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Letter from the UK (#3) by Phil Wheatleyⁱ

The Prison Paradox threatens the Rehabilitation Revolution

The latest crime data published on the 23rd of January makes fascinating readingⁱⁱ. The authoritative Survey of Crime in England and Walesⁱⁱⁱ, which is the most reliable measure of crime, showed a staggering 10 percent drop from the previous year's data. The drop was even greater for violent crime; a 13 percent reduction. Crime, as measured by the survey, is at the lowest level since the survey began in 1982. Although there are people who continue to deny that crime is falling and try to cast doubt on the methodology by which it is measured they find it difficult to explain why homicides, on which all agree the data is reliable, have also fallen. Although Police recorded crime data is no longer regarded as reliable enough to be a national statistic, it also confirms the downward trend in crime^{iv}.

The reasons why crime has fallen so much after a fifty year period of continuous increases from the end of the Second World War to 1996 are very difficult to ascertain. Informed speculation has suggested that target hardening like better car security, improved mobile phone security and the proliferation of burglar alarms has made crime more difficult to commit. In particular improved car security has prevented "joy riding" which had been one of the easiest starter routes into a criminal career. Others have suggested that the post war increase in crime was itself an aberration and a diversion away from the underlying long term trend over centuries towards safer and more ordered societies^v. Whatever is happening, it does not appear to relate solely to particular national policies. Across the Western world most countries are reporting reductions in crime. It has certainly been surprising to many criminologists that property crime has not increased during the economic recession. This suggests that there has really been a fundamental change in crime, as the link between crime and the economic cycle had been an enduring post war phenomenon.

Against this background of falling crime, particularly violent crime, one might have expected a reduction in the English and Welsh prison population. Indeed the latest official projections published on the 7th November suggest that would be the likely outcome^{vi}. The projections model three possible scenarios - two of the three scenarios plotted indicated that the population in June 2014 would be lower than it was last year. However, within three months of the publication of this data, the end January prison population was already running 277 ahead of the highest variant of the three projections and 978 more than the end January population last year.

This matters because the Government's publicly announced policy is to accept the prison population level as it is, rather than to seek ways of reducing it. Financial planning in the Ministry of Justice has assumed no significant growth in the prison population, hence the closure of so many small and costly prisons. Already, however, most public sector adult prisons are already overcrowded and close to their maximum safe population level. Any substantial increase in the prison population will require either more accommodation or additional overcrowding. Additional accommodation is available from private sector prisons, where there is some unused capacity. In the short run, the only other way to increase capacity is to reopen prison places that have been closed to save money. Both these options will incur additional costs which would have to be met by reductions elsewhere in the Ministry's budget. With the upfront costs of Probation Reform and

existing draconian cuts in legal aid already drawing criticism from leading Judges, there will be few easy options available. Officials and Ministers will be hoping that the strong population growth experienced in January does not continue

Meanwhile the proposals for the reorganisation of Probation work and other rehabilitation services are being driven forward, though not without some difficulty. The reconfiguration of Probation Services into a National Probation Service, for high risk work and advice to the courts, and Community Rehabilitation Services, responsible for community supervision of medium and low risk offenders in the community, has been delayed by two months from the 1st of April to the 1st of June. The Justice Select Committee of the House of Commons, who have been examining the proposed changes, published a rather unenthusiastic interim report on the 14th January^{vii}. It noted the lack of evidence that the proposals would contribute to reduced reoffending and drew attention to the complexity of the new structure. But the political commitment to reform remains and the Justice Minister, Chris Grayling, appears undaunted by the criticism; he is up against the hard deadline of next year's election. That means the contracts for the new Community Rehabilitation Companies must be agreed in advance of the period of electioneering immediately before Election Day or left for an incoming Government to progress. Any further delay could put at risk his ability to deliver the changes.

Therefore the pace of change will remain hectic. It is important the programme is not destabilised by a prison population crisis as it will need a continued focus and consistent resourcing to enable officials to resolve all the many detailed issues in time for the contracts to be let. The overall success of the programme must not just be judged just on meeting the challenging timescale to contract. Much more important will be whether the long term performance of the new system really improves efficiency and effectiveness.

At some time later this Spring the results of the "payment by results" pilots at Doncaster and Peterborough Prisons will be published. The pilots were originally planned to provide experience and evidence to build a larger programme on. However, because of Justice Minister Grayling's determination to press ahead at full speed, the results will be too late to inform policy. For those of us who value hard evidence rather than assumption and belief, they will make interesting reading. They may, or may not, provide evidence that the "rehabilitation revolution" is likely to be fruitful. After all not all revolutions deliver the expected results, as the world is finding following the "Arab Spring".

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ⁱ Phil Wheatley was appointed Director-General of HM Prison Service on 1st March 2003, the first Director-General to have previously been a prison officer. On 1st April 2008, the Prison Service was merged with the National Probation Service to create the National Offender Management Service (NOMS), which he subsequently led as Director-General. On 14th June 2004, he was made a Companion of the Order of the Bath (CB) on the Queen's Birthday Honours List. He retired in June 2010. Jack Straw, Justice Minister during Wheatley's time as Director General of NOMS, praised him as "an extraordinarily dedicated individual" with "a record of public service that is second to none". Phil Wheatley went on to serve as a member of the Northern Ireland Prison Review Team led by Anne Owers. The Review Team report was accepted in full and is currently being implemented, committing the Northern Ireland Prison Service to regimes based on desistance criminology. He is currently a non executive director for the Northern Ireland Prison Service, and in a consulting role he has worked for the Foreign and Commonwealth Office, the Government of Bermuda and the private company G4S which operates prisons and justice

services in the UK and elsewhere. His successor is Michael Spur who was previously the Chief Operating Officer of NOMS.

ⁱⁱ Office of National Statistics, (2014), *Crime in England and Wales, Year Ending September 2013*, (Released 23 January 2014. See http://www.ons.gov.uk/ons/dcp171778_349849.pdf for full report)

ⁱⁱⁱ The Crime Survey for England and Wales is a victim survey that measures the extent of crime by asking people whether they have experienced any crime in the past year.

www.crimesurvey.co.uk

^{iv} Office of National Statistics, (2012) *Trends in Crime - A Short Story 2011/12*, (Released **19 July 2012**. See http://www.ons.gov.uk/ons/dcp171776_273394.pdf for full report)

^v Pinker, S., (2011), *The Better Angles of Our Nature: Why violence has declined*, Viking, New York.

^{vi} Monthly prison population figures are available from the Ministry of Justice at <https://www.gov.uk/government/publications/prison-population-figures>

^{vii} The 12th Report of the Justice Select Committee of the House of Commons: Crime Reduction Policies a Co-ordinated Approach? interim Report on the Government's Transforming Rehabilitation Programme. www.parliament.uk