more involved in the consequences of the criminal offence At the same time I think I would have to say that we've heard conflicting reports about the [IA] success rate of this order, but it's much too early to reach a real judgement about them. I know it's one of the difficulties about, not difficulties, one of features of orders of this kind is that it has to be expected that people will fail up to a point, that is to say you can't just take a drug offender and give them a programme and expect them to stick to it, because they don't have the skill like getting up in the morning, [IA]. So that an element of failure has to be anticipated and one of the advantages is that it is hoped that the order can be kept going despite the occasional failure. But as I say I think, as far as I can see at the moment is the jury is still out [IA].

Just one last quick point on this, this is slightly, this discussion goes slightly the opposite way to the discussion we had about the first case, and now certainly, 15 years ago I think that the Courts would have said that anybody who sold a Class A drug went to prison, just like that. Now I don't... that is not the situation now, but it's quite interesting

again that we find I think nobody, am I right, no one in a case like this one would send this woman to prison.

Michele Newman: Interesting. David Hancock I don't think I thanked you properly, thank you very much indeed. Ladies and gentlemen if I may say at the end of this we have our... we'll call our third Expert Witness now if we may, but at the end we're going to have a, what in TV terms we call a vox pop, 10 to 15 minutes of really just hearing your views, so perhaps it's something that you haven't particularly wanted to respond to the case study but it will give you your opportunity to make your point so the commissioners can hear it. So on this occasion I'm not actually going to read out a case study this is Wendy Start, who's Victim Support President, I think I'm right Wendy, and Wendy is actually going to just set the scenario if you like for us to respond to. So a slightly different way of doing it this time. Wendy, thank you, the floor is yours.

Wendy Start: [INAUDIBLE] The case study [IA] was someone who'd been burgled... [IA] I wonder if it might be the most provocative of discussions if I just re-act it very briefly in the guise of that victim. [IA] I think some of the detail might be missed, but I think the general points that I want to get across are made, so I would choose to do that one.

My home's been burgled and the French windows have been badly damaged by a block of concrete. I feel very angry and upset, I'm very fearful, confused and I'm worried. Why did the burglar target my house, I worry about going out and I worry more about coming back every time I go out. Will the burglar come back? I feel that they want me to replace the video and TV and then will return to take the new ones... Maybe I just better move house. I'm not sure I feel safe here anymore. Time has passed and I'm wondering what's happening. My neighbour, the one who saw the burglar tells me he's been called to be a witness at the trial so they've caught someone then. He's a little bit worried about going to Court and I hadn't realised he'd have to be a witness. I wonder if

there will be anybody there to offer him support. Now someone's caught will I get my property back, and who will repair the window [IA] I'm not insured. My neighbour tells me that the burglar was found guilty at his trial and they've adjourned to another date to sentence him. I'm really pleased he's been convicted. But nobody's kept me informed officially, I shouldn't have to find out accidentally, [IA] now he's been sentenced, what do I think about that. Will I feel safe if the burglar isn't locked up. Will he be ordered to pay me compensation, but how can he pay compensation if he's in prison? I will feel safe he's in prison. But he'll only offend again when he comes out. Do they learn anything about how to stop offending whilst he's in prison? I don't know. Will anybody tell me when he's been discharged so that I know where he is. What if he doesn't go to prison. They tell me he might get a community sentence. What is one of those? And how will that help. I haven't the faintest idea. It's been a horrible experience for me part. [IA] what do I really want and what do I need. Part of me wants the burglar to be locked up and the key to be thrown away. But if I'm honest I just wish it hadn't happened. I suppose that means that I would want the burglar to stop offending so no one else goes through the same as me in the future. I would like him to know the fear and financial loss he's caused me, I bet he thinks it doesn't matter because everybody's insured, well they're not. I'd like him to understand all this and feel genuinely sorry for what he's done. However, given that he continues to deny his guilt all that seems very unlikely so perhaps a straightforward punishment in prison is the only possible outcome. At least he won't be burgling people whilst he's in there. I don't know what to think. I know very little about anything and I've been very fearful. One last thing – if he had admitted his guilt I might have been willing to take part in victim/offender conciliation exercise to try and help him change his ways and to help me see

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dialogue and people actually being face to face with each other and listening and having that kind of interface that can then bring about change and I can see that happening both in the example that you raised before and here in this example of you know two people actually being together and having that interaction about where the other is what's actually happened and what the impact of that is and I think that's a really valuable space actually. I think if more of that could occur then possibly people would have more of an idea of where other people are actually sitting and what they're experiencing.

Michele Newman: Lord Coulsfield would that have been, in your day as it were, that wasn't available but that, do you feel yourself that as a judge that would have been a good thing to have, to have access, to seeing somebody again, and having some influence about what they were going to do next?

Lord Coulsfield: In a drugs context certainly yes, [IA]. It is of course difficult in other contexts because a judge has one simple job, two simple jobs, one is to preside over the trial and the other is pass the sentence. Once you've done that the case then goes away from you. I think it's difficult to envisage partly because of the position of the judge and partly because of the sheer practicalities of it [IA]. As regards contact between the victims and the offender it is sometimes said that victims actually find this too stressful, [IA] for example it tends to happen in high crime areas where the victims and the offenders are in fairly close contact [IA]

Wendy Start: [IA] a small minority of victims are willing to be physically present but other victims want their views to be transmitted second hand to the family and to [IA]

[?] I think it is very difficult to get the victim and the perpetrator together to discuss those issues but I think there's definitely a need to work with [IA] at the Galleries of the Justice we have a number of programmes here that we do with young offenders and with excluded kids and I think there's definitely a question of letting them understand the consequences of their actions, not necessarily know who the actual victim was but to understand that there is

more than just the burglary because they see it as purely well I wanted to go there so I could steal this and I could get some money so I could buy drugs or do whatever. They don't necessarily realise that affects the individual and how that affects their own family and the individual's family and it's kind of teaching the consequences of those actions. It doesn't necessarily have to be the victim and the perpetrator together but it is the actual offender is able to see the consequences of the effect that his particular crime has on himself and people around him.

[INAUDIBLE]

[?] Yes absolutely. More of our work that we do is... well, we're the voluntary sector so obviously we get ignored a lot but the work that we do is mostly with young people and when you get a class of say 30 or so young people and you say to them 'who's been involved in crime' you tend to find none of them will say they have been, when you say 'who's been the victim of crime' you tend to find that 28 out of that 30 have been victims of crime in some way. So it's understanding what the consequences mean to them as individuals both as victims and potentially offenders as well. It does have an effect because they get to see that there's a reality attached to this. It's not just some kind of thing that goes on. It's not just breaking into a house and there's no one there so they haven't affected anybody and the insurance will pay. They understand that these are consequences. One of our programmes deals with 7 and 8 year olds and we have a member of staff here who has been burgled three times. She has made a video, she comes in and talks to the kids about how she felt and they get a real feeling about consequence. So I think there's a lot of work that can be done, not just for the victims but also on with the offenders about the consequences of actions for people.

[INAUDIBLE]

Wendy Start: [IA] community sentences can produce a much lower re-offending rate than other [IA] and if there was

a greater understanding than they wouldn't be thinking just in terms of prison or nothing.

[?] I'm a journalist and I think we take quite a lot of the stick for not informing the public of the work community services, community punishments mean and there certainly is a public perception that it's the soft option and there's very little which we've done to change that perception. And of course news about a criminal doing nasty things is rather more headliney than news about someone who's done community punishment and no longer offends.

Cedric Fullwood: I'm one of the commissioners but I'd just like to go back to this victim/offender perspective just momentarily and without putting CPS and the defence on the spot [IA] I mean the CPS have got all the material on a particular crime and see all that has happened and the reaction to that, and the defence are there clearly trying to see it from the offender's perspective and I just wondered what your views are, because we don't actually get caught up so much in the sort of offender/victim conciliation and your perspectives on this are very important.

[?] I don't think the CPS has a view to be honest with you. But I know about it because I happen to work for Victim Support as well, and I have knowledge of a local scheme that I'm afraid floundered on the lack of support, lack of financial support which was diverting children and I do mean kids really, and some of the prosecution process by giving them a huge amount of input at quite an early stage and making them go and see victims and so on and it was tremendously powerful and I keep saying this to my colleagues, it's really quite hard, not only for the victim but also for the offender to do that and I personally am very much in favour of it, I'm not sure the CPS has a view because CPS deal with... we don't have all the material by the way, we have very little, but we know something about what's happened, allegedly, and we know what the victim feels about it mostly, but to be honest with you we don't get involved in outcomes, we don't get involved in sentencing, maybe we should, I mean maybe there's an argument maybe I could talk for hours about how the prosecution

perhaps should have a say on that and I've got a number of things I'd like to say about deterrents which we haven't talked about and I'm surprised that perhaps the victim perspective hasn't come up there. It's all very well saying to a child 'if you do that again I'll tell the policeman and you'll get some community involvement' it doesn't work does it! Surely we should be saying to our children 'do that again and you'll go to prison' because that's how you stop kids doing stuff isn't it. Sorry that wasn't a [IA]

Angela Sarkis: I'm one of the commissioners. I'm really worried actually by the conversation that we should be trying to get victim and offender together I mean it doesn't always happen but sometimes it really can work. And I'd just like to set a scenario myself, if we're looking at high crime areas, and let's be honest about this, you know we do tend to see most crime in certain communities and therefore people are going to be the victims and perpetrators almost at the same time, therefore it seems rather a nonsense to separate victim all the time from the offender, what we need to accept, and I've heard a lot of talk, positive talk about the voluntary sector and I don't think we can overstate the importance here of the voluntary sector, because as criminal justice agencies we seem to feel that we should have the answers, you know. Do we send them to prison, do we put them on a high tariff order without recognising to my mind all the time that those people need to continue living together in that community because they have no choice. They live in high rise blocks, they live in dense communities where there's high unemployment, high truancy rate, and we are actually talking about an holistic community problem, therefore it is crucial that we can get together and talk about what does the community do about this. I remember years ago when I was a probation officer I used to say then the offender isn't somebody out in the community, the offender is perhaps somebody in your own home, one of your own relatives and [IA] how you respond to crime and to criminals because it's actually all around us and unless we take responsibility and we leave the criminal justice open to do

some of that, because they... at the moment they think it's all there's and they must solve the problem, but they can't do it alone.

[?] Can I say that the various forms of community service order are infinitely more effective in prison and what would make it even more effective would be spending the money that might be spent on building more prisons on more effective staffing of those who oversee community orders. That's one of the greatest weaknesses at the moment, that people have community orders but they're not enforced with sufficient rigour if that's not an improper word to use in this company.

[?] Quickly to that with my hat on as Chair of the [IA] Probation Board. The Criminal Justice spend on the probation service nationally something in excess, around 4% and in my view if that was doubled then the impact on the prison population would be simply enormous and I cannot imagine why that equation hasn't been made by the people who have the money making decisions.

[?] I think a lot of very important things have been said about the most effective processes which might lead to some change of behaviour, which is a very difficult thing to achieve after all. I think the exchanges about victims and offenders, all that is terribly important and very essential but I'd like to come back from that because in a sense one could have said all those things many years ago and a lot of good practice, 20, 30, 40 years ago would have rested on very similar considerations. So I think, I'd just like to take us back to Lord Coulsfield's introduction that despite the fact that the volume and nature of the crime has remained [IA] settled and stable over many years why does the prison population take off from 40ish,000 which it had been at for many years and over the last 10 years shoot up to 70,000 and I think one has to look for factors outside anything that goes on between an offender, a probation officer, a prison officer and so on and look at wider society issues which must be the cause of a lot of this and I think [IA] to see a lot of highly relevant factors to which the reverse of which would be very difficult but our preoccupation as a society are heavy with risk in all sorts of

ways of life which has made all of us much more sensitive to this sort of thing, the fragmentation of society in many ways is relevant and we could go on but I think these... and the politicisation of this criminal justice process from Michael Howard's time onwards as far as I can see has all contributed to this and I do think that we have to give a lot of thought to these wider factors which are very difficult to address but I suspect that if you concentrate on individual cases our prospects of real change are fairly limited.

Michele Newman: One change that you think would fundamentally make a difference?

[?] Off the top I can't think of how

completed orders and only 33% of those who complete go on to re-offend. So community service community punishment can be incredibly effective in terms of changing the way people think but we've got to make sure that it's backed up and it's seen as a serious penalty. Because I think one of the sad bits that I hear tonight is that actually there is a starting off point – the assumption is that you start with punishment rather than you start with something, what's going to stop this person re-offending but rather the assumption that you have to start with punishing them rather than saying well how do we prevent them committing a further offence in the future.

[INAUDIBLE]

[?] Well I would just like to strongly endorse what the gentleman in front has said, namely that you have to look at the situation in an entirely new manner. The fact is that throughout the world the mental hospital beds are inversely proportional to the prison beds and the reality is in this country we've cut the mental hospital beds and built prison beds, in other words a factor which is known world wide we've merely proved to ourselves and to our detriment. Now in all these cases there are no simple answers because they're very complicated and therefore the way of tackling the problem has to be complex and complicated to fit the needs of the particular person we're looking at and when you're looking at very severely disordered people, clearly disordered personality and character disorders you often have to regress them and go right back and bring them forward into a new lifestyle so that they themselves can make comparison and it is a very major, major task, it's a very rewarding task and it's a very important one.

[?] Thank you. I want to make two points, one with regard to the lovely idea of restorative justice and victims meeting offenders and conferencing, family conferencing and so on, I think it is a good idea, and one we only explore in terms of youngsters, and one of the things that in [IA] terms of the criminal offending pattern is that you have to go up to a certain point and then in terms of when they reflect as adults I think the whole opportunity for engaging with restorative

justice with adults as well should be tried, not just in terms of the youth justice but also in terms of adult offending.

The second point I want to make in terms of how the commission can support the whole issue of alternatives and community sentencing, I think and respect to the audience where there's a lot of probation officers, I think that one of the things that has to be done is that we have to step back in time and make probation officers befriend us rather than report us.

[INAUDIBLE]

[?] I think my area sort of looks at this before most of you do, and one of the issues I've got is youth offenders who never get to Court, they're known by the police, they're picked up, taking and driving away, burglary, they do criminal offences all over the estate, they're taken home, they're given a caution, their parents let them out, in the next half hour they're found again. We have children from the age of 5 in our school through to 11 who actually do these things and we are creating criminals because we don't give support to those families. Now if we start early we're not looking at taking them to Court, we're looking at helping the families and those children see a different way. I may be liberal, I may be naive about it, and I have been burgled and I did want to kill the people who burgled me, I caught them in the house, I don't know how I kept my hands off them but later I thought what are they doing here, as you said. But equally what's their past, my previous path was a police officer, then the probation service, none of those worked for me, I'm in education, it's still not working because it's got too many interventions, and too many people interfering. We need to start young and we need to start helping people see where it's going wrong and while we don't we're still going to be sitting here and debating this in 2090.

Michele Newman: Wendy thank you very much, you stood for a long time, I'm sorry, Wendy Start thank you very much indeed. I think if I may, unless anyone else wanted to come in, perhaps I could... are

there any other comments about anything before I, before we hand it to Lord Coulsfield, is there anything anyone has a burning desire to say but perhaps just hasn't had the opportunity.

[?] Just a quick point I think somebody slightly touched on it but we haven't really gone into it in today's debate because it's not really about this but I think that in relation to most crime we need to really start thinking why, why people are committing crime and what we haven't touched on today is the fact that not everybody in society starts off on an equal basis in relation to class and in relation to race relations, there are institutional issues, particularly with education which we need to start dealing with and those kind of issues which actually force certain communities into crime and we haven't talked about that and that's the debate we need to have at some point.

Michele Newman: I'll pass your

Irene ?: [IA] Way back in March this year, little did I know that I would be standing here in this wonderful building speaking on behalf of the RSA. [IA] the gentleman in London who I have persuaded to bring something of stature to the East Midlands and of course what better an opportunity to me, personally, and to many of my old friends and colleagues who are here tonight supporting me, and doing an excellent job. It has been a great pleasure to have you here this evening. But people say ‘RSA, what has that got to do with law and order?’ But of course, the mission of this enquiry is very closely entwined with the mission of the RSA. In order to go into that just slightly, in a little more detail I would like to take you all back 250 years where William Shipley looked at the country and realised that there were a lot of good people out there who were under privileged and if he could harness their skills and give them opportunities, educate them, and give them some reward then we would be creating a more stable society and perhaps the crime figures would come down. It’s also interesting to note that in 1770 this great Courthouse was being built here in Nottingham to do precisely perhaps in many cases the opposite and if you have an opportunity to go into some of the museum parts you will see the shackles, you will see the windowless dungeons and you will be told about how they were able to lower defendants into the boats, into the water below and ship them off to Australia. You would also see where they could hang people. It’s all a long time ago, but the debate goes on and we’re now in the 21st century and we look at the same size of country, much more heavily populated with different crimes and we’ve heard of some of them tonight which were probably not prevalent at all in those early years.

I became a magistrate in this city in 1973 and I was what was known as a city magistrate. I can remember one morning coming out of the magistrate’s retiring room on my way down a large white corridor with marble floor where you could shout from one end to the other and be heard and I can remember turning the corner into this corridor and seeing a pupil of mine coming in, he took one look at me, smiled from ear to ear and a

loud, booming ‘hey up Miss’ echoed down the corridor. Smiling he went on to say ‘me mam’s here with me today Miss.’ And sure enough his mum with her entourage of more little ones and the pushchair and all the rest of it. She looked at me, she didn’t know whether to smile, frown, ignore me altogether or ram me with the pushchair. I was quite glad to be able to sit in a different Court that day. But there have been references this evening that these young people do need support and it doesn’t matter where that support comes from, they do trust us and rely upon us and we should not be letting them down. And I do feel that I may put in a little remark here, I feel that we are letting young people down and that is something that perhaps society should take on board. I have always firmly believed that young people today mirror their elders so we are the responsible ones and we must take heed of that.

I did sit in this Courtroom on occasion and I can remember coming here to what was then the Shire Hall, being met at the door and known by many and my size of hat knew no bounds because I felt suddenly very important as this gowned lady ushered me down narrow corridors and up narrow staircases and into a little retiring room. She said ‘I’ll fetch you when the Judge is ready’ and left me to sit and ponder on these new surroundings. A little while later of course came the knock on the door and a voice said ‘the Judge is ready for you now’ and off I went into this Courtroom following the Judge and feeling quite important. They were of course cases of appeal, we never really sat on the [IA] cases. So Lord Coulsfield I just wanted to put the RSA in context with this debate and I think it right and proper that we should be here, that we should be supporting you and your team and I do thank you very much for coming and that goes for all the people of your enquiry team. I was told I needn’t mention you all by name, even if I could remember them, but please do not take offence at that. We thank you very much.

There are a lot of people that I must thank tonight and I’ve made a list of them

because like lots of other people of my age group we tend to forget. Valerie [Keato?] sitting over here has the marvellous job, working with the RSA, Valerie has, I'm not sure what your official title is Valerie but you are here to support the team, look after them and do all that awful paperwork, thank you for being here and coming and thank you for the conversations which we've had and all those emails that have kept me in the picture of what has been happening.

Michele Newman who has done an excellent job tonight. Michele as you know is of television fame, she's given up the highlights tonight to come here and to look after us.

And Vival [Yarvi?] sitting in the middle at the back who has been a tremendous help with [?] and the rest of the RSA team who have put this evening together. Thank you Vival very much for that.

And where do I start with the expert witnesses, we have David Hancock, esteemed Chief Probation Officer for Nottinghamshire, Ken Beaumont, Deputy Head of Services to the Youth Offending Team, Diana Tempely, past Chairman of the Nottingham Bench, we're pleased to have you here Diana. And Trevor Greeves, Deputy Chairman of the Nottingham Bench and Trevor does an awful lot of work with victim support. Wendy, you did a marvellous job tonight and thank you for that. Eileen Stewart [IA] sitting here on the front benches, she used to be a defending solicitor in the Courts and we did smile at each other as we took our bows on many occasions and Martin, thank you for coming. I had breakfast at 8 o'clock this morning with Martin because we are believe it or not [IA] and there are one or two of those in the audience tonight. And of course Les Kominiak has gone. Paul, thank you for coming, Paul [?] the Director of programmes in London and has helped [Abbea?] who is the consultant... and Liz Winter who is somewhere around and of course Viv.

Now, if you have noticed Nottinghamshire's oldest spelling mistake and you have come to this jailhouse tonight with the expectation of reaching your goal then I hope

that that has been achieved and I will leave you to ponder on that as you follow me upstairs to take some liquid refreshment and continue what is after all a very serious debate. Thank you all of you.