

From England

HOPE AND REDEMPTION

by the Catholic Bishops of England and Wales

The story of a killer forgiven

A man was serving a life sentence for manslaughter. He had been a difficult and violent prisoner for years and had spent a considerable time in prison punishment regime. Then one day almost out of the blue, he received a visit from a member of the victim's family. Because the majority of killings are committed by someone known to the victim the dead person's family knew of the whereabouts of the prisoner. The visitor had come specifically to tell the killer that the family had forgiven him for what he had done. The visit and the announcement of forgiveness made during it brought about a great change in the prisoner. He became much calmer and more amenable. It was as if a great weight had been lifted from him. In due course it was deemed safe to move him to less secure conditions.

Grace And The Constant Possibility Of Change

When we say that every individual is made in the image of God we are saying something about our essence. But we also speak about our potential. The human being is never a closed or determined entity. There is a proper freedom which belongs to each of us, which is the source of our moral status, our creativity and is also the grounds of our responsibility to God, ourselves and to other human beings.

To help us exercise that freedom properly, and act morally, we all are constantly offered God's grace. The possibility of our receptivity to the action of God's grace is ever-present in every human being by virtue of our human nature. However depraved a criminal act, the Christian can never despair of God's grace and therefore of the capacity in even the most dangerous criminal for remorse and rehabilitation. God's mercy and power are always on offer and always potent. The truth of this is evident to Catholics from our sacramental theology, even as we move from Penance to Eucharist so we move from repentance to redemption.

Everyone can be redeemed, which is why our **penal system must provide opportunities for reform and rehabilitation at every stage for all those in its care**, rather than the mere 10 per cent who at present complete programmes accredited with being effective in reducing reoffending.

The Christian understanding and experience of hope is related to this. It is not founded on a general optimism about human nature but on the sovereignty of God's grace attested in the *imago Dei* both as a grace of creation and secured in Christ, who is the *imago Dei* fully realised. From the Christian perspective, the reality of Christ and the activity of the Spirit hold open for every human being an authentic possibility of realising their end — even when that may be otherwise circumscribed by their situation. Grace has no boundaries. We are always in the presence and opportunities of grace. This places upon every human being the obligation to realise their own nature and fulfil their purpose. This means that the possibility of change is there for everyone. It also places on society the obligation constantly to create the opportunities which will enable each individual to realise that potential, always providing that the fundamental rights, freedoms and dignity of others are also respected.

Within a penal system this means that resources — human, material and educational — must be available to every prisoner to support and enable their development and rehabilitation. But society has another obligation, in addition to the requirement to provide the resources for a penal system genuinely committed to rehabilitation. It also has to recognise individual transformation when it does occur and has a duty properly to receive offenders back into society when they have convincingly reformed. It is commonplace here to talk of prisoners 'repaying their debt to society' but it is important to bear in mind that the concept of 'debt' is not an adequate metaphor here. For a start society clearly has, if not a debt, then an equal responsibility towards prisoners in its obligation to offer an environment conducive to reform. But more than that, when commercial debts are discharged no change in behaviour necessarily follows; yet here changed behaviour is required from both prisoner and society.

The key additional quality which must be at work here is forgiveness, which requires transformation on both sides. Forgiveness goes much further than the act of mercy. Forgiveness is a moral act of gratuitous love that introduces a new opportunity into history and opens up a new possibility in relations between individuals, and between an individual and society. Forgiveness

recognises a rupture but refuses to be bound by its logic. It is not about the erasure of truthful memory; it does not deny what has been done or its consequences. But it is determined that the event or action should only positively direct to new future possibilities. Forgiveness, therefore, is concerned to break the cycle of repetitive crime and retribution, in which both the offender and the penal system seem caught at present.

Change Inside Prisons

Society has the obligation to provide the wherewithal to make prison a place of reformation not just one of punishment. Then real change can take place in prisons themselves. That means creating a climate which is conducive to human flourishing, and providing the human, material and educational resources to enable the development and rehabilitation of prisoners. It also means that prisoners have the obligation to apply themselves to take advantage of the possibility of change which is on offer.

The Response Of The Church

The Church has a longstanding commitment to visiting those in prison. 'When I was in prison you visited me,' is one of the direct statements Jesus makes about the activity of those who will be found at the Last Judgement to have served him. At present every prison is visited by chaplains, Catholic and of other Christian communities and other faiths, at least once a week, though many have a daily witness. In June 2004 there were 139 prisons in England and Wales served by 310 full- and part-time chaplains of all communities and faiths, as well as others who visit prisons on a sessional basis. The churches work in an increasingly ecumenical style inside prison. There are also priests with part-time responsibilities and dedicated members of the Christian laity assisting with regular faith activities and worship as well as with general prison visiting. Prison ministry is the work of the whole faith community and the chaplains have been appointed to represent the community within the penal establishment.

The role of prison chaplain is an ambivalent one. The Prison Act places the chaplain firmly within the context of the prison yet, although chaplains are within the penal system, they have a duty to remain critical of it. Chaplains in prison organise worship, bible study, discussion and courses in spiritual renewal and personal formation. But the core of their work is more informal; some of their most important ministry is conducted in casual conversations and passing contacts. Chaplains deal with the spiritual, emotional and human

needs of those in their care. All prisoners are seen by the chaplain on reception to the prison, or within 24 hours, many of them in a traumatised state. Arrest is a dehumanising experience and prison exacerbates that. Inmates find their self-esteem is diminished, they lose their identity and become a number, their physical life is basic and restricted. As Pope John Paul II has put it: 'prison life runs the risk of depersonalising individuals, because it deprives them of so many opportunities for self-expression.' When a chaplain addresses them as an individual of dignity and worth, someone made in the *imago Dei*, that can be the first step on the road to hope and redemption. The chaplain breaks down barriers which are far more profound than prison walls.

The environment for all this is far from easy. As the Church of England's former Bishop for Prisons and its former Chaplain General have put it:

'Prisons are places of constant movement and noise. They are authoritarian and regimented. They bring together the violent, the immature and the weak-willed. As institutions, they cannot avoid generating anxiety and loneliness. Not infrequently, they give opportunity to the bully and the pretentious. All this makes any ministry in prison a sobering and testing experience. It is front-line work of care and calls from those who undertake it a considerable degree of self-knowledge and a sure grasp of faith and personal value.'

Chaplains must balance a sense that the prisoner is both to be supported and also helped to come to a new self-awareness which will involve the offender passing judgement on himself. The chaplain must therefore offer a clear moral framework together with a sense of standing alongside the prisoner. Above all he or she must be a good listener, prepared to take as their motto the words of Ezekiel who ministered to the Israelites held captive by Babylon: 'I sat where they sat.' To those who ask to come to prison to 'bring the prisoners to God', one experienced prison chaplain often replies: 'please come, but you may find that God is already here and that often it is the chaplain who has the conversion experience.'

Chaplains also have a ministry to those who work in prisons. Staff too can be affected by the dehumanising institutional culture of our prisons and can develop a view of human nature which is jaundiced rather than balancing a sense of realism with the possibility of change. Support for staff is a vital

part of the chaplain's role in helping create a climate conducive to human flourishing. So too, occasionally, is challenging the behaviour of prison staff. Chaplains can also act as sounding boards for governors inside prisons, as points of liaison with voluntary groups working with prisoners, and as a vital bridge with the outside world when prisoners are released. The Bishops of England and Wales committed themselves to improving the work of the Church within our prisons.

The Role Of Education

Education in prison has improved significantly in recent times. There has been an increased focus on numeracy and literacy. Prison Service targets for the number of prisoners achieving skills qualifications were significantly exceeded in 2002-2003, with 41,300 Basic Skills awards being made (43 per cent above target). The Prime Minister has announced that he hopes increased investment in prison education will double the number of educational qualifications achieved by prisoners by the end of next year. This is to be applauded. Research highlighted by the Government's Social Exclusion Unit has found that prisoners who do not take part in education or training are three times more likely to be reconvicted. By contrast basic skills learning can contribute to a reduction in reoffending of around 12 per cent.

Increasing the provision of accredited offending behaviour programmes for prisoners has been one of the Prison Service's priorities. Accredited offending behaviour programmes are based on evidence-based practice and have been accredited as conforming to principles derived from what works in reducing reoffending. The two most widely available programmes are Enhanced Thinking Skills and Reasoning and Rehabilitation which are designed to develop thinking skills, social perspectives and moral reasoning. In recent times questions have been raised over the effectiveness of offending behaviour programmes. Two recent Home Office studies found no difference between reconviction rates for prisoners who had participated in the Enhanced Thinking Skills and Reasoning and Rehabilitation programmes and for those who had not. The Prison Service has been disappointed by these results and has cut the target for such programmes and diverted resources to drug treatment courses. **The Government should reconsider this. Such programmes should not be seen through a purely utilitarian lens, for education is a good in itself**, and is one of the key tools for realising the potential of the *imago Dei* in each individual. At present there is danger

that education in prisons is becoming too narrowly focused on achieving the basic skills targets and not on the needs of individual prisoners. The prisons inspectorate has reported that: 'Again and again in education inspections we point to the need to construct education and training plans around individual needs assessments. And the focus on education should not be at the expense of providing recreational and cultural opportunities, which may be the pivotal thing that a prisoner responds to'.

But if there has been progress in prison education it is from a fairly low baseline. Half of all prisoners are at or below the level expected of an 11-year-old in reading, two-thirds in numeracy and four-fifths in writing. Yet in 2002-2003 an average of £1,185 per prisoner was spent on education. According to the Offenders Learning and Skills Unit in the Department for Education and Skills, just under a third of the prison population is attending education classes at any one time. The average number of hours prisoners spent in formal learning activities, for the period September 2002 to August 2003, was just nine hours per week.

These problems are compounded by the current overcrowding crisis. One of the consequences of crowded prisons is the constant juggling with inmates to try to make places available in the jails to which new prisoners are sent. The result is that significant numbers of prisoners are moved from one prison to another. In 2003 there were some 100,000 such transfers. This 'churn', as it is known within the prison system, results in a number of problems, mainly affecting those on short sentences. (This is despite the fact that it is these short-term prisoners who would most benefit from interventions; Home Office research indicates that drug misuse is most prevalent among offenders sentenced to less than a year) It is not uncommon for families to turn up for prison visits only to be told that their relative has been moved, sometimes quite considerable distances; one family arrived at Feltham near London recently to discover their relative had been moved to Northumberland.

The consequence in education is that prisoners who have been making good progress in one programme find themselves suddenly in a prison without a programme or in one with a different one, since national parity in delivering programmes is virtually impossible to maintain. The National Audit Office has highlighted the high number of movements of under-18-year-olds between prisons to make way for new arrivals, disrupting education and training courses and leading to inconsistent support and supervision. It is

hardly surprising therefore that a recent study by the Prison Reform Trust of inmates' own perspectives on education concluded that 'despite the highly appreciated efforts of some education staff there was a desultory second-best feel to prisoners' accounts of education'. **There is clearly a need for the Government to do more to improve education in prisons and in particular to address the issue of disruption to education programmes caused by the constantly rising number of internal prisoner transfers. There is a need to establish parity in the delivery of rehabilitative programmes throughout United Kingdom penal institutions.**

Drug And Behavioural Treatment

Over half of all prisoners confess that they have a drug dependency problem. That means there are currently more than 40,000 prisoners in need of treatment. But though in 2002-2003 there were more than 40,000 applicants to detoxification programmes for drug misuse (nearly double the target) and although there are highly successful drug treatment and rehabilitation programmes in 60 prisons — aimed at prisoners with moderate to severe drug misuse problems — only 4,386 prisoners entered these programmes in 2002-2003. The target for March 2004 was only 5,700 entries per year. Some allowance needs to be made here for the fact that the Prison Service restricts access to the programmes to those sentenced to two years or more because of the length of the treatment courses which are a minimum of 12 weeks. Even so it is clear that there is a huge deficit between need and provision when it comes to drug treatment in our prisons.

Most prisoners do not receive help with their drug problems. According to the Social Exclusion Unit, officers at HMP Manchester have estimated that 70 per cent of prisoners come into the prison with a drugs misuse problem but that 80 per cent of these have never had any contact with drug treatment services. There is a particular problem with young offenders: nine out of ten young adult prisoners say they use drugs prior to imprisonment but only one in three Young Offender Institutions provide drug treatment programmes. Some of those who do benefit from such schemes find that transfers between prisons due to overcrowding often disrupt drug treatment. Ironically those who are most often transferred are short-term prisoners among whom drug misuse is most prevalent and who would be those who would benefit most from treatment programmes. The result is that drug use on release from prison is very high.

A study by the Office for National Statistics found that about half of prisoners using illegal drugs, and who had been receiving treatment while in custody, reported being offered help to obtain treatment on release. But only 11 per cent had a fixed appointment with a drug agency and four months after their release half were back to using heroin on a daily basis. One Home Office survey of prisoners who had predominantly served short-term sentences, and had used drugs in the 12 months before imprisonment, found that 77 per cent admitted taking illegal drugs since release. With drugs at the root of so much crime these figures are alarming, for they indicate that the prison system is missing the chance to assist prisoners on a matter of particular vulnerability and failing to engage with one of the chief causes of crime when it has people in custody and the opportunity to do so.

That those prisoners who do undergo successful drug programmes in prison find that help melts away when they leave jail is a matter for concern. Treatment and support services in the community for prisoners leaving custody is very limited. Prisoners are often viewed as ‘new cases’ when they are released and have to join the back of the queue for the few community programmes that do exist. The Home Office has no comprehensive tracking systems in place to monitor access to community drug treatment. The recent Government initiative to combine the work of the prison and probation services will go some way to addressing this problem but it is clear that not enough is being done inside our prisons to tackle drug misuse — a misuse which is both an affront to the intrinsic human dignity of prisoners and the direct cause of much reoffending. We welcome the Government’s announcement in September 2004 of the intention to allocate more money to drug treatment programmes in prison. The challenge now is to make sure the treatment in custody is followed with support when ex-offenders are released back into the community.

Many of these concerns also apply to behavioural treatment programmes. The Prison Service in 2003, for the fourth year running, failed to meet its target for the number of prisoners who complete Sex Offender Treatment Programmes. And over 4,000 sex offenders in prison did not undertake the Sex Offender Treatment Programme, with some prisons — such as Dartmoor which houses a high number of sex offenders — unable to offer any sex offender treatment. Such a situation is, as the Chief Inspector of Prisons noted in 2003, unacceptable. This is obviously not a straightforward matter of resources. Among sex offenders there are larger than average numbers

of individuals who deny their offence; engaging them in treatment can be a particular challenge. **Even so, this is not an area in which the Government is making sufficient progress, and it needs to examine why.**

Work Inside Prisons

Catholic social teaching sees work as the quintessential human activity through which men and women ‘subdue the earth’ and share in God’s creativity (c.f. Genesis 1). Work, in the analysis of Pope John Paul II, is the defining act which makes us fully human, for our potential is realised through action, work and by acting in solidarity with others as ‘a person in community’. Work expresses human dignity and also increases it. Meaningful work, he implies, is a basic human right.

In his Jubilee Year statement on prisons in July 2000 the Pope applies this notion specifically to the penal system: To make prison life more human it is more important than ever to take practical steps to enable prisoners as far as possible to engage in work which keeps them from the degrading effects of idleness. They could be given access to a process of training which would facilitate their re-entry into the workforce when they have served their time ... Prison should not be a corrupting experience, a place of idleness and even vice, but instead a place of redemption. It is unfortunate that when the prison system is under pressure — as it is at present as never before in modern history — the first thing to be sacrificed is what is known in prison as ‘purposeful activity’. Purposeful activity includes a wide range of activities such as: education and training courses; employment; induction; resettlement and rehabilitation activities; sports and PE; religious activities and visits. In 2003, despite the efforts of the Prison Service to bring a huge expansion, with an extra 2.5 million activity hours for prisoners, the average number of hours per prisoner did not increase (from 23.2 hours a week) because the huge expansion was absorbed entirely by the increase in the prison population. The Prison Service has now decided to scrap its ‘key performance indicator’ on purposeful activity. This should be retained.

What our prisons need is more purposeful activity, not less. The current definition of a full working day in a prison workshop is four hours. The work, by and large, is menial, low-skilled and poorly paid. Much of it is mind-numbingly dull: tasks such as folding carrier bags, counting nails or manufacturing huge quantities of socks, slippers and jeans in quantities far greater than the prison service needs for internal consumption and of a quality

which would not find a market elsewhere. Such a system is deeply flawed. It pays scant respect to the dignity of the prisoner. It is ineffective in helping the prisoner towards a reform of attitude or towards gaining the kind of skills which would be helpful in rehabilitating them in the outside world. It does little to assist the working of the prison nor to contribute towards the considerable cost to society of running the current system.

Our prisons need a revolution to make work more meaningful. **A full working day should be introduced to parallel that of the outside world, eight hours a day, five days a week. The work too should relate to the outside world, with prisoners learning the disciplines, skills and standards they will need for resettlement when they are returned to society.** Such a system would help inculcate the work ethic which is normal among most of the population, and to which many of those in prison have never been exposed. It would teach them transferable skills. It would pay them real wages, from which they could send money home to their families, pay reparation to their victims and perhaps even make some contribution to their keep.

Such a notion is not utopian. A number of pilot schemes — developed in partnership between the prison service, private companies and charities — have pointed to the viability of such a system. The Mount prison in Hertfordshire has a self-financing printing shop, together with workshops in engineering and electronics, and plans for a bricklaying course. Prisoners are here doing real work for real contractors to real standards. The Road Haulage Association, with its industry short of 50,000 workers, is looking to train and employ prisoners. National Grid Transco, which needs more than 3,000 new gas engineers in the next five years, has run a pilot in a young offenders' institute to train and employ prisoners which has been so successful that it is to be extended to more institutes and prisons. To date, more than 80 inmates have qualified from the Transco scheme and some 70 per cent found employment; only five were reported as re-offending. Contrast that with the general situation whereby 75 per cent of prisoners leave prison without a job and 70 per cent are released with no education, training or employment.

There will be complicating factors. There will be issues about the balance of the local job market. There will be concerns from trade unions if competition from prison shops is perceived as unfair (though it may be that jobs, such as those in administration and call centre work which are currently being 'out-sourced' abroad, could be done in prisons with prisoners being

paid and taxed and beginning their process of rehabilitation). There may be ethical issues about private companies profiting from prison labour, though they already do from running private prisons in the first place and it is hard to see why private sector activities in prisons should be any more questionable than firms making a profit from health or education. **But, once such matters are resolved, such pilot schemes should be extended nationwide making the employment of ex-offenders much more attractive to employers than at present.**

Such an approach would also make more viable the concept of clusters of community prisons which was advanced by Lord Woolf in his 1991 report on prisons after the Strangeways riot. Following Home Office research showing offenders who maintain links with their families are six times less likely to re-offend, his proposal was for each region of the country to have a cluster of sufficient prison places to hold all the various types of prisoner. If each area had its own cluster of prisons — high security, training, resettlement, women's and young offenders — the system would be able to customise its care for different types of prisoner, reducing the dehumanising institutionalisation which goes with the modern trend towards larger prisons, and also enabling prisoners to keep in contact with their families as well as allowing community involvement in their rehabilitation and resettlement. All of this, research shows, would reduce rates of re-offending. Such an approach would be more consonant with Christian concerns about human dignity than the suggestion, made in the Carter report, that old and unsuitable prisons should be replaced by larger institutions, providing better value for money. **The Government should set out a timetable for moving to the system of clusters of community prisons.**

Using Prison Less

Faced with the many inadequacies within our prison system it might be argued that the solution is simply to spend more public money on the system — building more prisons and then staffing, equipping and resourcing them properly. Regardless of the cost to the taxpayer, it might be argued, society has the need to lock more people away for its own safety and security while at the same time ensuring that those offenders undergo proper reform and rehabilitation programmes. Many people will disagree with this notion simply on grounds of cost: spending on prisons and probation has already increased by over £1bn (in real terms) in the last decade to £3.5bn, which is

public money which might well be better spent elsewhere. Others will point out that other countries manage without this, reminding us that for every 100 prisoners the UK holds in prison Germany has only 98 and France just 93 without those European countries being less lawless or unsafe as a result. Indeed crime levels in Britain and the other major Western European countries are broadly comparable. But a Christian anthropology will go further. For there are clear arguments for suggesting that the principles of justice and mercy, of human dignity and the common good, insist there is a need for our society to change our thinking on the use of custody. **Building more prisons is not the answer.**

Some 70 per cent of those in our prisons are there for non-violent offences. In 2001 some 42 per cent of women convicted of motoring offences in the Crown Court went to prison (compared to just eight per cent a decade earlier). In 2002 around 40 per cent of women imprisoned were sent down for shoplifting, theft or handling stolen goods. Since the containment and incapacitation of such criminals is not the primary grounds for their imprisonment there must be a case for considering whether alternatives to custody are not more appropriate for a significant number of prisoners.

The traditional assumption which underlies our national penal policy is that punishment progresses through a graduated response, starting with fines and moving — where fines do not work — to community service, and thence for those offenders who do not respond by changing their ways, to prison. The underlying philosophy is that a custodial sentence is, so to speak, the default position for every offence.

The political slogan which epitomises this approach is: Prison works. On this basis governments, of both parties, have introduced measures making increased use of custody. Mandatory sentences have been introduced, after a third offence, of three years for burglary and seven years for certain drugs offences. This was in response to evidence which showed that, previously, the average sentence for a third offence of burglary was just 17 months, with 19 months for the seventh offence. This went some way towards satisfying public outrage; burglary is a crime which arouses strong public opinions — 83 per cent of burglary victims report being emotionally affected, with 11 per cent suffering depression and 12 per cent panic attacks. In international surveys England and Wales has one of the highest proportions recommending custody for a convicted domestic burglar. Since a relatively small number of people were

responsible for the majority of burglaries, the aim was to target an easily identifiable criminal group. As a result someone convicted of a first-time offence in burglary had a 48 per cent chance of receiving a custodial sentence by 2000, compared with just 27 per cent in 1995/96. At the same time, the average sentence length had increased from 16 to 18 months. And yet the Carter Report has shown that tougher sentences have only a limited impact on crime: the increased use of prison is estimated to have reduced crime by around five per cent out of an overall fall in crime of 30 per cent since 1997. And the reconviction rate for burglars is still 75 per cent.

So if, as this demonstrates, prison does not work, then what society needs is less of it, not more. There are both practical and philosophical considerations here. The Government's new Sentencing Guidelines Council started work in early 2004. Part of its remit is to study sentences and relate them to what happens to those sentenced after release, to discover which sentences work, and which appear not to, in terms of preventing re-offending. Its members must study the relative merits of prison and probation to ascertain when, for example, a fine may be more effective with a low-risk offender with a low probability of re-offending, than might be a community sentence order or prison. But already most penologists accept that short sentences are largely ineffective, and may indeed be counterproductive, since three to four months in prison is not long enough to offer any serious rehabilitative work and yet is long enough to lose an offender his or her job and home, promoting the likelihood of reoffending. It is alarming that the current increase in the use of short sentences is at the expense of community penalties or fines.

The Sentencing Guidelines Council should be given the brief not simply of rationalising and systematising sentencing so that it becomes proportionate, consistent and effective. It should also be given the brief of gearing the system so that fewer people are sent to prison. It might start by recommending that large numbers of very low risk offenders be diverted from prosecution by conditional cautions, warnings and reprimands. It might consider how to reduce the needless use of custodial remand. Above all it might look at ways to reverse the inflationary tendency which has crept into sentencing.

Sentence inflation has a number of causes. Some are complex sociological interactions between public fear, media sensationalism, political perception and the anxiety of judges not to seem out of touch. But some are linked to

the Government's increased use of mandatory sentences. Fixed tariffs — for murder the shortest possible life sentence will now be 15 years and for most firearms offences, five years — appear to have a tidal pull, raising sentences across the board. As sentencers aim to achieve proportionality in their sentencing thresholds are inevitably pushed upwards. **This is a trend which needs to be arrested and indeed reversed.**

But the Sentencing Guidelines Council needs to do more than consider issues not simply from a utilitarian standpoint. It must also ask which sentences best balance effectiveness with the maintenance of the human dignity of the offender. A Christian anthropology will have something to say here on issues such as whether sentences should, for the most part, reflect the gravity of the individual offence or whether they should take more account of the persistence of the offender. In the public mind the former is the more common perception; it is what underlies notions such as the 'punishment fitting the crime'. Talk of what is 'the appropriate penalty' carries retributive undertones of prison seen primarily as punishment. But if we are to see prison — in line with a Christian vision of justice and mercy — as a place where rehabilitation should take precedence over retribution then **it may not be appropriate for sentences to reflect, first and foremost, the gravity of an offence. Rather they should be a response to how probable it is that any punishment other than prison is likely to fail.** This makes sense both in pragmatic terms and in response to considerations of human dignity.

In part this is saying that society should divert the lowest risk offenders out of the prison system and punish them in the community. It suggests that other offenders should better be punished through restrictions of liberty in the community than through short prison sentences. It insists that **custody should be reserved for the most serious and dangerous offenders.** But it does more than all this. It challenges the philosophy that takes us steadily and inexorably through a graduated hierarchy of punishment to the conclusion that prison is always the answer.

Fines

Over the past decade the use of fines as a punishment by courts has fallen by a quarter. In 1991, 1.2 million offenders received a fine but by 2001 this had fallen to 900,000. The fall was in direct and inverse proportion to the rise in prison sentences. For more serious offences, the fall in the use of fines has been even greater, over 30 per cent. Those inside the criminal

justice system are wont to talk of a 'collapse' in the fines system. This reflects two things: the increased severity in sentencing, and a perception that many criminals simply refuse to pay fines and that the system is insufficiently rigorous in following-up to collect them. The problem here seems psychological rather than philosophical, for there seems no reason why, with sufficient political will, a new drive could not be injected into the system to rebuild fines as an effective strategy, **using new systems such as computerised direct deductions from wages and reinvigorating old enforcement strategies** which make effective more severe punishments for those who fail to pay fines. It will take political and administrative effort, **but the fines system should be rebuilt.**

It should not, however, be inevitably seen as the line of first recourse for the courts. Many fine-defaulters come from the social group who are not in work and are in receipt of benefits. Previously the strategy with such defaulters has been to dock their benefits. This strategy is questionable. If state benefits are fixed at a level which gives recipients what is considered the bare minimum needed to live in our society then it is unacceptable to make deductions from this. It is an assault on human dignity to expect people to attempt to survive on less than what is acknowledged to be the bare minimum. Society's provision of the basics of life to those in need is not contingent upon some notion of moral worth, but rather on considerations of some intrinsic right, which Christians will describe as the *imago Dei*. From a pragmatic point of view, deductions from survival benefits creates an incentive to crime. It is a social strategy which is setting itself up to fail. **For the poorest in society fines should not be courts' first recourse; sentences of community service, in the form of unpaid work or some acts which focus on paying back to the community, make more sense, as part of a much more comprehensive system of community sentencing,** on which more below.

For most members of society there is much to be said in the reconsideration of the idea of Day fines. Under this a fine is set as a number of days and the offender then must pay in proportion to what he or she earns in an average day. Offenders can either pay in a lump sum, in installments, or opt instead to work for the community. Those failing to pay face a prison sentence based on the number of unpaid days. This means that punishments would impact upon offenders in direct proportion to their means to pay. It creates a new transparency in sentencing as well as an effective deterrent and

punishment. This is a system which has been briefly piloted in the UK in the past, but in such a way as did not properly gauge the practicality of the notion, allowing certain anomalies to arise — huge fines for trivial offences, and trivial fines for serious crimes, in certain cases — which a better thought-through approach could avoid. Day fines should be restricted to offences that would go to court. Fixed penalty and minor offences would be excluded thus avoiding excessive fines for very low-level crimes. Day fine systems are used successfully in several parts of Europe; in parts of Germany, 80 per cent of criminal sentences are Day fines. **The Day fines system should be introduced in the UK.**

Discovering Alternatives

The system of community service at present available in England and Wales is fairly limited. Government has recently made some attempt to extend it, renaming it community punishment. In part this is a response to complaints that the old community service was not tough enough. Indeed some critics have maintained that it is ineffective since the type of offender who often refuses to pay fines also refuses to turn up properly for community service programmes, which are inconsistently enforced, or else attend them with an attitude which is so chaotic and truculent as to render the system meaningless. But, if community punishment programmes are insufficiently effective at present, that is a problem of implementation rather than one of inappropriate conceptualisation. **We would like to see a wider range of community punishment programmes which encompass everything from courses to promote a sense of social responsibility to schemes of punishment which are as onerous, if not more demanding, than the present system of time spent idly in prison. Prison would be reserved for those who are dangerous or who violate the conditions of punishment programmes.**

Community Punishment

I. The Carter review suggested that the Government makes greater use of rigorous alternative sentences. The Criminal Justice Act 2003 creates a generic community sentence, that will allow the court to tailor a community punishment to offenders' needs by picking and mixing from a range of interventions — drug treatment, offending behaviour programmes, community service, tagging etc. New programmes to exemplify this approach are already being introduced. Among the enhanced community punishment

schemes is an Intensive Control and Change Programme (ICCP) which is being piloted for 18—20-year-olds to provide a range of interventions targeted at the specific needs of young adult offenders. It includes tagging, curfew and police surveillance options, as well as providing 18 hours a week of offending behaviour programmes, employment and training.

II. The sentencing powers of magistrates have been expanded by introducing three new sentences — Custody Plus and Intermittent Custody (which include terms in prison) and Custody Minus (a form of suspended prison sentence that allows for up to two years' supervision in the community). The intention is that these sentences will replace the use of short custodial terms of up to six months (in 2002 more than half of those sent to prison were there for jail terms of six months or less) All this is a welcome alternative to prison.

III. The implementation of these new sentences, however, raises some concerns. The first is that, though these sentences were designed as alternatives to short custodial terms of up to six months, early indications are that they are being used by the courts for offenders who would otherwise have received a lesser punishment. A form of sentence inflation has already begun. Our second concern is that these new sentences, most particularly Custody Minus, may be set about with conditions such that large numbers of offenders — such as those who have chaotic lifestyles or drug problems — are likely to breach them, causing the offender then to be given a custodial sentence. **The new measures should aim to reduce rather than increase the numbers in custody. The Government needs to guard against the danger that they may do the opposite.**

IV. **The Government also needs to create lesser levels of punishment in the community. A range of new types of community service should be introduced with particular emphasis on the needs of offenders who are women, boys, elderly or petty offenders or those suffering from mental problems. At the lowest level these should be rehabilitative schemes which do not give the offender a criminal record. For differing offences, and offences of increasing seriousness, programmes with differing emphases should be tailored.** Community rehabilitation programmes should tackle offenders' risk-assessed needs including education, drugs, thinking and behaviour. One example of this is a scheme called the Milton Keynes Retail Theft Initiative, launched

in 1994, which requires shoplifters to take part in an extensive course that requires them to meet shop-owners who are victims of theft, confront the reasons why they steal, and teaches them skills to move into work and resist peer pressure; reconviction rates fell to just three per cent. Another example is the Dordrecht Initiative in Hartlepool in which a multi-agency approach is also used with offenders identified as particularly problematic; based on a successful initiative developed in the Dutch city of Dordrecht, police and probation officers work in concert with a drugs nurse and outreach supporter workers who supervise the offender in a range of training, housing and constructive leisure activities: the result, to date, has been that over half those targeted have not been convicted of any further offence. In programmes such as these different offenders may require basic education skills, or introductions to employment practices which for many offenders may be their first contact with the world of work and its ethic and discipline.

V. Ideally such schemes would lead to employment which, research reveals, is one of the surest preventatives of re-offending. They would also provide a new engagement with the local community in the form of unpaid work or some acts which focus on paying back to the community offended against. This should be a two-way process. It gives local people some say in the work completed by offenders. And it fosters in offenders the growth of a new feeling of responsibility for others, along with a sense of community spirit and social solidarity.

VI. Where possible these schemes should incorporate an approach geared to restorative justice, which makes reparation directly to the victim, and indirectly to the whole community. Requiring offenders to interact in that way may build the empathy they have previously lacked. Evidence shows that, where prison can harden individuals, the experience of restitution often softens them and provides the motivation to reform which the prison system fails to give to many.

Drug Treatment In The Community

VII. Although drug treatment is difficult, evidence suggests that it can be cost-effective in reducing crime and social harms. Some new initiatives are under way here. The Government has recently introduced a measure called the Drug Treatment and Testing Order (DTTO) as an intensive community sentence to tackle the link between drug use and offending. It involves greater

contact with supervision officers, as well as regular drug treatment and testing. In 2002, over 6,000 DTTOs were ordered, under which the offender and his or her probation officer report back every month to the judge or magistrate who originally sentenced them. **This practice could usefully be extended to other community sentences** since it serves the dual function of constituting an incentive to the offender to comply with the order, and also gives sentencers some idea of the efficacy of their various sentences.

VIII. Despite this initiative, provision of drug treatment is patchy and inconsistent across England and Wales. Given the clear links between drug dependency and offending, **improvements in drug treatments as part of community punishment programmes ought to be a clear priority**, both on pragmatic grounds and on those which take into account the possibility of transformational change. Drugs are a peculiarly piteous assault on the dignity of the human individual and on the realisation of the *imago Dei* which each individual is called to become.

Electronic Tagging And Satellite Surveillance

IX. Modern technology increasingly offers new possibilities of punishment in the community. Electronic tagging is already extensively used to manage offenders without removing them from society. Some 70,000 offenders have been tagged under the Home Detention Curfew scheme introduced in April 2003 in an attempt to ease prison overcrowding. Under this scheme, prisoners can now leave custody under electronic surveillance up to four months before their release date. Further possibilities are opened up by GPS satellite technology which is now being successfully used in the United States to provide more detailed monitoring of offenders in the community. The system allows offenders to be tracked 24 hours a day either in real time or with information provided at the end of each day. An alert is activated if an offender departs from an agreed schedule or they enter a zone from which their sentence has excluded them. It is also possible, using the same technology, for probation officers to communicate with offenders at any time.

X. **The introduction of GPS satellite technology** in England and Wales would be welcome since the system offers a regime which curtails the freedom of offenders in a selective way, allowing them to remain in their home and job and in touch with their local community, while curbing their activity in areas which could be sources of temptation. Such systems allow

for a much better balance to be struck between concerns about individual human dignity and public safety than is possible in custody. They would be particularly useful with remand prisoners, one in five of whom are acquitted eventually and only half of whom are ever given a custodial sentence. **The Government needs to guard against the recent tendency significantly to increase the numbers awaiting trial being remanded into custody. At present it is doing the opposite: the 2003 Criminal Justice Act reversed the presumption in favour of bail in certain cases.**

In June the Government merged the national prison and probation services into a new National Offender Management Service (NOMS). The development of this will be observed with interest. There have been those who have suggested that it is a step in the wrong direction; what is really needed, they argue, is a system which is more independent of civil service bureaucracy — something which is a cross between the old Prison Commissioners and the increasing numbers of private prisons. For it is also arguable that the creation of the new integrated NOMS structure could promote rather than hinder the development of a penal system which is genuinely orientated primarily towards reform and transformation.

If it is to succeed, **it is important that the National Offender Management Service encourages greater continuity of treatment of offenders, regardless of whether they are given a custodial or community sentence. It should also allow the possibility of a new flexibility which does not see custody and community punishment as alternatives — a flexibility which is part of what this report would like to see. It should make use of sentences which begin in prison and then move to a punishment and rehabilitation programme within the community, at first in halfway houses and then in offenders' own homes. It should make greater use of curfews and house arrest, surveillance and monitored exclusion orders. It should require offenders to go to prison only at weekends, allowing them to keep their job and home, and maintain their family and community links. It should require them to undergo some custodial rehabilitative programme in most of their leisure time.** Such initiatives could not only reduce crime and maintain public confidence but, properly developed, would build a culture more conducive to the theological imperatives which the balance between justice and mercy, human dignity and the common good requires.

Change In The Community

Finally, it is essential never to forget that the kind of transformation which the Gospel requires takes place not just within individuals, nor even with institutions, but within a wider social context. As we have noted, both mercy and forgiveness operate as personal acts of the moral imagination. They cannot be demanded or conferred but come as a genuine and unexpected offer and gift. Because of their personal character it is more difficult to reduce them to an abstract principle, in the way that societies do more easily with justice. This means that, in our society, the instruments of hope and redemption will not best be mediated through the official institutions of the state, however humane its penal system becomes. Private initiatives will be required.

Employers whether in the private, public or voluntary sector have an important role to play here in the attitude they adopt to the employment of ex-offenders. A recent survey carried out among 550 Human Resource (HR) professionals showed that over two thirds of those who have employed ex-offenders report that it has been a positive experience, only six per cent say that it has been negative. The Chartered Institute of Personnel and Development (CIPD) say that this new evidence is a serious challenge to the stereotypical responses and resistance of employers. Many often adopt blanket exclusion policies as they are frightened to take the risk of employing ex-offenders. It is encouraging therefore to find that two thirds of HR professionals think it is reasonable to expect organisations to make a conscious effort to recruit ex-offenders with 40 per cent of their survey respondents saying they would be willing to consider an application from an ex-offender. They point out that given the tight labour market and high levels of satisfaction, the recruitment of exoffenders can make business sense as well as serving the common good.

The Church has a particular role to play in this. Acts of mercy and forgiveness are permanently established in Christian experience through the Cross and Resurrection of Christ and the continuous gift of the Holy Spirit. The Christian community is called to witness to this in its actions. At grassroots level this places certain responsibilities on individual parish communities.

Some discharge these well at present. Some congregations have schemes in place by which ordinary families can strike up a relationship with the family of someone who is in prison, sometimes merely standing alongside them in solidarity but sometimes adopting a role of mentoring to a prisoner's family

offering role models of reliable love. Some offer not only personal support and counsel, but direct people to the resources and services that are available in the community to those in need. Others help with parenting classes in prisons and young offenders' institutions. Yet others offer practical help such as the church in Durham (see Appendix) which has a team of volunteers who make themselves available to meet women prisoners who have no one to meet them on discharge, and after a considerable time in custody are apprehensive about even simple tasks like getting themselves to the railway or bus station. **Direct initiatives at parish level to assist ex-offenders and prisoners' families need to be extended throughout the country.**

Other Christians choose to work in charitable groups which are not religious in their overt philosophy. Victim Support has 12,000 volunteers who provide practical help and emotional support for those whose lives are turned upside down as a victim, or witness of crime. The organisation also supports some of those victims who chose to participate in systems of restorative justice which, as already stated above, is a vital area in which the Government needs to expand work. Such schemes, which can be greatly beneficial for both prisoners and victims, can also make considerable demands on victims. Offering support to them before, during and after this process is vital.

Others work with statutory bodies such as Local Criminal Justice Boards, in which partnerships of professionals — including the police, the Crown Prosecution Service, magistrates and the Prison Service, the Probation Service and Youth Offending Teams — try to draw the local community and its leaders into positive engagement with those at risk of offending or re-offending, such as those whose siblings have got into trouble. Another such semi-official system is Crime and Disorder Partnerships which focus on tackling drugs and alcohol problems and the anti-social and criminal behaviour they provoke; they work at stifling the availability of illegal drugs on our streets and provide services that enable people to overcome their drug problems and live healthy and crime-free lives.

Other Christians focus on the needs of particular groups. Care Remand Fostering is a project that provides temporary care and accommodation in private homes for young offenders who would otherwise be remanded to custody. Others involve themselves with The Prison Advice and Care Trust (PACT) which, among other things, works with prisoners who have mental health needs. Elsewhere more than 1,000 volunteers are active in 80 prisons,

in befriending schemes to support and encourage those separated from their families by imprisonment — assisting prisoner's wives and husbands or working with their children in prison visitors' centres. Others spotlight particular needs: those who work with Parents in Prison offer mothers and fathers in jail the opportunity to record a bedtime story for their child, and add a personal message.

Some work with national bodies like Alpha for Prisons, which over the past two years has linked more than 400 discharged prisoners with individual church congregations in a project which has helped more than 60 per cent of those resettled avoid further conviction and reimprisonment. Some join more local schemes like the Surrey Appropriate Adult Volunteer Scheme which supports vulnerable detainees through the police custody process or the Kensington and Chelsea Volunteer Bureau's HMP Wormwood Scrubs project which offers day release opportunities for prisoners in the final year of their sentence.

Yet others work with ex-offenders when they leave prison. Projects from the Catholic organisation the Depaul Trust help young prisonleavers find accommodation before release and match them with one-to-one volunteers for support in linking them to schemes to build educational qualifications or explore employment opportunities. The Kainos Community, whose programme is based on Christian values, though it is open to people of all backgrounds, helps ex-offenders develop life skills through 24-hour community living, learning respect both for themselves and others.

The churches are also helping offenders to reintegrate into local communities, through the development of Community Chaplaincy schemes. Volunteers are recruited from churches and other faith groups, to work under the supervision of a coordinator or community chaplain, in befriending and mentoring released prisoners. In Swansea, one of the first areas where a local scheme was developed — and in London where a scheme has been started to support young offenders — a reduction in re-offending by those supported, has already been demonstrated. Most prisoners simply want someone to talk to and to encourage them. Some schemes are developing drop-in centres, where advice will be available on housing, education and employment as well as from agencies providing other services. Often the prisoners helped are those who repeatedly serve short sentences for comparatively minor offences, and have few community ties. Community

Chaplaincy was first developed in Canada, as were Circles of Support and Accountability, which offer a more intensive form of engagement specifically for released sex offenders, who have often been in prison for some years, and may have been rejected by family and friends. Circles work closely with statutory agencies. The Circle meets weekly, and initially there will be some sort of contact with the ex-offender, who is known as the Core Member, every day. If the Circle becomes concerned with the Core Member's behaviour, it will be challenged, and a decision may be taken to share the concern with police or probation. In this country pilot Circles of Support have been funded by the Home Office.

More work should be done in this field since it inverts the process of isolation or, in the case of paedophiles, social ostracism or even persecution by the local community, which all too often reinforces ex-offenders in the pattern of behaviour which created their offence in the first place. The evidence is that 'community chaplaincy' significantly reduces rates of re-offending. It seems to us no coincidence that approaches like this, which appear to be successful, are ones which work with the grain of Christian theology rather than against it.

Such ideas in action give a sense of what is possible. **Christians need to be encouraged to participate more in such direct practical initiatives to assist ex-offenders, prisoners and their families.** As a Church we have to acknowledge that concern for those in prison is — despite it being one of the baldest of Jesus' commands as to how his followers are to serve him — is not at present high up the agenda of many Christians. There are many reasons why churchgoing Christians might not put criminal justice top of their list of concerns. Some may see the subject as too political, or too radical, while some may feel safer supporting a mission field far from home. Others may make a simple distinction between the deserving and the undeserving, failing to separate the sinner from the sin. We have to confess that many Christians have been heavily influenced by baser instincts, all too often fed by the tabloid press, which seeks to portray prisoners as less than human and not worthy of people's time and energy. We need also to address a common propensity to use concern for victims as an excuse to justify an insufficient regard for how our society treats those it chooses to imprison on our behalf. These are issues which Christian ministers must be prepared to address within their flocks. On this we all need to examine our consciences.

The story of Bob Turney

Bob Turney's descent into a life of crime began at school where he was labelled a 'stupid boy' because of what was, many years later, diagnosed as profound dyslexia. His childhood had been difficult in other ways. His mother was deaf. And when his manic depressive father killed himself, it was Bob who found the body. He was just 10 years old.

From his early years in primary school Bob was labelled as disruptive, uncooperative and lazy. He was treated accordingly, and behaved accordingly in response. When he left school at fifteen he was barely able to write his own name and soon got involved in his first burglary. That led eventually to armed robbery, just as alcoholism led to drug addiction. He spent the next eighteen years in and out of prison.

His behaviour inside was no better than outside. One fellow inmate ended up with a metal plate in his head after Bob hit him with an iron bar. He became, in his own words, a career prisoner rather than a career criminal. 'It offered me a strong sense of security — boundaries I never had in the outside world,' he has said. 'And although the attention I got was negative, at least it was attention.'

Then, one day, 20 years ago, in one of his stints outside jail, Bob regained consciousness in a public toilet. His shirt was covered in blood and both of his wrists were slit. He had been drinking for four days straight. 'I was admitted to a rehabilitation clinic after finally acknowledging I had a problem,' he recalls. It was only the start of a long slow road to recovery. 'The psychiatrist said I was institutionalised and now using hospitals instead of prisons to hide in and unless I changed I would end my life as a long-term inmate somewhere.'

Though he had the reading age of a ten year old, he began to tinker with a computer in the office of a rehab charity. He started to write the story of his life. His spelling was so bad that when he put the spell-check on, the computer asked him what language he was using.

*But eventually, after sobering up, Bob got an honours degree in forensic social work from the University of Reading. He then became a Probation Officer and is now a consultant to the Probation Service. His book, *Going Straight*, written with prison rights campaigner and author Angela Devlin, is now a core textbook for the BA in Community Justice Studies at the University of Birmingham.*

Now an active member of his local church, Bob works as a consultant, writer and public speaker whose venues have included the Oxford Union, Eton College and the House of Lords. He makes audiences laugh and cry, sometimes with the same sentence. A judge who heard him said that Bob's was one of the most moving talks he had heard in 30 years.

To each audience Bob Turney offers the same powerful message. No matter how despicable their crime, no one is beyond the power of Christ's saving redemption.

Epilogue

When Jesus first appeared, after his Resurrection, to his disciples he did so by passing through a closed door. He entered the upper room in which they were locked away from the outside world. As he entered he brought peace and serenity to the hearts of everyone within. Our task — as bishops, as a Christian community and as a wider society — is to do the same for those who have become the prisoners of crime, or the fear of crime, and also for those who are locked away inside our prisons.

It is up to us to ensure that the prison service offers the continuing opportunities for transformation when the moment comes that the prisoner is prepared to embark on the journey of change. That no matter how hopeless their situation may appear to be, we must never give up on anyone. And that every place can be a place of redemption.

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