

# Prison rehabilitation comparison



‘ Prison Works.’ Discuss.

Websters dictionary defines prison as ‘ a place of confinement especially for lawbreakers; specifically: an institution (as one under state jurisdiction) for confinement of persons convicted of serious crimes.’ The idea and reasoning behind prison has been an issue of great controversy especially in the 20<sup>th</sup> century. It has been greatly criticised due to its apparent lack of rehabilitation and early releases of paedophiles and rapists, especially in recent news with the release and re-offence of known paedophile Craig Sweeny.

However recent data and statistics have shown a significant decrease in levels of crime both in the UK and US. This paper will attempt to give a balanced argument both in support and against the imprisonment system and attempt to answer whether or not prison does in fact work. Prison systems across the world will be looked at and a comparison will be made between systems in the UK and those in other countries.

There is a lot of evidence in the form of statistics which shows a decrease in levels of crime and re-offending. Evidence from the US shows that as the likelihood of going to prison increases crime decreases. In the UK statistics show that increasing likelihood of getting caught and being put in prison reduces crime. However there is also the issue of there being serious flaws in statistics offered by the British Crime Survey (BCS).

The BCS focuses on crime against an individual, thus eliminating all crime against a business or organisation, including fraud. It fails to take into account “ victimless” crimes such as drug offences and crimes such as

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murder where the victim cannot, for obvious reasons, be interviewed. Rape and other sexual offences are not included, an acknowledgement that many respondents would be unwilling to disclose this information. Crimes against people under the age of 16 are also excluded – removing large numbers of crimes that are common among this age group, such as mobile phone theft and child abuse.

There was also a significant change in the way methodology was carried out as new offences were added to categories of crime in April 1998. No distinction was made between new and old offences which made comparing new statistics to old rather difficult. This shows statistics and figures referring to crime should be taken in to account rather carefully as it is difficult to see whether this data is accurate.

The Government has set out to reduce crime, but the evidence from a study comparing the policies pursued in the USA with those in England and Wales suggests it has adopted the wrong policies. From the early 1980s until the mid-1990s the risk of imprisonment increased in the USA and the crime rate fell; while in England and Wales the opposite happened: the risk of imprisonment fell and the crime rate increased. Then, from 1993, policy in England and Wales was reversed and the risk of imprisonment increased, though it remained historically low. Even this relatively small increase in the use of prison was followed by a reduction in crime.

### **How do we compare with Europe?**

During 2002, concern about prison overcrowding led Britain's senior judge, Lord Woolf, to discourage judges and magistrates from sending criminals to

jail. When he made his statement the BBC television news announced that the prison population was rising when crime was falling and Britain already had more people in jail per head of population than the rest of Europe. The implication is that judges and magistrates are deploying a rather barbaric instrument when everyone else in Europe prefers a more gentle approach.

But a closer look at the figures suggests a different interpretation. The proper comparison is not between the number of prison inmates and the total population, but between the number of prisoners and the volume of crime. A country with a high level of crime would expect to have to put more people in jail. And England and Wales have one of the highest crime rates among industrialised countries. (See above.)

In the EU the average number of prisoners per 100, 000 population (unweighted) in 2001 was 87, compared with 129 in England and Wales. But if we compare the number of prisoners to the number of recorded crimes the EU average was 16. 9 and the figure for England and Wales was 12. 1. In fact, 8 out of 15 EU countries had rates of imprisonment for every 1, 000 crimes that were the same or higher.

Comparison with countries outside Europe reveals a similar pattern. In 1999, Canada had 123 prisoners per 100, 000 population compared with England and Wales, but 15. 9 prisoners per 1, 000 recorded crimes. Japan had only 43 prisoners per 100, 000 population but 25. 3 per 1, 000 recorded crimes. Australia, which had the worst crime victimisation rate out of the 17 countries in the International Victims of Crime Survey, had 108 prisoners per 100, 000 population and 15. 4 per 1, 000 crimes.

On this evidence prison in England and Wales is under-used. But does overseas experience suggest that greater use of prison would reduce crime? The best available evidence compares England and Wales with the United States, below.

### **The Government Line**

The Government claims to be cracking down on crime. In the foreword to the white paper, *Justice for All* (July 2002), authored by the Home Secretary, the Lord Chancellor, and the Attorney General, tough language was used to back up this claim:

“ Too few criminals are caught or convicted or prevented from reoffending. Justice denied is justice derided. This White Paper is designed to send the strongest possible message to those who commit crimes that the system will be effective in detecting, convicting and properly punishing them.”

But does the evidence suggest that the Government has adopted the best methods for reducing crime?

For at least 20 years until 1993 the Home Office was strongly opposed to the use of prison, but when Michael Howard became Home Secretary the use of prison was increased for a time against the wishes of officials. Subsequently this policy reversal was weakened and the long-standing bias against prison continues to influence policy today.

Custody, in the words of *Justice for All* , has an important role in punishing offenders and protecting the public, but it is expensive and should be limited

to ‘ dangerous, serious and seriously persistent offenders and those who have consistently breached community sentences’. <sup>(1)</sup>

However, the old Home Office policy of reducing the use of prison has been tempered by acknowledgement that community sentences do not adequately protect the public. This realism has led the Government to the search for ‘ tough community sentences’ that are a ‘ credible alternative to custody’, including community sentences with multiple conditions like tagging, reparation and drug treatment and testing.

It is imperative, according to the Government, that ‘ we have a correctional system which punishes but also reduces reoffending through the rehabilitation of the offender’. <sup>(2)</sup> Consequently, a genuine third option is also needed in addition to custody and community punishment.

The planned new sentences combine community and custodial sentences. The list includes a modified suspended sentence called Custody Minus, under which offenders will be automatically imprisoned if they fail to comply with the conditions of the sentence. Custody Plus involves closer supervision by the Probation Service on release for those sentenced to up to three months in prison. The period of custody and supervision combined will be not more than 12 months in total. Intermittent custody is designed for low-risk offenders and involves serving time at weekends or overnight, but working or training during the day.

Seven aims of sentencing are listed in the white paper: to protect the public, to punish, to reduce crime, to deter (others as well as the criminal), to

incapacitate, to reform and rehabilitate, and to promote reparation. In the heyday of the anti-prison consensus at the Home Office, ‘incapacitation’ and ‘punishment’ were very much out of favour. Some even denied that prison had a deterrent effect, preferring to regard all criminals as victims of social forces. The list shows how opinion at the Home Office has progressed. But has it absorbed all the lessons revealed by the evidence from overseas?

If the Government really thinks that ‘too few criminals are caught or convicted or prevented from reoffending’ and, if the real aim of policy is to ‘send the strongest possible message to those who commit crimes that the system will be effective in detecting, convicting and properly punishing them’, would an independent and rational person choose the policies set out in *Justice for All*?

What evidence is available? If we increase the rate at which criminals are caught, convicted and imprisoned, can we expect crime to fall? Two kinds of experiment would allow this theory to be tested. First, two countries would need to pursue opposite policies: one would need to *reduce* the risk of punishment and another to *increase* it.

If it is true that crime falls when the risk of punishment increases, then crime will rise in the country that reduces the risk of being caught, convicted and imprisoned. Or, second, a single country would need to reverse its policy, either by increasing or decreasing the risk of punishment, to allow an historical comparison of the impact on crime to be made.

In the social sciences opportunities for such experiments are rare, but for once we are lucky and both an international comparison and a single-country

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historical comparison are possible. We can compare the USA with England and Wales from 1981-1996 and we can contrast the impact of the anti-prison policy in England and Wales up to 1993 with the effects of the increased use of prison thereafter.

The policies pursued in England and Wales were very different from those adopted in America during the 1980s and 1990s. In America over the whole period, a vigorous effort was made to incarcerate more criminals. As a result crime fell dramatically. In England and Wales, however, the Home Office pursued an anti-prison policy up to 1993, preferring ‘community sentences’. During this period crime increased dramatically. After that date, criminals faced an increase risk of imprisonment. Crime subsequently fell.

Ann Widdecombe – undisputedly a conviction politician – answered the question posed on law and order by the Howard League for Penal Reform with characteristic speed. Speaking on the Tory party conference fringe, the shadow home secretary said simply “Yes” to the question ‘Does prison work?’ “Of course it does,” she continued speaking in a packed hotel function room in sunny Bournemouth. “When people are locked up they can’t commit any further crime,” she said.

By taking the persistent offenders off the streets the one-time Home Office minister said a significant dint could be made in the crime figures. But enough of incarceration. Miss Widdecombe quickly changed tack. “Prison does not do anything like as much as it should to prevent crime. “It only defers crime, it does not solve it.” Rehabilitating offenders was not, she said some “wet liberal extra, it is necessary.” “If people spend any length of



time in prison they should not leave without being able to read and write.”

Self financing prison workshops were the way forward, she said.

Something had to be done, said Miss Widdecombe, to change a situation where prisoners were set to work to produce 1. 4m pairs of socks for a prison population of 67, 000 people. Speaking for the National Association of Prison Officers, Harry Fletcher said that if model prisons run to rehabilitate prisoners and reduce re-offending could be shown to work then they should be taken up nationwide. But he said that the present size of the prison population made him “ pessimistic” that the system could be made to work in such a way.

Speaking for the Howard League itself was David Faulkner. Although welcoming Miss Widdecombe’s words, he said he had heard similar speeches made by ministers and prison officials for the last 40 years. He then attempted to answer the question his organisation had posed. “ Tackling crime requires so much more than incarceration.” Policies should be framed within a sound respect for human rights and framed on “ evidence and experience” and not constructed by following populist cries for action, he said.

In the past three financial years, however, the three main types of rehabilitation scheme – psychological ‘ offending behaviour programmes’, drug treatment and basic skills education – have been funded to the tune of £213 million, and are set to expand substantially again. Last year, 6, 127 inmates completed offending behaviour programmes, more than 11 times as many as in 1994. That figure will rise to 9, 000 in 2002.

Another 16, 000 are being taught numeracy and literacy – the basic skills of more than two-thirds of prisoners are so poor they are automatically excluded from 94 per cent of jobs. Research shows that nothing succeeds in preventing recidivism more effectively than employment. ETS is now in use in 79 jails and a similar programme adopted from Canada at another 24. Peer-reviewed research by Caroline Friendship, a Prison Service psychologist, compares 670 inmates who went through these courses with 1, 801 offenders matched by offence and social categories who did not attend a programme.

All types of offender who had the treatment were significantly less likely to be reconvicted within two years. Among those judged ‘ medium-low risk’, for example, only 18 per cent were reconvicted, against 32 per cent in the comparison group. The research concludes that prisoners who take the courses in 2002 can be expected to commit 21, 000 fewer crimes. The effects of rejecting the bleak ‘ nothing works’ philosophy go beyond the courses themselves, to prison culture as a whole. The rapid spread of offending behaviour, drugs and education programmes, and the increasing involvement of ordinary prison officers in running them, means the old, militaristic ethos is breaking down in many prisons.

Small signs point up deeper changes – most prisoners address their officer tutors by their first names, for example. From the staff’s point of view, convicts struggling to overcome dyslexia, or to analyse their worst past actions, are less easily dehumanised. To use a word from a previous era which believed in rehabilitation, albeit through religion, they have begun to appear redeemable. At the same time, as research from Canada has long

suggested (see box below), prisoners on programmes are less violent, more sociable, and easier to work with. ‘ I’m more outgoing, more relaxed,’ says Dave from the CSCP. ‘ And if someone calls me a wanker now, I’m OK with it. That’s their opinion, that’s all. It doesn’t mean everyone thinks that.’

At Pentonville, all staff, not only those running programmes, attend an ‘ awareness course’ to learn what they entail. ‘ You see a prisoner develop, so your attitude to him changes,’ says officer Steve Oliver after one such session. ‘ He’s no longer the prat he was, so you treat him better. When you see a prisoner doing something you never thought he would, it’s an incredible buzz.’ ‘ There have always been people in the service prepared to treat prisoners decently,’ Narey says. ‘ But sometimes they might have felt they had to treat prisoners decently by stealth.

Recently I took a guy into Wormwood Scrubs who had worked with Lord Woolf on his report into the [1990] Strangeways riot. He was astonished at the change.’ The best testimony comes from prisoners themselves. After 16 years inside, Dave says the changes are palpable. ‘ It’s much less hostile. The media’s constantly saying that society has got so much more violent. The funny thing is, it’s got less violent in here.’ Politicians and police officers complain about dropped cases and acquittals in court, but the facts remain that judges and magistrates are much more likely than they were a decade ago to send convicted criminals to prison, and they are awarding longer sentences.

The stresses on the prisons are immense and they may, in the end, obliterate the good Narey and his staff are trying to do. The effects on the

programmes are already being felt. Peter is on his third attempt to settle into the CSCCP – far from ideal for such a demanding programme. At Ranby, near Nottingham, where he started, the course has been closed altogether; he then moved to Dartmoor, where it met the same fate.

He says he knows the course is valuable to him and may indeed be essential for release. But he is being forced to spend a year hundreds of miles from his family in the North. ‘ They can’t visit me. And believe me, doing this, I could really do with their support.’ In other jails, overcrowding means prisoners are disappearing from courses just as they get into their stride.

This first concern is substantive, that is, whether deterrence-based programmes are effective in reducing crime. Current scientific opinion on an international basis is that punishment through imprisonment does not reduce crime rates and, in some instances, even worsens crime rates. For example, in a recent review of 29 evaluation studies of boot camps, this approach was considered ineffective in reducing crime. 1 Analysis<sup>2</sup> of 50 studies from 1958, involving nearly 350, 000 offenders, showed that prison slightly elevated the risk for recidivism. Also, lower risk offenders tended to be more negatively affected by the prison experience. Therefore, recent research has failed to establish a link between length of prison sentence and recidivism as predicted by deterrence theory.

As a product of numerous factors, crime requires varying interventions targeting problem-specific areas. Best practice rehabilitation programmes are those that target factors empirically linked to the risk for re-offending. These include pro-criminal attitudes, problem-solving deficits and creating

opportunities for education and employment. Evidence from a wealth of studies shows that the risk for re-offending is modifiable when such programmes are delivered. For example, recidivism rates in serious or persistent young offenders can be reduced by 40% in community treatment and 30% in institutional treatment. 3

A second concern is methodological, that is, whether the right measures have been used. Incarceration rates should have been computed as the ratio of persons admitted to prison for a particular offence in a given year to the number of persons arrested for that offence in the same year. In this way, the likelihood of the results accurately capturing cross-national differences in the willingness to incarcerate is enhanced. By using number of prisoners in custody on a given day (stock data), the authors have confounded sentence length with imprisonment rates. Stock data often over-represent more serious offenders with longer sentences, with the potential for over-estimation of the propensity to incarcerate in those countries with higher serious crime rates.

By contrast, the number of admissions to prison (flow data) is not affected by the accumulation of more serious offenders, thereby allowing the separation of the propensity to incarcerate from the length of sentence served. For instance, in a comparison of the use of incarceration in US, Canada, Germany and England, Lynch<sup>4</sup> found that, in terms of either population-based stock rates or population-based flow rates, the US was several times more likely than any of the countries to incarcerate for homicide, robbery, burglary, and larceny. For homicide, the US was incarcerating 7.5 times and 5.3 times more frequently than England and Germany, respectively. Flow

rates based on police arrests revealed a different pattern, showing a broad similarity in the probability of incarceration for the offences.

It appears that Saunders and Billante have not adjusted for variations in size of unsentenced prisoners. Failure to make a distinction can affect comparisons of stock-based incarceration rates since not all those held in a prison have been convicted of an offence. 5

To minimise bias in comparative studies, police arrests, rather than crimes reported to police, seem to be the most appropriate data to use. One of the reasons for establishing the International Crime Victims Survey (ICVS) was to provide an alternative mechanism to inaccurate police records on crime. The trends reported have not controlled for differences in the seriousness of crime across the countries compared.

Countries could have similar crime rates but the nature of the crimes committed could vary. The ICVS (the fourth round, 2000) reported that ‘there was a higher than average use of weapons in the US, Spain, Scotland and Portugal’. 6 Guns were used more often in the US and Spain. Without standardising for such variations, it is incorrect to attribute differences in incarceration rates to punitiveness. Therefore, offence-specific analyses provide a better approach.

### **Correlation between crime rates and imprisonment rates**

A third concern is largely empirical, that is, whether crime rates can necessarily predict imprisonment rates. Simple correlation analyses are insufficient for exploring the complex and multi-dimensional association between crime and incarceration propensity. 7, 8 Several studies have

shown the influence of crime rates on imprisonment rates to be limited. 7, 9, 10

In Canada, where the criminal law is the same across the country but administered provincially, Sprott and Doob 11 found that crime rates did not predict incarceration counts. Numerous and complex factors, such as the organisation of the criminal justice system and reward structure, need to be examined. More detailed analyses are required to substantiate Saunders' and Billante's claim that 'the rate of crime and incidence of punishment are closely associated'.

### **Conclusion**

The observed differences reported by Saunders and Billante in the propensity to incarcerate cross-nationally have been made in terms that are too general to serve as a useful and valid basis for policy guidance. Stringent requirements focusing on more sensitive measures and specific crime categories are critical. Analyses of comparable crimes minimise the effects of variations in crime seriousness cross-nationally, thereby yielding more credible results.

Well-designed studies show that deterrence-based programmes are ineffective in reducing crime and the focus should be on developing rehabilitation programmes that do reduce the likelihood of recidivism. The case for Australia adopting the US approach to crime reduction through the use of imprisonment has not been established.

It is common sense that the only guarantee of protecting the community from an offender during the period of a sentence is a custodial sentence. It

has been calculated that over a quarter of offenders serving community sentences will have re-offended at least once by the time an offender has served an average length sentence.

The majority of offences are minor ones. For offenders who present a risk of serious harm, prison is quite properly used. Prison provides absolute protection from an individual only for the duration of the sentence. This will not always mean protection from crime. It was suggested to the Home Affairs Select Committee in 1998 that demands for drugs from people inside prison results in crime outside.

The Home Office collects information on serious offences allegedly committed by offenders under supervision by the Probation service. In 2000, among those serving community sentences 103 convictions for very serious crimes were reported-about one in sixteen hundred of those starting sentences in that year. Better longer- term protection may be provided by community supervision.

If prison has not done anything to change offending behaviour, it cannot be said in the long term, to protect the public. If community sentences are effective at weaning offenders away from a criminal lifestyle, they may, in many cases offer the most effective long-term protection of the public. It has been shown that even allowing for selection effects, prisoners released early under parole supervision are reconvicted less than those serving the whole sentence.

For the Lord Chief Justice “ many things can be done as far as offenders are concerned without sending them to prison which actually provides better

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safeguards for the public”. Lord Chief Justice Woolf 27. 12. 2000. Some community sentences offer more intensive supervision than others.

Probation hostels can offer 24 hour monitoring at 50-66%% of the cost of prison. There are just over 100 hostels providing 2, 200 places.

ISSP for under 18’s combines intensive supervision with close monitoring.

The community surveillance element of the programme aims to ensure the young offender know that their behaviour is being monitored and

demonstrate to the wider community that their behaviour is being gripped.

ISSP schemes tailor individual packages of surveillance to the risks posed by each offender. They have available either:

- Tracking by staff members
- Tagging
- Voice Verification
- Intelligence led policing
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### **We know from research and statistics that**

There is no clear relationship between the use of imprisonment and the rate of crime in the UK or internationally. *The 12% increase in recorded crime in France between 1987 and 1996 was similar to that in Holland although the percentage rise in the Dutch prison population (143%) was twenty times greater than the French*

Incapacitation has only a modest effect. If a drug dealer is locked up, another will enter the market. If one of a gang of burglars is locked up the others

may well carry on regardless. *The Home office estimates that a 15% increase in the prison population produces only a 1% reduction in recorded crime* . (Home Office)

Properly designed community measures or early interventions are a more cost-effective route to prevention than imprisonment. *The*

*American Rand Research Institute found that graduation incentive programmes and community supervision were considerably more cost effective than prison building in reducing crime.*

People subject to community alternatives commit no more crimes afterwards than people who have been to prison and in some cases the results are even better.

The Home Office say there is no discernible difference between reconviction rates for custody and community penalties. 56% of prisoners discharged from prison and commencing community penalties in 1995 were reconvicted within two years.

Reconviction rates do vary by type of order. 2 year rates for probation and combination orders were 59% and 60% respectively considerably higher than the 52% for community service. Reconviction rates for prisoners released after short sentences of up to 12 months were higher (60%) than those for longer term prisoners.

Actual re-offending may be higher than that which is measured by reconviction rates. Crude measures of reconviction do not allow distinctions to be made between the seriousness of types of offence. Some individual

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projects report markedly better rates. The HASC concluded that “ some evidence suggests that the most successful forms of community sentence can reduce re-offending more effectively than prison.” HASC 1998. Since then, the most effective community supervision programmes have been shown to reduce offending 15% more than a prison sentence.

The Wiltshire aggression replacement training programme achieved a 14% difference and the West Midlands sex offender programme reduced overall offending by 22%. Among the individual projects which report better results are Sherborne House and the Ilderton Motor Project in London; C-Far in Devon and two Scottish projects, the Airborne Initiative and Freagaarach.

The Home Affairs Select Committee in 1998 found “ the absence of rigorous assessment astonishing”. While the position is getting better, we still do not know as much as we might about effectiveness. As the then Home

Secretary Jack Straw said in 1997: “ We know that community sentences can be effective. But we need to ensure that they are consistently effective”.

Research has confirmed the common sense view that offenders with no legitimate source of income, no settled place to live and or addiction problems are particularly likely to re-offend. Studies (e. g.) have found that a number of social factors affect the likelihood of re-offending. These suggest that successful approaches need to;

Get offenders into work. *In a comprehensive North American study getting young offenders into work was by some way the most effective way of reducing recidivism (Lipsey et al)*

Solve accommodation problems. *A Home office study found that in Nottinghamshire 44% of those with stable accommodation were reconvicted compared to 62% with unstable accommodation ( May 1999)*

Address and treat drug use. *A Home office study found that drug use was highly related to reconviction in all areas; offenders with drug problems were more likely to predict that they would re-offend (ibid)*

Help with financial *problems Research has found some relationship between debt and reconviction (ibid)*

For some offenders, approaches are needed which deal with relationship problems and engage the question of peer pressure (ibid)

All of these factors are capable of positive resolution through community intervention and likely to be made more problematic by imprisonment.

“ Evidence certainly exists to show that imprisonment creates additional challenges when prisoners are released- for example through loss of job or accommodation, or reduced prospects of obtaining either or both. (Home Office 2001). A research study from Scotland found that “ the supervision of offenders in the community can bring about positive changes in behaviour”. (McCivov and Barry 2000). Reconviction rates were lower following the imposition of a probation order than before, the majority of probationers believed that their circumstances had improved since they were on supervision. In the literature on effectiveness, community based programmes have shown more positive results than those in custodial settings. (Vennard) This is not surprising given the then Prison

Commissioner's insight 80 years ago that " it is impossible to train men for freedom in conditions of captivity".

### **References**

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