

Crime, Punishment & The People

Public opinion and the criminal justice debate

Lord Ashcroft, KCMG
March 2011

© Lord Ashcroft

Lord Ashcroft, KCMG, is an international businessman, author and philanthropist. He is founder and Chairman of the Board of Crimestoppers, a Trustee of the Imperial War Museum Foundation, Chairman of the Trustees of Ashcroft Technology Academy, Chancellor of Anglia Ruskin University and Treasurer of the International Democrat Union. From 2005 to 2010 he was Deputy Chairman of the Conservative Party.

Contents

Introduction by Lord Ashcroft, KCMG	4
Methodology	6
Key points	7
1. Current perceptions of crime and punishment	8
Crime rates	8
Sentencing	9
Prison	11
Short sentences	12
Community sentences	13
2. Proposals for reform	16
Awareness of the government's proposals	16
Rehabilitation	17
Restorative justice	19
Specific reform proposals	20
Governments and crime	24
3. Full poll results	26

Introduction

Lord Ashcroft, KCMG

For fifteen years there was a consensus at the top of British politics that prison works. Instituted by Michael Howard, it was followed by successive Labour Home Secretaries as Tony Blair recognised that a firm approach to crime was not a preoccupation of the Tory right but the very essence of the centre ground. Being tough on crime was a policy for the many, not the few.

Since the 2010 election, that consensus has been abruptly abandoned. According to the Justice Secretary, Ken Clarke, prison has too often “proved a costly and ineffectual approach that fails to turn criminals into law-abiding citizens”. Ed Miliband and Sadiq Khan have signalled that Labour largely concur (though with inevitable quibbles over funding). And the Liberal Democrats never claimed to be tough on crime in the first place. The upshot is that no major party now appears to represent the approach to law and order that voters want. With no debate, and with no reference to the public, a consensus that reflected popular opinion has been discarded. This can only fuel people’s cynicism about politicians and the political process.

As it happens, my research found that less than half of the public, victims of crime and police officers think that prison currently works – but the conclusion they draw from this observation is precisely the opposite of Ken Clarke’s. If prison doesn’t work, they say, *make* it work. For them, the problem with prison is not that it fails to turn criminals into model citizens, but that it does not deter criminals from breaking the law. As they see it, sentences are too short to begin with because they are determined by the availability of prison spaces, not by the seriousness of the crime. And once an offender has experienced prison life – free board and lodging, with complimentary satellite TV, PlayStation, pool table and gym membership – it is hardly surprising that they seem so willing to go back again and again. That is not to say people think prison serves no purpose. Even short sentences, though offering too little time for proper rehabilitation, give the public precious respite from the prodigiously prolific offenders who are responsible for the majority of crime, and those who repeatedly breach non-custodial punishments.

Community sentences, which from the logic of Mr Clarke’s position could become the norm for many offenders who currently go to prison, command woefully little public support. Only a small minority think they are effective, and police officers report that offenders see them as a soft punishment and often commit further crimes while serving them. And as far as both the public and the police are concerned, community sentences are already given to too many criminals who ought to be locked up.

For Mr Clarke, the key to cutting crime is a “rehabilitation revolution”. To the public ear, this sounds like a soft approach that makes excuses for offenders (“sitting down and having cosy chats”, as one focus group participant put it). This is because it sounds like the absence of something – an alternative to proper punishment, rather than a practical additional tool to help cut crime. And though there is an important place for rehabilitation, many think it is doomed to fail on the prolific offenders who are the biggest problem. Ultimately, for a majority of police officers and the public, the way to cut reoffending is not to put more emphasis on rehabilitation, but to increase the deterrent effect of sentencing.

Some will see these as reactionary and draconian attitudes which prove that when it comes to formulating enlightened criminal justice policy, the public are best ignored. This view is arrogant and wrong. The justice system must command the confidence of the public on whose behalf, and at whose expense, it operates. Such confidence is already sparse. Most people already think the justice system does a bad job at dealing with offenders and preventing reoffending, precisely because it places too little emphasis on punishment and deterrence. Unless they are persuaded of the wisdom of the new direction (a development which does not seem to be imminent), a policy of moving even further from the way they think things ought to be done risks a serious crisis of public confidence. It may be – though it seems fabulously unlikely to me – that sending fewer people to prison will mean less crime. But the public are not convinced, and nor are the police.

Explanations vary as to why, even in the days of “prison works”, action on law and order has never seemed to be as robust as the public wants. Some think it is because politicians are shielded from the reality of crime by their comfortable lives; some think they are constrained by human rights legislation or by fear of being accused of political incorrectness; some think too much attention is paid to liberal theorists; some think these

reforms, in particular, are driven by the need for cuts. But whatever the reason, the approach to crime the public wants, and what governments seem willing to deliver, are two different things.

There are obvious dangers in a situation where no mainstream party is seen to represent the public view of how to deal with crime. Fringe parties, and other less savoury organisations, are quick to exploit a vacuum. Politically, the Conservative Party has the most to lose. A firm approach to law and order has been one of the few consistently positive aspects of the Tory brand. The Conservatives should not need to burnish their law and order credentials, they just need to deliver on them. Instead the party risks undermining an important part of its appeal, entirely of its own volition.

As I concluded in *Minority Verdict*, my account of the 2010 election campaign, being in government gives the Tories the chance to finish rebuilding support by showing they are on the side of ordinary people, and that they represent a change for the better. Taking an approach to crime that is the opposite of what voters hoped for, and had been led to expect, is a step in the wrong direction for a party that hopes to be elected with an overall majority in 2015.

MAA

Methodology

General public

- An online poll of 2,046 adults was conducted between 18 and 20 February 2011. Data was weighted to be representative of all adults.
- Six focus groups were conducted between 2 and 9 February 2011. The groups were conducted in Hemel Hempstead, Halifax and Nottingham. The groups comprised equal numbers of men and women and covered a full range of working ages, social groups and voting backgrounds.

Victims of crime

- An online poll of 1,001 people who had been the victim of a crime in the last three years was conducted between 18 and 21 February 2011.

Police officers

- A telephone poll of 500 serving police officers was conducted between 15 and 23 February 2011.
- Depth telephone interviews were conducted with 25 serving police officers between 1 and 8 March 2011. Participating officers represented a number of forces throughout Great Britain and ranged in rank from Constable to Superintendent.

Full data tables are available at lordashcroft.com.

Key points

- 80% of police officers thought sentencing for convicted offenders is too lenient, based on the cases they have worked on. Only two officers out of 500 interviewed thought sentences passed had in general been too harsh. Over 80% of the general public and victims of crime also thought sentencing was too lenient. 85% of police officers had worked on cases where they thought the offender should have gone to prison but the judge had passed a lesser sentence. Only 9% said it had never happened in a case they had worked on.
- Three quarters of the public thought crime rose or stayed the same between 1997 and 2010. Only 2% thought crime fell by 43% (the figure from the British Crime Survey). Less than a third of serving police officers thought crime was lower now than five years ago. Police officers stressed that local crime rates were heavily influenced by whether a particular prolific offender was in or out of prison at a particular time.
- Only 42% of the general public and 38% of victims of crime thought that “prison works”. More than two thirds believed rates of reoffending were high because “sentences are too short and prison life is not hard enough” to serve as a deterrent to committing further crimes”; less than a third thought it was because “prison does not focus enough on rehabilitating offenders”.
- Police officers were divided over whether “prison works” (44%) or not (46%). For them, the most important explanation for the high rates of reoffending was that “prison life is not hard enough to serve as a deterrent to committing further crimes”. Second was that “some offenders actually prefer prison to life on the outside”; third was that “prisoners do not spend their time in prison productively”. In interviews, several police officers stressed that prison works in keeping criminals away from the public, even if only for a relatively short time.
- Less than a fifth of the general public (19%) and police officers (18%) thought the answer to improving reoffending rates after short prison terms was to give community punishments instead. More than half of police officers (54%) and two thirds of the public (66%) thought the best solution was to “make prison life harder, to make it more of a deterrent to committing further crimes”. Several officers argued that whatever their failings, short sentences were needed as a sanction for repeat offenders and those who breached the conditions of community sentences.
- Four fifths of the public and victims of crime saw community sentences as a “soft punishment”, and 90% of police officers thought offenders saw such sentences as a soft punishment. 74% of the public, and 86% of police officers, believed “offenders often commit further crimes while serving community sentences”. Three quarters of both the public and police officers think “community sentences are often given to offenders who ought to go to prison”. Only 19% of the public and 25% of police officers believe “community sentences are effective at stopping offenders from reoffending”.
- 41% of the public and 35% of police officers saw rehabilitation as “a hard-headed, practical way of trying to reduce reoffending rates”. 59% of the public and 58% of police officers were more inclined to see it as “a soft option that tries to make excuses for offenders rather than punishing them properly”. Police officers, like the public, were sceptical about the effectiveness of rehabilitation, particularly for prolific offenders. While drug treatment could be an important part of preventing reoffending, it was very hard to enforce in the community if the offender was unwilling to cooperate. Police officers also stressed that rehabilitation was not an alternative to punishment and containment. Asked whether the best way to reduce reoffending was to “increase the deterrent effect of sentencing” or “put more emphasis on rehabilitation”, 67% of the public and 62% of police officers chose the former.
- Just over half of police officers who had heard Ken Clarke’s view on the effectiveness of prison said they opposed it. Officers were concerned that the primary purpose of the government’s review was to save money, or to cut prison numbers as an end in itself, rather than to reduce reoffending and cut crime.
- 57% of the public expected the coalition to be tougher than the last Labour government in dealing with crime; only 13% thought it was being tougher; 23% said it was less tough and 64% said it was about the same.
- The public felt that what they saw as the failure of successive governments to act on their concerns about crime and punishment were due to politicians being unaffected by crime in their own lives; the constraints of human rights law and the fear of being accused of political incorrectness; the criminal justice system being staffed by unrepresentatively liberal individuals; and lack of money. Police officers felt mistakes were made because governments paid more attention to theorists than to victims and practitioners.

1. Current perceptions of crime & punishment

Quotes from interviews with police officers are labelled (PO). All other quotes are from focus groups of the general public.

Crime rates

1.1 44% of the general public thought that crime had risen between 1997 and 2010, and just under a third thought it had stayed about the same. From the potential scenarios on offer, only 2% chose a fall of 43%, (the figure from the British Crime Survey) as the most likely to be true. *See page 26 for full poll data.*

1.2 In the focus groups, most people considered crime to be a growing problem, even if some types of crime might be falling. Very few knew what the official figures said, but none gave these statistics much credence – they had become a political football, and were unreliable in any case because many crimes went unreported.

“I never trust the official figures. The parties quote them at each other. When the local paper says this or that has happened, you feel closer to it.”

“The police say they have made more arrests but they are just attacking more motorists.”

“[The figures are not reliable] because a lot of people don’t report things like cars being damaged, because the police don’t come and take fingerprints or anything. They don’t even bother”.

1.3 The perception that crime is rising overall was largely due to a combination of local news reporting, personal experience, and observations of their people’s local areas over time. The growth of gangs and knife crime were particular concerns for group participants. Several noted that crime and antisocial behaviour had become part of the background of everyday life to the extent that “the bar has been raised of what doesn’t shock you.” However, a minority said they felt safer having noticed extra police officers or PCSOs locally.

“My main concern is the knife culture. Twenty years ago there never used to be these knives, and gang culture.”

“I make sure all the external doors are locked even if we’re all in. I didn’t use to do that.”

“All the shops in our street in Borehamwood have metal shutters. There were none in the 1970s.”

“In the local paper there are three or four items about cab drivers being attacked every week.”

“I wouldn’t dream of letting my kids go down the park on their own as I did when I was 10 or 11.”

1.4 Police officers were quite evenly divided as to whether crime overall was higher than it was five years ago (29%), lower (32%) or about the same (35%). In the depth interviews, several officers noted that local crime rates were largely determined by a small number of individuals and may not, therefore, match national trends. Several also noted that crime figures were not always a reliable guide, since they were open to manipulation according to political imperatives.

“Crime trends are largely due to the type of criminal that is currently at large in a particular area. So if you’ve got an active burglar currently out of prison in a particular area, that crime is going to soar, and that may be a 100 or 200 or 300 per cent increase.” (PO)

“Figures are wholly unreliable. They can be manipulated by forces. Section 5 Public Order offences became their preferred method of arresting people because it wasn’t classified as a violent crime.” (PO)

“It’s possible to wipe out a particular area of crime overnight by classifying it as something else.” (PO)

1.5 Many of the participants had been to the new ‘police.uk’ website to check the crime incidents for their area. Most considered it a welcome innovation, though a few thought it would cause unnecessary alarm or thought the information displayed was incomplete.

“They are making an effort. There is a website where you put in your postcode and it tells you all the crimes in your area. It’s a good thing – at least you know what’s going on.”

“It’s a step towards accountability for the police.”

“I happen to know two cars were broken into in my area but they were not on there.”

Sentencing

- 1.6 There was an overwhelming view in the groups that sentencing for convicted criminals in Britain is too soft. There were several elements to this: if offenders went to prison at all their sentence would be too short (especially if they were a murderer, since life no longer meant life); they would then serve only half the time they were sentenced to because of the cost or lack of space; and the time they did spend inside would be much too comfortable to constitute a proper punishment or a deterrent to reoffending.

“People don’t have that fear that if you do something you’ll go to prison.”

“They get light sentences because they haven’t got the jail accommodation to keep them in.”

“It’s too soft. They know when they commit crimes that there is no real punishment any more.”

“There are certain crimes where you get off when you would once have gone to prison.”

“People who are sentenced know for a fact that they are only going to do half that time.”

“That Tracie Andrews is getting out soon. She’s only done 14 years. It’s disgusting.”

“It’s really cushy. They have TVs in their rooms, PlayStations, a pool table, a big social room where they go and sit. For the lowlife who do the burgling and mug old ladies, life in prison is better than life outside.”

“There is a cost implication. Common sense says they should serve the full sentence, but the politicians’ or civil service view is that there’s a cost, so let them out.”

80% of police officers, 81% of the general public, and 82% of victims of crime say sentencing is “too lenient”.

3% of the general public, 2% of victims of crime and 0% of police officers say sentencing is “too harsh”.

- 1.7 Police officers made similar points in depth interviews. While some emphasised that sentencing for the most serious crimes was about right, for lower level offences it was too lenient, particularly in the case of prolific perpetrators of bulk crimes like burglary. The problem was exacerbated by prisoners only serving half their sentences. Most put this down to a lack of space in prisons. The effect was that the public was not sufficiently well protected, since offenders were back on the streets too soon and had no significant deterrent to reoffending.

“With bulk crime like burglary, there’s not enough room, so they’ve having to be more lenient, so they’re coming out and doing it again.” (PO)

“It’s too soft, from my experience... I think it’s common knowledge now that if people are sentenced to two or three years they will probably serve about six or seven months... If you’ve got a life of 50 or 60 years as a criminal, six months every now and then doesn’t really cause you too many problems.” (PO)

“At lower levels it’s ridiculous. You get people with very serious injuries from assaults, and [the perpetrators] are getting community orders, conditional discharge, suspended sentences.” (PO)

“It’s too soft. We’ve got people who are serial burglars, and when they’re out you see the figures go up dramatically. When they go inside, burglary figures drop like a stone. But they don’t get locked up for long enough. A couple of years ago we had a case of a prolific burglar who burgled commercial premises, he had almost 400 crimes taken into consideration, and he didn’t go to prison. He had a six-month drug referral order. And he’s smart enough to know that ‘if I comply with this, a bit of short-term pain, I’m not going to get locked up’.” (PO)

Have you worked on cases where you thought the offender should have gone to prison but the judge handed down a lesser sentence?

Often: 43%

Occasionally: 42%

Never: 9%

Poll of police officers

- 1.8 This view was reflected in the polls. Four fifths of the general public, victims of crime and police officers thought sentencing in general was “too lenient”. 85% of police officers said they had worked on cases in which they thought the offender should have gone to prison, but the judge had handed down a lesser sentence; 43% said this happened “often”. Fewer than one in ten officers said this had never happened in a case they had worked on.
- 1.9 The groups were very sceptical about the idea of allowing judges more discretion in determining sentences. There was no clear view that sentences overall would be more or less lenient if judges had more discretion (not least because prison space would still be scarce); the result would probably just be less consistency. A few felt that tight sentencing guidelines turned the judge into “a robot with a hammer”, but there was also a widespread view that judges were at least as remote from real life as politicians.

“Judges are out of touch anyway. They belong to another world.”

“There would be far less consistency if there were no guidelines.”

Does prison work?

42% of the general public say yes; 58% say no.

Why not?

Sentences are too short and prison life is not hard enough: 69%

Prison does not focus enough on rehabilitating offenders: 31%

- 1.10 Police officers were more supportive of greater judicial discretion, and usually thought this would tend to result in harsher sentences. However, they often said sentencing guidelines were a function of cost and the availability of prison places, rather than a wider liberal agenda. Some commented that in their experience judges were very good (but magistrates less so), and most were in favour of giving judges more discretion in principle.

“I think judges may well pass more appropriate sentences [if they had more discretion]... They’ve got their hands tied, they’re not free agents... The ones I’ve spoken to are very, very good, and on the ground.” (PO)

“In my experience, judges tend to have a really good grasp of what they’re listening to and are frustrated by the sentences they can pass, whereas magistrates, I feel, don’t really have a grasp of what’s in front of them, so they go with the guidelines.” (PO)

Prison

- 1.11 Asked what they considered to be the main purpose of prison, most in the groups focused on punishment and containment. Though several spontaneously mentioned rehabilitation, they were doubtful that this aspect of prison was working effectively.

“The purpose of prison is to teach them a lesson. It’s supposed to, but it doesn’t.”

“Punishment. Rehabilitate them so they don’t reoffend, but they still need to be punished.”

“If they are a danger to society, it’s taking them out of circulation.”

“And to train them in there. But I don’t think it’s working.”

- 1.12 The polls found less than half of the general public, victims of crime and police officers thinking that “prison works”. More than two thirds of the public believed rates of reoffending were high because “sentences are too short and prison life is not hard enough to serve as a deterrent to committing further crimes”; less than a third thought it was because “prison does not focus enough on rehabilitating offenders, through things like tackling drug addictions and preparing them for work”. Police officers were offered a range of different explanations for the high rate of reoffending. For them, the most important was that “prison life is not hard enough to serve as a deterrent to committing further crimes” (with 43% thinking this a “very important” explanation); second was that “some offenders actually prefer prison to life on the outside because it offers regular food, shelter or routine”.

- 1.13 In the depth interviews, police officers emphasised that prison works in the sense that the public are protected from persistent criminals for as long as they are contained. However, they did not feel prison was currently effective at preventing reoffending. The most important reason for this was that prison was not enough of a punishment, and therefore not a strong enough deterrent to committing further crimes, either because sentences were not long enough or (more importantly) life inside was too agreeable. Several also argued that prisons did not currently take the opportunity to rehabilitate the offenders for whom this approach could be effective (though several felt strongly that this was only a minority of offenders).

“It works in the sense that if you take someone off the street, for the length of time that they are contained, they are not committing crimes. I’ve seen cases over the years where consistent burglars have gone to prison, and there has been a lull in burglaries in the area. Lo and behold, when they come out they go shooting up again.” (PO)

“People I speak to who go to prison on a regular basis say it’s like a hotel. They get three meals a day, they’ve got their Xboxes, their TVs, their gym... I don’t believe in hitting people with a stick because what you’ll find is that they’ll come out and hit everyone else with a stick and that stick might be a little bit bigger. But make things harsher in terms of the things the public perceive to be soft, i.e. TVs and things like that.” (PO)

“I’ve been a police officer for 16 years, and I could probably count on one hand the number of people who have turned their lives around... Containment protects the public and stops these people committing further offences, and sets an example of what will happen to these people to others as well.” (PO)

“Just being in a police station is bad enough for most of them. You know they’re the ones you’re never going to see again. For them, prison is about right. But for your hardened criminal, they don’t see prison as being anything they need to concern themselves about.” (PO)

“They’re a captive audience when they’re in prison so there’s a real opportunity to work with them. There’s some wouldn’t be willing to work with you, but there’s a lot that would, if nothing else, welcome the distraction.” (PO)

“At the moment it doesn’t work, but it could. You can try and reform someone all you like, but a lot of people won’t take to it no matter what you do. Therefore the only way to keep the public safe is to keep them off the streets. So they might not be rehabilitated, but the public expects that they’re not going to get their house burgled.” (PO)

- 1.14 The very high reoffending rate among former prisoners also led many group participants to feel that prison was not working as well as it should: “It doesn’t work, because they come back out and do it again.” Very few related this to a lack of focus on rehabilitation, though some mentioned the negative effect of first time offenders mixing with hardened criminals to learn the tricks of the trade. For most in

the groups, the obvious conclusion to be drawn from high reoffending rates was that prison is simply not a sufficient deterrent against committing further crimes: the fact that so many prisoners reoffend shows that they do not fear the prospect of returning to prison. The life that most offenders probably lead outside prison made the prospect of a warm, secure environment with regular meals and a range of entertainment options all the more attractive.

“In the good old days you went to prison and it was a punishment. Now there is TV, a gym, you can get drugs, you can get whatever.”

“If they go to prison, they don’t worry about going back there again. It doesn’t frighten them.”

“The reoffending rate is high because they learn so much more while they’re in there.”

“It used to work. Prison was prison – they were stuck in a cell, they did a job, they got a few cigarettes. Now they’ve got TV – it’s like a hotel. All they’ve lost is the freedom to roam.”

“They’re better off. Life is benefit handouts, but in prison you don’t have to worry about the heating, paying the rates...”

“A bloke I know has spent 30 years in and out of prison. He says he prefers it. He knows where he stands in prison. You get food... it’s easier than getting a job.”

Why are rates of reoffending so high?

1. Prison life is not hard enough to serve as a deterrent to committing further crimes.
2. Some offenders actually prefer prison to life on the outside because it offers regular food, shelter or routine.
3. Prisoners do not spend their time in prison productively, by doing a full working week or gaining qualifications.

Poll of police officers

Short sentences

- 1.15 The groups accepted that reoffending rates were particularly high among those sentenced to short prison terms of six months or less. For most, though, it did not follow that short sentences were counterproductive and should be replaced with community punishments. There were several reasons for this. First, prison was a serious punishment that could not adequately be replaced with a community sentence for crimes currently regarded as serious enough to warrant a prison term. Since prison terms were already too short, this would in practice mean serious criminals not going to prison at all. Second, prison had to be available as a last resort to judges and magistrates dealing with prolific repeat offenders, even if their individual crimes were less serious. Third, reoffending rates would be lower if prison was a sufficient deterrent (or, indeed, if prison sentences were longer).

“Having your rights taken away and going to prison is completely different from having a pink jumpsuit [on a community sentence] but still living in the real world.”

“Prison is a punishment. Even one or two weeks is a shake-up.”

“For burglary they only get six months. So it would mean they’re not going to prison for burglary.”

“They are often reoffenders. They have done it and done it and done it, and in the end they say, that’s it, you’re going to prison.”

“The six months should be the hardest thing they’ve ever done.”

- 1.16 Asked about very high reoffending rates following short prison terms, more than half of police officers and two thirds of the public thought the best solution was to “make prison life harder, to make it more of a deterrent to committing further crimes”. Less than a fifth of the public and the police favoured a presumption against short sentences “so that those who would have been imprisoned for six months or less are given community punishments instead”.
- 1.17 Police officers readily acknowledged in depth interviews that little or no useful rehabilitation could be carried out during a short prison term of six months or less. Most, though, believed short sentences served a useful purpose despite this. Most offenders sentenced to a short prison term would already have served – or breached – a number of community sentences and needed an additional sanction. Many would be offenders with dozens of convictions whose short prison stay would, if nothing else, give their local communities a break from their criminal behaviour. Some argued that the answer was tougher and longer sentences in which a proper attempt could be made at rehabilitation, and pointed out that one reason short prison terms failed to prevent reoffending was that they were automatically halved. Moreover, the fact that sentences were already too short meant that doing away with short sentences would mean some very serious criminals receiving very lenient punishments indeed.

“I don’t think the sentence length is wrong, I think what is done when they’re in prison is wrong. It needs to be a punishment. Then it should be a big, hefty, ‘that’s your six months, next time it’s two and a half years’. And it has to mean two and a half years.” (PO)

“They’re giving short sentences to people who should be getting longer ones. So if they’re saying instead of short sentences we’ll give them community service, they’re getting off even more.” (PO)

“If you’ve got someone who’s a nightmare in the community and affecting loads of people, and you get them for something, and the only thing they can be given is three months in jail, even though they get no kind of rehabilitation it means that community gets three months of complete rest... If you give them a community sentence, they’re still in the community.” (PO)

“For a prolific person, by the time they get to the prison stage they have been convicted of multiple, multiple offences. There has to be a punishment at some point.” (PO)

“If your sentence is six months in prison, you only do three months anyhow. If you spend two months on remand, then you’re out. Give them longer prison sentences so they can be rehabilitated.” (PO)

“There are a lot of short term sentences for really quite hardened criminals... I’ve seen robbers getting less than a year for knife attacks. The sentence is too short, it’s essentially negligible. The offender has got away with a highly serious crime essentially scot free. The sentences should be a lot longer.” (PO)

“If they refuse to do the community sentence, where are you going to go? A longer community sentence?” (PO)

Community sentences

- 1.18 Four fifths of the public said they thought of community sentences as a “soft punishment”. Nine out of ten police officers believed offenders saw them as such, and 86% thought “offenders often commit further crimes while serving community sentences”. Three quarters of both the public and the police thought “community sentences are often given to offenders who ought to go to prison”. Only a quarter of police officers and less than a fifth of the public believe such sentences “are effective at stopping offenders from reoffending”.
- 1.19 The focus groups also took a rather sceptical view of community punishments, thinking them unsuitable for anything more serious than motoring offences, shoplifting, graffiti and minor cases of affray. The dominant view was that such sentences are not particularly demanding, that offenders themselves do not take them seriously, and, most seriously, that they allow offenders the freedom to commit more crimes.

“They’re a joke. A lot don’t turn up, so then they go back to court. It just doesn’t happen.”

“Community service is a doddle for them. They go and kick a football around.”

“They only do it for a couple of months, every other weekend.”

“I know someone who got community service for being five times over the limit. He could have killed someone. He sat in a café talking to old biddies and eating bacon sandwiches.”

“Tagging is not working because they do their drug selling before 9 o’clock when they have to be home. They do their crimes in the hours they’re allowed out.”

Community sentences

90% of police officers say offenders see them as a “soft punishment”.

86% say offenders “often commit further crimes” while serving them.

75% say they are “often given to offenders who ought to go to prison”.

Poll of police officers

- 1.20 However, some participants saw some value in community punishments that brought tangible benefits to society. Several also felt that an element of public humiliation, such as uniforms which made it clear to passers-by what they were doing and why, could be effective. Some said they would be interested to hear about any such schemes that were happening in their local area.

“They’re sometimes good. You see people painting fences and things. They’re under supervision and providing a service for the country.”

“They should have a sign on their back saying what their crime is and why they’re doing it.”

“There should be some humiliation, like Boy George sweeping the streets in New York. And Naomi Campbell.”

- 1.21 For police officers, community sentences had a place for low-level offenders and those with no previous convictions, or very few. For more serious or persistent offenders they were inappropriate – the work was not thought to be very demanding, there was no effective sanction for breaching curfews and other conditions, both offenders and the public saw them as a soft option, and offenders often committed further crimes while serving a community sentence. Officers were divided over whether publicly identifying offenders on community sentences with things like high-visibility jackets was necessary or effective, but there was a widespread view that it would be helpful for the public to know more about the work that was being done locally by offenders serving community sentences.

“They OK for very, very minor offences, and first-time offenders with things like shoplifting. But for someone who’s continually committing burglaries or robbing people, community sentences are just a waste of time to be honest.” (PO)

“I watched them doing the railings in the churchyard and it was laughable. Most of them were leaning on the railings, smoking, some were heckling members of the public who were walking past. One started writing graffiti on the pavement with the paint, and the council had to come and clean it off.” (PO)

“The amount of people you get breaching the tags is just ridiculous, and that just creates more work for us. We catch these people who have breached their tags and curfews to bring them in front of the court, and for the court to say ‘OK, well you were 10 minutes late because you were getting the bus, don’t do it again’ and they get released... They don’t really see it as a punishment, and because of that they don’t pay much attention to it.” (PO)

“We’re giving community sentences to people who are volume offenders – burglary, motor vehicle crime – because we’re saying it’s not serious enough for a lengthy prison sentence. But if you’ve committed 50 burglaries, I’d suggest you should be punished appropriately and not be cleaning windows or digging the gardens around people’s houses.” (PO)

“They have their place for lesser offences, but I don’t believe they’re in any way suitable for burglary offences, drug dealing offences, theft offences, prolific car thieves and things... If you’re a burglar and you’re released on a community sentence, you’re free to burgle. I’ve personally locked up people who are on community service for further offences.” (PO)

“There was one case of a lad who was regularly caught trying to break into cars. He went to court and was given a motorcycle course at the local college – so now he knows how to steal them as well! It beggars belief.” (PO)

- 1.22 Asked to sum up what they considered the essential flaws with the criminal justice system in Britain and what would be the most effective ways of reducing crime, the groups focused on the apparent absence of any serious deterrent for offenders: the police do not have enough powers, sentences are too short (largely owing to a lack of prison space, which is due in turn to the presence of foreign criminals who ought to be deported), prison is not harsh enough, parents and teachers cannot or will not discipline children effectively, and human rights legislation makes it difficult or impossible to deal with these problems.

“The police are not feared any more, and sentences are not what they used to be.”

“The biggest problem is the Human Rights Act.”

“What they do during the sentence is where we’re going wrong. If the prison population is going up, it’s not working. So letting them sit comfortably in the cells with their friends doesn’t work. You’ve got to incentivise them never to want to do it again. That’s more important than rehabilitating them.”

“Years ago parents were able to discipline their children without social services coming round. As were teachers.”

“In Islamic states the crime rate is much lower... I’m just saying.”

2. Proposals for reform

Awareness of the government's proposals

- 2.1 Few participants in the groups had heard about any proposals from the coalition government on crime. Some had heard about proposals to confiscate goods from young offenders, which were roundly derided ("It's a load of rubbish. It's the parents' role to stop their pocket money"; "They're taking about taking their iPod away from them. All they will do it go and nick another one"). The few individuals who had heard reports about the Justice Secretary's proposals were also scathing.

"This is the quickest government to change direction. They're going to let people out quicker."

"They're going to take certain sentences away. What for?"

"The coalition government said it was going to lock up less people. They're going to make it harder for judges to send people to prison. So there are going to be a lot more people getting away withy crime."

"Their policy was to cut the prison population because of the deficit."

- 2.2 Most of the police officers interviewed had heard about Ken Clarke's review of sentencing and the effectiveness of prison. Some welcomed the review, saying things clearly were not working as they are, but the prevailing view was sceptical. Their main concern was that the motivation was to save money and cut prison numbers as an end in itself, rather than to cut crime.

"I support it. A review has to be done. From what I can gather he's looking at the short-term sentences and whether they're effective, and whether there's an alternative, and I support that." (PO)

"I'm a little worried that it could be a solution to the overcrowding, rather than whether prison is effective or not." (PO)

"My initial thought was about cost cutting in terms of prison places, given the current economic climate. That's probably the main driving force." (PO)

"Every time we hear that sort of thing the feeling is that that only means sentences are going to get lighter, and they are going to be looking at more alternative options to custodial sentences." (PO)

"My reaction was that it's a cost-saving exercise that will release more offenders out on the streets and crime will increase". (PO)

- 2.3 Police officers were asked their reaction to Ken Clarke's "questioning whether prison currently works as a way of protecting the public against crime, particularly in the case of short sentences, and calling for more emphasis on rehabilitation". Of the three quarters who had heard about Mr Clarke's view, just over half said they strongly or somewhat opposed it.

- 2.4 The groups were told that the Justice Secretary, Ken Clarke, was reviewing the system to try and address the high level of reoffending, and had questioned the effectiveness of prison. They were read short extracts from the speech in which Mr Clarke set out his approach in June 2010:

"Too often prison has proved a costly and ineffectual approach that fails to turn criminals into law-abiding citizens... No proper thought has been given to whether this really is the best and most effective way of protecting the public against crime".

There was widespread agreement in the groups that prison was indeed failing to turn criminals into law abiding citizens or, given the rate of reoffending, protecting the public against crime as effectively as it should. Police officers expressed mixed views. Some agreed on the basis that prison does indeed fail to turn criminals into law-abiding citizens, but rather more felt that this was beside the point: prison does protect the public against crime by containing people who would otherwise be offending, and would be more likely to prevent reoffending if it were made more of a deterrent and inmates spent their time more productively.

"I agree with that... I think he's looking to find a way of better protecting the public that doesn't allow this constant reoffending cycle. It doesn't fill me with horror, a new angle on these things might be quite good." (PO)

"He's wrong. The only way you'll protect the public from the criminals who constantly reoffend is to lock them up." (PO)

"I agree that putting people away without doing anything with them is not good value for money. But at the same time, with burglaries and violent crime, if you take them off the streets the figures drop. So even if the prison system is not working for the offender, it is working for the victim." (PO)

"People have got an option. They can be law-abiding or they can choose not to be law-abiding, and if they choose not to be, then those that are law-abiding deserve to be protected. It may sound simple, but it should be that simple." (PO)

"Incorrect. The biggest impact in reducing crime in the borough where I work in London is putting in prison my prolific offenders." (PO)

The focus groups took issue with a second quote from the Department of Justice green paper *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* (December 2010):

"Criminals must be properly punished, but they must also be properly rehabilitated to stop them from committing further crimes."

In particular, many questioned whether rehabilitation was really the missing factor in preventing reoffending. Prison was necessary to protect the public from criminals, but was failing in its function of *detering* offenders from committing further crimes – and this was the point that should be addressed.

"Has he ever had anything happen to him? He'd want them in prison."

"He's completely missed the point. It's too easy in prison, and that's why they come out and do it again."

"It sounds like they're keeping the PC brigade happy."

"By punishing them you can incentivise them not to do it again. That's not working at the minute. Why does someone want to go back to prison?"

"Governments overcomplicate everything. If you commit a crime, you've got to be punished so you won't do it again. Give them something to do that they'll really hate and they won't do it again."

Rehabilitation

2.5 Majorities of both police officers and the general public were more inclined to see rehabilitation as "a soft option that tries to make excuses for reoffenders" rather than "a hard-headed, practical way of trying to reduce reoffending rates". Asked whether the best way to reduce reoffending was to "increase the deterrent effect of sentencing" or "put more emphasis on rehabilitation", two thirds of the public and 62% of police officers chose the former.

2.6 Several participants admitted that they were not sure what rehabilitation meant in practice. However, there was a very widespread view that rehabilitation amounted to a misguided and pointless attempt to understand or sympathise with offenders, rather than hold them responsible for their actions and punish them appropriately.

"It's a waste of money: 'come and sit down and tell me, why did you do that? Let me get you another cigarette'."

"They talk about what they've done and their regrets and stuff, but it goes in one ear and out the other."

"Sitting down and having cosy chats."

"Putting them through courses they're not going to pay attention to."

"It's too namby-pamby."

"Rehabilitation *sounds* like a soft option. But it depends what it is."

Rehabilitation of offenders is...

“...a hard-headed, practical way of trying to reduce reoffending rates”:

41% of the general public, 43% of victims of crime, 35% of police officers

“...a soft option that tries to make excuses for offenders rather than punishing them properly and deterring them from committing further crimes”:

59% of the general public, 57% of victims of crime, 58% of police officers

- 2.7 Several in the groups could see the point of rehabilitation in theory and thought it might be effective in some cases, where the criminal was already motivated to change. Treating addictions was important, but only likely to be effective if the offender was willing to cooperate. If action was taken early enough in the criminal’s career, rehabilitation could also prevent institutionalisation and make it less likely that they will be led further astray by fellow prisoners.

“When they get out they do the same thing again. But unless you give them a trade, what else are they going to do?”

“They need more direction to push them along and get them going, and give them something to aim for. Or they will just go back to crime, and they’ve got more contacts.”

“It depends on the person. If they want to be rehabilitated, if they want help...”

“If they’re offending to feed their own habit, solving that problem will be more productive. It will continue unless you solve the need to do the crime.”

- 2.8 For a large number of offenders, though, the groups thought attempts at rehabilitation would be a waste of time – either because they have innate criminal tendencies, or because they are too far into their criminal career to change, or because their backgrounds and circumstances made it very likely that they would offend again. Some also noted that effective rehabilitation would probably mean more attention being paid to the needs of individual prisoners, which sounded like an expensive option.

“Most of them are lowlife. Why bother with them? You can do what you want with them and they’ll still be lowlife.”

“I don’t think anyone that way inclined [to commit crimes] is going to change no matter how much rehabilitation they have. What are they going to change in their time in jail that’s going to make them change?”

“They should assess whether they’re really viable for rehab. If they’re in their late 50s, they’ve never worked and they’re always committing crimes, you’re not onto a winner.”

“Normal people who are forced into crime can be rehabilitated but people from these backgrounds who don’t want to work, who have never worked, it’s flogging a dead horse. It’s like gypsies, they’ve got their own culture.”

- 2.9 Police officers tended to have quite a nuanced view of rehabilitation. Most felt it could and should play an important role in trying to prevent reoffending. In order to be effective and retain public confidence, however, rehabilitation had to go alongside punishment and deterrence, and should never allow offenders to evade personal responsibility for their actions. Rehabilitation was not an alternative to prison, and in fact would in many cases be more effectively carried out in prison (with sentences long enough to make it effective) rather than in the community. Above all, rehabilitation was a secondary concern to protecting the public. Several officers stressed that rehabilitation may only work for a minority of offenders – principally those who have so far committed few offences, and those with

addictions who want to change. The persistent offenders who are responsible for the majority of crimes were the least likely to respond to attempts to rehabilitate them, meaning that prison was the only realistic way of protecting the public against them.

“Punish first, then intensely rehabilitate. They need to know they have done wrong, they’ve got to never want to go back to prison again... I’m sick of hearing it’s not their fault. It is their fault. You can make choices. There are some factors sometimes, but there are other options that going and robbing an old granny, and the horrendous, horrible things people do.” (PO)

“If someone’s committed an offence they need to be punished for it. Once they’ve learned their lesson, we’ve got a duty to help them out so they don’t do it again.” (PO)

“I’ve felt very sorry for some of the offenders I’ve dealt with. At the same time, you must protect those who have come from a similar background but are law-abiding and have done everything right. They deserve our protection first and foremost, and rehabilitation has to come second.” (PO)

“It depends what they’re going to do, in what format. If they have the rehabilitation out in public, what happens if they don’t go? In prison it needs to be a proper programme and they need to be there long enough to benefit from it. Rehabilitation is important and even if it has a positive benefit and rehabilitates one in ten offenders, that would be better than not. But at the moment the figures would be a lot less – it would be one in 50”. (PO)

“The people it is possible to rehabilitate are people with drug addictions. You can save an awful lot of money if you can even reduce two or three of these addictions. But for people who have, say, made a conscious attempt to defraud the government or other people out of thousands or millions of pounds, I don’t see how you can rehabilitate them.” (PO)

“Rehabilitation is only seen as a soft approach because the punishment isn’t there. If you can have an approach where people are punished but at the same time rehabilitated, that they don’t commit further crimes, that they are model prisoners who have served their sentences, I don’t think anyone would have a problem with that.” (PO)

“It won’t reduce crime. In the district where I work, we know that when we put certain people behind bars, our crime rate will drop, and when they come out it will go back up again. The answer is to put them away again. There’s no way you’re going to rehabilitate them. I don’t know what to do with them. If you can’t ever change them you’ve got to be kept away from society.” (PO)

Restorative justice

2.10 Most group participants had not come across the idea of restorative justice (where victims have the opportunity to play a personal role in determining how an offender makes amends, which can include apologising, replacing stolen items and making good any damage caused). Very few imagined that they would be willing to take part in such a scheme if they were the victim of a crime. Some saw merit in the idea for some offenders, for minor first offences. However, as with rehabilitation, some were wary of the idea since it seemed to allow criminals to escape proper punishment for their offences. They therefore argued that restorative justice approaches should only be used in conjunction with (not instead of) traditional sentences.

“After they’ve done what they’ve done, it’s them cleaning their conscience. It’s not a punishment.”

“Sort these people out! ‘Poor little criminals...’”

“If it’s a first offence it might be enough to put them on the straight and narrow, but if it’s their twentieth offence it means they have got away with it.”

“We talk about their first offence but it isn’t, it’s the first time they’ve been caught.”

“You can make them say sorry but they might not mean it.”

“They would come round to apologise for stealing your mower and nick your hedge cutters.”

2.11 Most of the police officers interviewed had been involved in restorative justice, and most of these had found it to be an effective approach for young, first-time offenders who have committed only minor crimes. They stressed, however, that the focus was the victim rather than the offender, and the approach was necessarily limited in scope because many victims did not want to participate. Some noted that the process could be quite labour intensive for the police.

“On occasion it is effective. To see the effect on the victim has a profound effect on some people. Some are not bothered one way or the other, but I’ve seen it does work on some people. It has to be quite selective, and it depends on the victim as well, of course.” (PO)

“It’s a useful tool. With the ones who have done something they shouldn’t and need telling off, it’s enough to stop them doing it again.” (PO)

“I think on a local level it does work, but it takes an awful amount of organisation – a good two or three hours making sure the meeting point works, et cetera, and going forward from there to make sure it is still working. If someone has met the victim and said they’re going to pay for the window they’ve broken in instalments, that at the moment has to be managed by the police.” (PO)

Specific reform proposals

2.12 The groups and police officers were asked what their reaction would be if the government introduced each of the following specific reforms (most of which appear in the government’s Green Paper):

A. Replace short prison sentences with community sentences for more offenders.

Though community sentences might be appropriate in some circumstances for minor offences, the balance of opinion in the groups opposed the idea that crimes which were currently deemed serious enough to warrant prison (even at a time when sentences are considered too soft) would now be punished even more leniently – especially given their doubts about the efficacy of community sentences. The deterrent effect of sentencing would be weakened, and crime would rise as a result.

“If it’s bad enough to warrant prison, put him away for six months.”

“Less people will go away, so there will be more crime.”

“It’s an idealistic view.”

Police officers were also sceptical, often emphasising that short sentences were necessary as a sanction for those who breached community sentences and to protect the public from prolific offenders.

B. Make community sentences more demanding with hours closer to a normal working week, and greater use of tough curfews and electronic tagging – e.g. by extending the maximum curfew from 12 to 16 hours a day and from 6 months to a year.

This idea was welcomed, though participants were unsure what the sanction would be for breaking the curfew or other conditions. Some were concerned that a curfew still left plenty of hours in the day to commit further crimes.

“Curfews at night, house burglaries during the day.”

“It didn’t work for Jack Tweed.”

“It will have to be monitored. If they get away with it once it won’t work.”

Police officers welcomed the idea of more rigorous community sentences (though not necessarily as an alternative to prison). However, they were divided over the idea of a 16-hour curfew – though they would help to protect the public, some argued that this was very restrictive and did not help the offender get used to living a responsible life in the community. In any event, curfews would have to be monitored by electronic tags, not by police officers visiting offenders’ homes.

“That might have some benefits. Half the problem is that none of these people have done a hard day’s work in their lives.” (PO)

“I agree with longer curfews. If they’re out doing community service, by the time they get home they’re on their curfew, which stops them reoffending. Or hopefully it does.” (PO)

“I’m not sure about longer curfews. There would have to be really good reasons around reoffending patterns and criminality to justify a 16-hour curfew”. (PO)

“It would need to be enforced by electronic means because there are not enough police officers to enforce the curfew”. (PO)

C. Compulsory drug treatment in the community as part of community sentences. (If they fail to take part they could go to prison).

Most participants agreed that treatment for drug addiction could help to prevent offenders committing further crimes. However, several questioned how such treatment could be compulsory or effective unless it took place in secure accommodation. Some noted that if the offender was in prison, and drug bans were enforced, they would perforce be unable to continue their habit.

“Yes, as long as it’s followed through and they get support afterwards. Otherwise they just get addicted to methadone.”

“You can’t compulsorily treat addiction. You have got to have the will to do that.”

“You couldn’t just call into the centre once a day. It would have to be monitored.”

“They could be locked up for proper treatment, proper help.”

“If they’re in the cell 24 hours a day they won’t get drugs.”

“Cold turkey. Sod methadone. If they’re going to sit and cry and sweat for five days, go for it. They shouldn’t have been a smackhead, should they?”

Police officers felt strongly that drug treatment was a critical part of rehabilitation, but many doubted that compulsory treatment outside a controlled environment could be enforced for those who did not want to participate.

“I’m definitely in favour of that. That’s a real area that needs to be sorted out. There are lots of little projects that go on in towns and cities that are never replicated on a national basis... If there was a national best-practice model given I think they could make some real ground with that.” (PO)

“I have had dealings with drug intervention programmes and I’m not convinced they work that well. It just gives them another crutch to lean on and lets them screw the system to see what else they can get out of it. Before long, it’s ‘I can’t be bothered to go and get the methadone, do you think you could bring it round for me?’ There is a big reliance with these people in just getting into another whole load of services which give them money for nothing”. (PO)

“It doesn’t work. A lot of the druggies out there will sell their methadone for the real drug. If it’s not in a controlled environment and they’re not made to take it then and there, they won’t do it.” (PO)

“It doesn’t work at all. If they don’t turn up they get arrested, but they just tell me if they don’t want to go they’re not going to go. People have got to want to go and do it.” (PO)

“Compulsory drug treatment should be cold turkey in prison if you ask me.” (PO)

D. Give judges more discretion to decide on the appropriate sentence.

The balance of opinion in the groups was heavily against this idea. Though some argued that judges would be able to take into account the full circumstances of the case, many more felt that judges were out of touch or that more discretion would result in inconsistency.

“They’re there, they see the whole crime.”

“How do they have experience of life?”

“It depends on the judges. Some are lenient and some are not.”

“Some make the wrong decisions. The older they get, the worse they get.”

“It would depend what kind of judge you got. He might go to work in a terrible mood.”

E. Introduce ‘working prisons’ where prisoners are obliged to work a full working week, and deduct pay to help fund reparations and services for victims.

This proposal was generally welcomed, though many were surprised to hear this was not happening already. However, many participants were perturbed by the idea of prisoners being paid – and if they were, money should be deducted for board and lodging (as a more urgent priority than victims’ services and reparations).

“Don’t they do that anyway?”

“Good – keep their brain ticking over.”

“It’s about responsibility and self-respect.”

“Do they have to pay for their food, electricity, heating? Give them an incentive to do the job – if they don’t work they will get bread and water and no heating.”

“If they’re getting paid, they should pay their board and lodging.”

Police officers supported the idea of working prisons, but some were less sure about the idea of deducting pay to go towards victims, since it would create extra bureaucracy and the amounts of money involved would probably be negligible. Some felt the pay deductions should go towards funding prisons instead.

F. Greater use of compensation orders in cases where there is a direct victim, including as a standalone punishment.

The groups tended to see this as a good idea in principle but very unlikely ever to work in practice. Most offenders would be on benefits and would pay any compensation extremely slowly, if at all. Some also noted that fines were not currently well enforced.

“It doesn’t work. You’d get a cheque for £4.78 after twelve months.”

“It would be like getting blood out of a stone.”

Most police officers dismissed this idea. Most offenders have no money to pay other than benefits, and pay in tiny instalments that make a mockery of the idea of compensation.

“It depends if you’ve got something to give. I got kicked in the leg, which was quite nasty, and at the rate he was paying it would have taken him something like 18 years to pay £80. Utterly, utterly ridiculous.” (PO)

“Where is the money going to come from? Their benefits. They’re committing crimes because they haven’t got it. We’re not talking about someone who works at Barclays but goes out at night time and breaks into cars”. (PO)

“People are awarded £100 compensation and it’s paid at a rate of 50p per week. They know they’re not going to see it. They’ll pay it for two or three weeks, and eventually the victim gets sick of having to take it back to court so they just drop it.” (PO)

G. Introduce a “sentence discount” of up to 50% for offenders who plead guilty at the earliest stage.

This proposal produced incredulous laughter from the focus groups. It would mean two crimes for the price of one, and since terms are already too short, and prisoners only serve half their sentence, criminals could receive negligible punishments for serious crimes.

“It’s buy-one-get-one-free. Get off your next prison sentence.”

“With good behaviour, you get half that again!”

“What are they going to learn from that?”

“It should start from the normal sentence, and increase it if they don’t admit it.”

Police officers were divided over this proposal. Those in favour spoke of the enormous cost, and the additional trauma for victims, of defendants stringing out the process (sometimes on the advice of their lawyer) on the off-chance of being acquitted, or witnesses failing to turn up. These concluded, usually with some reluctance, that some incentive to plead guilty was worthwhile, except for very serious offenders. Even among this group, though, several thought 50 per cent was too big a discount. Those opposed argued that sentences were already too short, so a further reduction could result in very little prison time for serious crimes. They also questioned why offenders should be given credit simply for recognising the strength of the evidence collected by the police. Some suggested that the standard sentence should be given for a guilty plea, with an additional penalty for failing to admit guilt. On both sides of the argument, officers stressed that the “earliest stage” should be the initial police interview, not the first court hearing.

“Court time is becoming quite costly. You’d hope it would act as the right deterrent rather than have some barrister drag a case out in the hope of getting a not guilty and getting a payment out of a case”. (PO)

“It depends on the crime. It saves a lot of money and time, but it depends on the offence. If they’re constantly burgling houses, they’re going to plead guilty every single time because they know they’re going to get a shorter sentence.” (PO)

“Just because you admit it, it shouldn’t make any difference. Rather than being given a discount for pleading guilty, they should be given more for going through the system.” (PO)

“If the evidence is overwhelming, why should they get credit for pleading guilty?” (PO)

“If it was a longer sentence and you were reducing it by 50 per cent, fair enough, but on the current system they’d end up not spending any time in prison.” (PO)

“What’s the earliest stage? At the moment it’s when they appear in court. The victim’s gone through hell because they’ve been worried for weeks about the court case... Then he turns up, sees everything’s in place, they’re going to get a conviction, I’ll plead guilty. It’s laughable. It’s got to be the first point of investigation, the initial interview with the lawyer.” (PO)

- 2.13 Overall, there was some cautious acceptance in the focus groups that some of the proposals, including greater emphasis on rehabilitation, might have some positive effect. However, there was little enthusiasm for the proposed new policy, and the balance of opinion was that it would be a step in the wrong direction. While some felt the approach was worth a try but carried big risks, more felt strongly that the policy would be counterproductive, since it implied shifting the focus even further away from punishment and deterrence. Some noted that it was not the approach they would expect from a Conservative-led government.

“I suppose they’ve got to try something else. It’s not working.”

“It looks pragmatic. Keeping people in prison is expensive, and so is rehabilitation, so if they are combining the two so they don’t get them back again, that is a big plus.”

“I would give it a go if he thinks it’s going to work and we can measure it, rather than some Ken Clarke back-of-a-fag-packet thing.”

“It doesn’t sound like the stuff David Cameron was saying about terrorism at the weekend. That was tough. This sounds more woolly liberalish.”

“Rehabilitation is fine as long as it works. We need to be sure there’s a punishment as well.”

“I agree with rehabilitation and learning a trade, but the first month should be the hardest time ever.”

“I’d go for tougher prisons and sentences that mean what they say.”

“Over the last 10 or 15 years, haven’t sentences got more lenient? Isn’t this making it even more lenient?”

“Stop reinventing the wheel and go back to old fashioned policies.”

“He should spend a week in prison to see how cushy it is. Go under cover.”

“Is this [Ken Clarke] guy for real? I’m going to email him tomorrow.”

“The only people who would agree to these things are the criminals.”

57% expected the Conservative-Lib Dem coalition to be tougher on crime than the last Labour government.

13% think it is tougher on crime than the last Labour government.

Poll of the general public

- 2.14 About half of the police officers interviewed were cautiously supportive of the overall direction suggested by the proposed reforms, though sometimes suspicious that the aim was simply to cut costs, or to send fewer people to prison as an end in itself. Some argued that proper rehabilitation would, in the short to medium term, cost more rather than less, and a number emphasised that rehabilitation was not an alternative to punishment. Those who disagreed with the proposed new direction usually argued that, whatever its failings, prison remained important for containment, or felt that when it came to reoffending, the biggest failure was the absence of any serious deterrent effect in sentencing; any further reduction in the use of prison would inevitably therefore lead to an increase in crime. These officers felt that governments paid too much attention to theorists, rather than listening to victims and practitioners on the ground, including police officers.

“Generally speaking they’re on the right track, but I do have reservations about whether the new direction will be resourced correctly. If it is resourced correctly, very good idea. If it’s just used as an excuse to save money, that’s a different matter.” (PO)

“I think they might be looking for a cost saving rather than making a massive difference to reoffending.” (PO)

“There are too many areas that are weak. They look good on paper but when you come down to the practicalities of putting it in place it wouldn’t work, and that would lead to a massive loss of confidence in the justice system... Sentencing, when it comes to court, has got to be harsh. Say, ‘you are a victim, and we’ve listened to you, and as a result we’re going to send this man to prison for a long time’. Not give him a community order and a slap on the wrist and the next day they’re walking past this individual’s front door again.” (PO)

“My concern would be about less prison, more community service orders. Because without doubt, crime will be on the increase.” (PO)

“Identify the most prolific offenders, and work together with integrated offender management to ensure they receive sufficient punishment, ensure they’re taken out of society in prison, and have an intense programme of treatment... But do that while they’re in prison, not while they’re out on the street or they’ll go and commit more crime.” (PO)

“Tougher sentences would cut crime. The fear of spending four years in jail. And not cutting their sentence in half for good behaviour. We need to get tougher, basically.” (PO)

“They’re probably advised by Professor Such-and-Such from London University, who looks at things from the theoretical point of view.” (PO)

“They listen to think tanks too much, and that applies to all parties in government. They don’t listen to practitioners, at ground level, and I don’t believe they listen to the victims of crime very well. They don’t go and speak to the police and the prison service. They tend to do it through think tanks and the civil service and people who aren’t at the coalface.” (PO)

Governments and crime

- 2.15 The groups were asked why, if they and people like them felt so strongly that a tougher approach to crime and sentencing was needed, governments never seemed to respond. Four main strands of opinion emerged: first, that politicians tend to live comfortable lives and are not touched by the reality of crime in the same way as other people; second, that politicians agree with them, but are prevented from acting by human rights legislation or fear of being accused of racism or political incorrectness; third, that the people who make the decisions in the criminal justice system are unrepresentatively liberal; and fourth, that there is no money (indeed some feared the proposed new policy direction might be designed primarily to save money, not to cut crime).

“Politicians’ social background is middle class or high class, and they’re not in the real world.”

“Maybe the middle classes don’t care as much as the working classes. They don’t live with it.”

“Politicians feel the same as us but they can’t say so... They have to be careful what they say or they’re accused of being racist.”

“Their hands are tied. Of course they know what we think.”

“It’s the people who make the decisions who think like that, softly-softly. The average man in the street would change it.”

“It’s because they’ve got no money.”

- 2.16 There was widespread resignation in the focus groups about any government’s willingness or ability to be tougher on crime, whatever the rhetoric. However, several said they had expected a Conservative-led coalition to take a harder line. This was reflected in the polls: 57% said they had expected the new government to be tougher than its predecessor, but only 13% thought it actually was tougher. 23% thought it was less tough and 64% about the same.

“Every government says they will be tough on crime, but none of them ever are.”

“I thought it would be harder than this, especially from the Conservatives.”

“I expected it to be more hardcore, not softly-softly.”

“I thought they would be tougher because they have a history of being tough on crime.”

The best way to reduce reoffending is...

“...to increase the deterrent effect of sentencing – by sending more offenders to prison, making prison life harder, making sentences longer, and making community punishments more demanding”:

67% of the general public, 65% of victims of crime, 62% of police officers

“...to put more emphasis on rehabilitation – by treating addictions, helping offenders get qualifications and work experience, and preparing them for life in the community”:

33% of the general public, 35% of victims of crime, 38% of police officers

3. Full poll results

GENERAL PUBLIC Nationally representative poll of 2,046 adults; 18-20 February 2011
VICTIMS OF CRIME Poll of 1,001 adults who have been the victim of a crime in the last three years; 18-21 February 2011
POLICE OFFICERS Poll of 500 police officers; 15-23 February 2011

1. [VICTIMS OF CRIME] Did you report the crime to the police?

Yes	72%
No	28%

2. [VICTIMS OF CRIME WHO REPORTED THE CRIME TO THE POLICE] Was anybody convicted of the crime?

No	66%
Yes	12%
The case/investigation is continuing	11%
Don't know	11%

3. [VICTIMS OF CRIME WHO DID NOT REPORT THE CRIME TO THE POLICE] Which of the following is closest to the reason why you did not report the crime to the police?

I didn't think the police would take any action	44%
It was too trivial to bother the police with	36%
Although the police would probably act, I didn't think it would result in a prosecution or conviction	17%
I didn't think the police would believe me	3%

4. [GENERAL PUBLIC] What do you think happened to the overall level of crime between 1997 and 2010? Do you think:

	General public	Victims of crime
Crime fell by 43% <i>[figure from the British Crime Survey]</i>	2%	1%
Crime fell by 21%	22%	18%
Crime stayed about the same	32%	24%
Crime rose by 15%	33%	38%
Crime rose by 30%	11%	18%

- Only 2% of the general public chose a 43% fall – the figure from the British Crime Survey, regularly promoted by the Labour Party – as the most likely change in the level of crime between 1997 and 2010. 44% were more inclined to think that crime rose by 15% or 30%, and more than three quarters thought it was at least as high in 2010 as in 1997.
- Women (48%) were more likely than men (41%) to think that crime had risen, and less likely to think it had fallen (21% to 27%).

5. [POLICE OFFICERS] Irrespective of what the official figures say, do you think crime overall is higher than it was five years ago, or lower, or about the same?

Higher	29%
About the same	35%
Lower	32%

6. [GENERAL PUBLIC] From what you have heard, do you think that sentencing of convicted offenders in Britain is too harsh, too lenient, or about right?

[VICTIMS OF CRIME] From your own experience and from what you have read or heard, do you think that sentencing for convicted offenders in Britain is too harsh, too lenient, or about right?

[POLICE OFFICERS] Thinking about cases you have worked on which have resulted in a conviction, do you think that the sentences passed have in general been too harsh, too lenient, or about right?

	General public	Victims of crime	Police officers
Too harsh	3%	2%	0%
About right	15%	16%	12%
Too lenient	81%	82%	80%

- 18-24 year old members of the general public were the only group to have a significantly different view – only 67% thought sentences were too lenient, with 10% thinking them too harsh and 23% about right.
- Those who voted Conservative in 2010 were the most likely to say sentences were too lenient (88%). 75% of Labour voters and 79% of Lib Dem voters thought this.
- Only 2 out of 500 police officers interviewed said they thought the sentences passed in the cases they had worked on had in general been too harsh.

7. [POLICE OFFICERS] Have you worked on cases which have resulted in a conviction in which you thought the offender should have gone to prison, but the judge has handed down a lesser punishment?

Have you worked on cases which have resulted in a conviction, in which the offender has been sent to prison but you thought a lesser punishment would be more appropriate?

	Often	Occasionally	Never
Should have gone to prison but the judge handed down a lesser punishment	43%	42%	9%
Sent to prison but a lesser sentence would be more appropriate	1%	23%	71%

8. [POLICE OFFICERS] Would you support or oppose giving individual judges more discretion to set sentences with less direction from government?

Support	77%
Oppose	16%

9. **[GENERAL PUBLIC AND VICTIMS OF CRIME]** Prison is said to have four main purposes – punishment, containment, deterrence and rehabilitation. Please could you rank these in what you think is their order of importance – with 1 being the most important and 4 being the least important.

	General public		Victims of crime	
	Mean rank	% ranking first	Mean rank	% ranking first
PUNISHMENT – punishing offenders for their crimes by depriving them of their liberty	1.97	47%	1.98	46%
CONTAINMENT – protecting the public by ensuring offenders are not able to commit further crimes while they are in prison	2.36	24%	2.35	25%
DETERRENCE – deterring people who might otherwise commit crimes with the fear of going (or returning) to prison	2.71	14%	2.77	13%
REFORM AND REHABILITATION – preparing prisoners for life back in the community so they are less likely to commit further crimes	2.96	15%	2.90	16%

10. **[GENERAL PUBLIC, VICTIMS OF CRIME AND POLICE OFFICERS]** Politicians often debate whether or not ‘prison works’. In your view, does prison work, or not?

	General public	Victims of crime	Police officers
Yes, prison works	42%	38%	44%
No, prison does not work	58%	62%	46%

- Women said prison does not work (61% to 39% among the general public, 65% to 35% among victims of crime) by much greater margins than men (54% to 46% among the general public, 57% to 43% among victims of crime).
- 47% of Conservative voters said that ‘prison works’, compared to 42% of Labour voters and 40% of Lib Dem voters.

11. **[GENERAL PUBLIC AND VICTIMS OF CRIME]** A very high proportion of offenders released from prison are convicted of another crime within a year. Which of the following do you think is the most likely explanation for why reoffending rates are so high?

	General public	Victims of crime
Sentences are too short and prison life is not hard enough to serve as a deterrent to committing further crimes	69%	67%
Prison does not focus enough on rehabilitating offenders, through things like tackling drug addictions and preparing them for work	31%	33%

- Members of the general public aged 18-24 chose the first statement by an 18-point margin (59% to 41%), much smaller than the 38-point margin for the public as a whole.
- DEs in the general public chose the first statement by a 52-point margin (76% to 24%). ABs chose it by a 20-point margin (60% to 40%).
- Conservative voters chose the first statement by a 50-point margin (75% to 25%). Labour voters chose it by a 32-point margin (66% to 34%) and Lib Dem voters by a 20-point margin (60% to 40%).

12. [POLICE OFFICERS] As you know, a very high proportion of offenders released from prison are reconvicted within a year. I am going to read out some explanations people have given for this. On a scale of 1 to 10, please say how important you think each one is in explaining why prisoners so often reoffend (where 1 means it is not important at all and 10 means it is very important).

	Mean
Prison life is not hard enough to serve as a deterrent to committing further crimes	8.22
Some offenders actually prefer prison to life on the outside because it offers regular food, shelter or routine	7.00
Prisoners do not spend their time in prison productively, by doing a full working week or gaining qualifications	6.99
There is not enough emphasis on treating prisoners with drug addictions, so it is inevitable that many will go on to reoffend	6.61
Making contact with hardened criminals in prison makes first-time prisoners more likely to reoffend	6.25

- 43% of police officers gave a score of 10 ('very important') to the statement 'Prison life is not hard enough to serve as a deterrent to committing further crimes.'

13. [GENERAL PUBLIC, VICTIMS OF CRIME AND POLICE OFFICERS] Reoffending rates are particularly high among those sentenced to six months or less in prison. Which of the following do you think would be the best way to tackle this problem?

	General public	Victims of crime	Police officers
Make prison life harder, to make it more of a deterrent to committing further crimes	66%	64%	54%
Introduce a presumption against short prison sentences, so that those who would have been imprisoned for six months or less are given community punishments instead	19%	23%	18%
Instead of giving short prison sentences, give longer prison sentences	11%	10%	16%
None of the above – keep short sentences as they are	5%	3%	10%

- Lib Dem voters were the least likely to choose 'make prison life harder' (59%), and the most likely to choose 'introduce a presumption against short prison sentences' (30% - compared to 15% of those who voted Conservative).

14. [GENERAL PUBLIC AND VICTIMS OF CRIME] As you may know, those convicted of less serious crimes are often given community sentences instead of being sent to prison. Here are some statements about community sentences – from what you know or have heard, please say whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree with each one.

	General public		Victims of crime	
	Agree	Disagree	Agree	Disagree
Community sentences are a soft punishment	79%	17%	82%	18%
Offenders often commit further crimes while serving community sentences	74%	9%	83%	17%
Community sentences are often given to offenders who ought to go to prison	73%	20%	78%	22%
Offenders on community sentences should face some sort of public humiliation, e.g. by wearing high-visibility jackets so people can see what they are doing	71%	22%	74%	26%
Community sentences are effective at stopping offenders from reoffending	19%	65%	28%	72%

- 84% of those who voted Conservative saw community sentences as a soft punishment, compared to 79% of Labour voters and 71% of those who voted Lib Dem.
- 81% of Conservative voters thought community sentences are often given to offenders who ought to go to prison, compared to 69% of Labour voters and 55% of Lib Dems.
- Conservative voters were the least likely to think community sentences were effective at stopping reoffending (16%) – but only 24% of Labour voters and 23% of Lib Dem voters thought so.

15. [POLICE OFFICERS] Here are some statements that people have made about community sentences. Please can you say whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree with each one.

	Agree	Disagree
Offenders often see community sentences as a soft punishment	90%	9%
Offenders often commit further crimes while serving community sentences	86%	7%
Community sentences are often given to offenders who ought to go to prison	75%	19%
Identifying offenders, for example with high visibility jackets, provides an element of public humiliation which is an important and effective part of community punishments	62%	36%
Community sentences are more demanding than the public probably realises	30%	65%
Community sentences are effective at stopping offenders from reoffending	25%	71%

16. [POLICE OFFICERS] As you may know, the Justice Secretary, Ken Clarke, has questioned whether prison currently works as a way of protecting the public against crime, particularly in the case of short sentences, and called for more emphasis on rehabilitation. Had you heard about this, or not?

Yes	74%
No	26%

17. [POLICE OFFICERS WHO HAVE HEARD ABOUT KEN CLARKE’S VIEW] From what you have heard, do you support Ken Clarke’s view?

Strongly support	7%
Somewhat support	35%
Somewhat oppose	20%
Strongly oppose	34%

18. [GENERAL PUBLIC, VICTIMS OF CRIME AND POLICE OFFICERS] When it comes to the rehabilitation of offenders, do you tend to think of rehabilitation as:

	General public	Victims of crime	Police officers
A hard-headed, practical way of trying to reduce reoffending rates	41%	43%	35%
A soft option that tries to make excuses for offenders rather than punishing them properly and deterring them from committing further crimes	59%	57%	58%

- Among the general public, 18-24 year olds (51%), ABs (51%) and Lib Dem voters (52%) were the only groups more likely to see rehabilitation as a hard-headed approach to reducing reoffending
- Conservative voters (66%), DEs (67%) and 45-54s (66%) were the most likely to see rehabilitation as a soft option.

19. [POLICE OFFICERS] How do you think the general public sees the idea of rehabilitating reoffenders?

A hard-headed, practical way of trying to reduce reoffending rates	7%
A soft option that tries to make excuses for offenders rather than punishing them properly and deterring them from committing further crimes	89%

20. [GENERAL PUBLIC, VICTIMS OF CRIME AND POLICE OFFICERS] I am going to read two statements about the most effective approach to reducing reoffending. Please say which comes closest to your own view, even if neither describes exactly what you think:

	General public	Victims of crime	Police officers
The best way to reduce reoffending is to increase the deterrent effect of sentencing – by sending more offenders to prison, making prison life harder, making sentences longer, and making community punishments more demanding	67%	65%	62%
The best way to reduce reoffending is to put more emphasis on rehabilitation – by treating addictions, helping offenders get qualifications and work experience, and preparing them for life in the community	33%	35%	38%

- 18-24s chose the first statement by a 14-point margin (57% to 43%), and 45-54s by 44 points (72% to 28%).
- ABs chose the first statement by an 18-point margin (59% to 41%), and C2s by 56 points (78% to 22%).
- Conservative voters chose the first statement by a 50-point margin (75% to 25%), Labour voters by 30 points (65% to 35%) and Lib Dem voters by 12 points (56% to 40%).

21. [GENERAL PUBLIC, VICTIMS OF CRIME AND POLICE OFFICERS] Overall, how good a job do you think the criminal justice system – including the courts, the National Offender Management Service and so on – does in dealing with offenders and preventing reoffending?

	General public	Victims of crime	Police officers
Very good	2%	1%	1%
Quite good	32%	31%	34%
Quite bad	51%	52%	49%
Very bad	16%	15%	16%

- ABC1s thought the criminal justice system did a bad job overall by a 28-point margin. C2s thought so by a 44-point margin.
- Public sector employees thought the system did a bad job by a 10-point margin (55% to 45%). Private sector employees thought so by 34 points.
- Conservative voters thought the system did a bad job by a 45-point margin. The margin was 25 points among Lib Dem voters and 22 points among Labour voters.

22. [GENERAL PUBLIC, VICTIMS OF CRIME AND POLICE OFFICERS] From the following list, which one would have the single biggest impact on cutting crime in Britain?

	General public	Victims of crime	Police officers
Making punishments harsher to deter reoffending	40%	41%	31%
Scrapping the Human Rights Act	21%	17%	23%
More emphasis on rehabilitating offenders to reduce the likelihood of reoffending	17%	19%	21%
Recruiting more police officers	13%	14%	18%
Giving more powers to the police	8%	10%	7%

- Different voter groups were similarly likely to choose harsher punishments. However, Conservatives (32%) were twice as likely as Lib Dems (15%) and nearly three times as likely as Labour voters (11%) to choose ‘scrapping the Human Rights Act’. Lib Dems (24%) were more than twice as likely as Conservatives (11%) to choose ‘more emphasis on rehabilitating offenders’.

23. [GENERAL PUBLIC AND VICTIMS OF CRIME] Irrespective of how you voted at the general election last year, did you expect the new Conservative-Liberal Democrat government to be tougher on crime than the last Labour government, or less tough, or about the same?

	General public	Victims of crime
I expected it to be tougher on crime than the last government	57%	56%
I expected it to be less tough	9%	10%
I expected it to be about the same as the last government	34%	34%

- 75% of Conservative voters and 53% of Lib Dems expected the coalition government to be tougher than the last Labour government. 45% of Labour voters also expected this, more than expected it to be less tough (18%) or about the same (37%).

24. [GENERAL PUBLIC AND VICTIMS OF CRIME] And from what you have seen or heard so far, do you think the new government is turning out to be tougher on crime than the last government, or less tough, or about the same?

	General public	Victims of crime
Is tougher on crime than the last government	13%	14%
Is less tough	23%	23%
Is about the same as the last government	64%	62%

- Conservatives (21%) were the most likely to say the coalition is turning out to be tougher on crime than the last government.

25. [GENERAL PUBLIC, VICTIMS OF CRIME AND POLICE OFFICERS] Which political party do you think has the best approach to crime and antisocial behaviour?

	General public	Victims of crime	Police officers
Conservatives	24%	23%	20%
Labour	17%	19%	11%
Liberal Democrats	5%	7%	2%
Another party	7%	6%	3%
None of them	47%	45%	53%

- Conservative voters were the most likely to say their own party had the best approach to crime (57%). Only 19% of Lib Dems said their party had the best approach, only slightly above the 15% who named the Conservatives.