

# Alternatives to prison in Britain

Autor(en): **Stern, Vivien**

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## ALTERNATIVES TO PRISON IN BRITAIN

Vivien Stern  
(Director, NACRO, London)

1. NACRO was formed in 1966 at the time the National Association of Discharged Prisoners' Aid Societies handed over responsibility for prison welfare and after-care to the Probation and After-Care Service. NACRO became the new national voluntary organisation responsible for servicing and co-ordinating voluntary effort and stimulating public interest. It provides a range of services to voluntary and statutory organisations and to individuals, and also campaigns for change in many aspects of the current provision for offenders and in society's response to delinquency. In recent years we have been involved in developing a variety of demonstration projects, some of which it is hoped may become recognized as alternatives to prison. This paper is therefore written from the point of view of a non-governmental organisation and one committed to changing the penal system so that custodial penalties are reserved for those who are a danger to the public, and therefore to the widest possible development of alternatives to imprisonment.

2. Britain has a high rate of imprisonment in comparison with many other countries, but particularly among our fellow members of the EEC: a United Nations census in 1974 revealed that the United Kingdom imprisons 75 per 100,000 people, France 52, Belgium 58, Sweden 43, and Holland 22. Only West Germany imprisons more - 81.

3. This has led to severe overcrowding in British prisons, four-fifths of which were built in the nineteenth century and provide unsuitable, uncomfortable and insanitary conditions.

On 15th October 1976 the prison population of England and Wales topped 42 000 - the figure which the previous year *Roy Jenkins*, then Home Secretary, had identified as the point at which conditions in the prison system would deteriorate to an unacceptable level.

In a speech to the NACRO Annual General Meeting on 21st July 1975, Mr *Jenkins* said: "The prison population now stands at over 40 500....

If it should rise to, say, 42 000, conditions in the system would approach the intolerable and drastic action to relieve the position will be inescapable. We are perilously close to that position now. We must not just sit back and wait for it to happen. If we can prevent it, we must do so.”

Among Mr. *Jenkins*’ other expressions of concern about the prison population was the following statement to the House for Commons on 8th April 1976: “I think the prison population is too high in this country at the present time. It is too high in relation to the figures for other countries... Prison, of course, has a role to play, but I do not think that there is any evidence that our unusually high prison population in relation to the crime rate numbers benefits in the protection of society which are proportionate to its costs.”

*Merlyn Rees*, Mr *Jenkins*’ successor as Home Secretary, has also expressed anxiety about the situation. He told the House of Commons on 27th January 1977: “I am very concerned about the serious overcrowding that exists in our prisons.”

Similarly, on 5th July 1976, in the course of a House of Lords debate about the prison population, Lord *Harris*, Minister of State at the Home Office, commented: “Certainly, when one sees the conditions in which two men live in a cell and sometimes indeed three men live in a cell, one sees they are conditions which are frankly an affront to any civilised society.”

This view is not a party political one. In fact, penal issues rarely become the focus for party political controversy in Britain. The Conservative Party has recently published a report, *The Proper Use of Prisons*, which states: “By the end of 1976, 5 709 prisoners were sleeping three to a cell, and 10 725 were sleeping two to a cell. These figures support the view widely held, which we share, that there is an urgent need now to reduce the prison population where this can be done without putting at risk the safety of the general public.”

Those who run our penal establishments themselves also support this. They wrote to the Home Secretary as follows: “Action is urgently

required to relieve the worst excesses of overcrowding if damage to inmates and staff is to be avoided.” (Letter to Home Secretary June 1977.)

4. Unfortunately this comfortable consensus has not led to bold and imaginative action on penal issues by either party when in power. The Government’s own review of criminal justice policy points out that: “There is an inconsistency between the publicly avowed policy of using custody only as a last resort for the really serious offence or dangerous offender, and actual practice... recidivist petty offenders serving short sentences continue to add substantially to the prison population. If this group could be removed from the prison system it would have a significant impact upon the size of the prison population.” (para 9)

5. However, alternatives to prison are not widespread in Great Britain and progress with such developments is very slow. Until the 1970s the only real alternative to prison was probation but the range of alternatives was increased considerably by the Criminal Justice Act of 1972. This gave effect to the recommendations of a report of the Advisory Council on the Penal System on *Non-Custodial and Semi-Custodial Penalties*. The Act gave the courts powers to impose community service orders and day training centres were enabled to be set up; the police were given power to take a drunken offender to a treatment centre.

## Probation

6. The *most well known* and well established alternative to a short term prison sentence *for non-dangerous offenders* is probation and expenditure on the probation service constitutes almost all the expenditure on non-custodial alternatives. The present day probation and after-care service which in June 1977 had a staff of 5 003 full-time probation officers had its beginnings in 1876 when the first police court missionary was appointed in London. By 1900 there were over 100 such missionaries in operation. *The Probation of Offenders Act 1907* made provision for all the basic premises of probation as we know it today. It provided that a probation order could not be made without the offender’s consent and if he broke the conditions of the order or re-

offended he could be brought back to court and sentenced for his original offence. In addition to the three basic conditions of an order the court could add particular conditions. With this Act which allowed probation officers to be appointed by the courts and to be paid from public funds, began a statutory responsibility for social work with offenders outside penal institutions. Most of the original officers had been police court missionaries who were still paid in part by the voluntary agencies to which they were attached. It was only after the *Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction 1936* that probation officers became exclusively public employees.

7. The *Criminal Justice Act 1948* restated the law on probation and made statutory provision for certain aspects of after-care. It left the making of probation orders largely to the discretion of the court, specifying one year as the minimum duration of an order. (Three years was the maximum specified by the 1907 Act.) It also specified that a requirement of residence in an institution should only be added to an order after the offender's home surroundings had been taken into consideration, and provided restrictions with regard to requirements relating to psychiatric treatment. This Act also clarified the process for dealing with the breach, discharge or amendment of a probation order. A breach is committed in the instance of a further offence or if any of the requirements are not fulfilled. If a probationer is returned to court for committing a further offence the court must then decide whether the original offence should be dealt with, and if this occurs the order is automatically terminated. In the event of the breaking of a requirement the order can be terminated or the probationer fined. Both probation officer and probationer have the right to apply for a discharge or variation of an order. Although the 1948 Act made statutory provision for probation officers to provide Social Enquiry Reports whether or not probation was being considered, nevertheless the direction for such provision was left dependent on the court. The primary function of such a report is to provide background information about the offender and his environment as an aid to the court in passing sentence. This Act also made it a statutory duty of the probation service to provide after-care for offenders, who on release were required by law to accept supervision.

8. Since 1948 much legislation directly relevant to the probation and after-care service has been passed and research has been conducted into the efficacy of new duties imposed. The *Streatfield Report of 1961* brought about a large increase in the number of Social Enquiry Reports produced by probation officers. Greater statutory responsibilities for after-care followed the *Report of the Advisory Council on the Treatment of Offenders on the Organisation of After-Care 1963*. (The probation service took over responsibility for prison welfare in 1966.) The *Criminal Justice Act 1967* made provision for the probation service to become the probation and after-care service and also made it responsible for supervising offenders on parole. More recent developments as laid down in the *Criminal Justice Act 1972* have involved the service in the management of probation hostels, bail hostels and day training centres, and in the supervision of community service orders.

9. Suspended sentence supervision was introduced in 1973. Much of the work which the service carried out with juveniles has been transferred to Social Service Departments as a result of the *Children and Young Persons Act 1969*.

However, although the work of the service has diversified considerably since its beginnings nevertheless a large portion of its workload is still involved with the supervision of those placed on probation. The basic requirements of a probation order are as follows:

- (1) To be of good behaviour and lead an industrious life.
- (2) To inform the probation officers at once of any change of residence or employment.
- (3) To keep in touch with the probation officer in accordance with such instructions as may be given by the probation officer, and in particular, if the probation officer so requires, to receive visits from the probation officer at home.

Individual probation officers differ in their ways of working, but basically the relationship is that based on the one-to-one casework model, the role of the officer being 'to advise, assist and befriend' the probationer.

## Community Service Orders

10. Community Service is a new kind of sentence, recommended by the Advisory Council on the Penal System in 1970 and introduced by the *Criminal Justice Act 1972*. A community service order is a non-custodial penalty requiring an offender aged 17 or over to work unpaid for a specified number of hours (not less than 40 nor more than 240) which must be completed within twelve months. The 1972 Act allows an order to be made in respect of any offence “punishable with imprisonment”, but in practice CSOs have come to be regarded not only as an alternative to imprisonment, but as a sentence in their own right: the Home Office Research Unit estimates that community service orders are used instead of prison sentences in less than 50 per cent of the cases where they are imposed.

An order can only be made when the court has considered a probation officer’s social enquiry report on the offender and his suitability for the work proposed; the offender must consent to the order, suitable tasks must be available. Most offenders are asked to work on either Saturday or Sunday for a period of about six hours; they meet their own expenses within certain limits.

11. An essential difference between community service and any other sentence of the court is that it requires the offender to take on the role of “helper” *not* “helped”; the work is of a sort normally undertaken by volunteers, so that an offender can be seen and may feel himself to be making reparation to the community. By limiting the tasks performed to this brief, good relations have been maintained with the trade unions. Amongst the jobs carried out are:

helping with:	handicapped children and adults landscaping hospital grounds gardening site clearance painting and decorating community projects
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working in:	hospitals
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hostels  
adventure playgrounds  
wives and families centres attached to prisons

other activities:      visiting old people  
                                 making and mending toys

It can be seen from this list that many of the tasks involve more than mere physical labour; they bring the offender - perhaps for the first time in his life - into personal contact with others worse off than himself, whom he finds he is able to help.

12. However, there is some doubt as to how far the community service order is really being used as an alternative to prison. A recent Home Office Research Study states that "In assessing the proportion of those given community service orders who were displaced from custody three of the four methods used produced estimates within the range 45 per cent to 50 per cent". (Community Service Assessed. Home Office Research Study 39. 1977.)

### **Day Training Centres**

13. Day Training Centres were also introduced by the 1972 Criminal Justice Act, but at present they exist only in four experimental areas - Liverpool, London, Sheffield and Pontypridd. Offenders attend the centres for a period of up to 60 days as a condition of a probation order, and the regime is intended to make good the participants' deficiencies in social skills, education achievement and vocational aptitudes.

The Home Office publication *A Guide For the Courts*, a descriptive guide to the Criminal Justice Act 1972, says of the day training centre: "This will provide full-time non-residential training for offenders with the aim of equipping them to cope more adequately with the normal demands of modern life. The scheme has been framed with a particular view to the needs of the inadequate recidivist, whose offences often reflect a lack of basic social skills and tend to lead to a succession of short custodial sentences which usually afford little opportunity for



the kind of training from which he might benefit.“

The Home Office has not so far announced any plans to extend day training centres beyond the four original experimental areas.

### **Probation Hostels and Homes, and Bail Hostels**

14. Probation hostels for offenders up to the age of 21 have been in existence for many years. They were originally intended for the more immature, inadequate and irresponsible young people who lacked community support and who it was felt might be helped to respond to a period on probation if initially provided with a stable supportive environment. In the light of experiments begun in 1970 and in responses to representations from organisations concerned with the treatment of offenders it was decided to extend the scope of probation hostels to cater for adult offenders and so to provide the courts with a further alternative to custody for those who might be helped through group and individual contracts both inside and outside the hostel to move towards a more adequate and satisfying life and away from a pattern of offending. On 31st January 1971 there were 17 approved probation hostels with 344 places catering for young men aged between 19 and 21, six hostels with 93 places for adult men aged between 19 and 35 and seven hostels with 128 places for young women between the ages of 17 and 21. By 1975 there were 708 places in probation hostels for both men and women.

### **Meeting the Practical Needs of Offenders**

15. The main emphasis of NACRO's work over the past few years has been on the development of facilities in the community which can be used both as alternatives to imprisonment and as after-care and re-settlement facilities. We believe that many of the problems of the inadequate petty offender are practical ones and can be solved by the appropriate provision of practical facilities such as accommodation, education and employment.

16. An example is the *NACRO Onward Workshops Project*. This is made up of two parts. The first (Phase One) is a rehabilitation workshop taking offenders, ex-offenders and other "at risk" groups of people from the Greater Manchester area. This workshop aims to help men with poor work records, who are regarded as "unemployable" to regain the work habit. The workshop, which can take about 25 people at one time, is staffed by a workshop manager, an assistant manager and three instructors. Phase Two of the project, which opened in September 1976, is a supported workshop providing paid employment for 40 main grade workers and eight supervisors.

Most referrals to the Phase One workshop come from the probation and after-care service, while others come from the Social Services, the Department of Employment and psychiatric hospitals. The workshop is geared, as far as possible, to a normal work situation. Workers are expected to participate in a normal working day with the usual tea-breaks and canteen facilities. This means that, for men leaving the workshop to go into work outside, the changeover is not too great. The activities in the workshop include the making of a wide range of rustic garden furniture, the restoration of pine furniture and individual wood-working jobs, including contracted work for certain bodies. There are various tasks to be done in connection with these activities, and men with varying capabilities can fit into one or more of these specific tasks. As men settle and become more confident and competent, they can move on to more demanding parts of the work.

Most of those coming to the workshop have poor employment records over the last five years. Many have had no real work experience for a number of years and these require a great deal of attention and support from the staff. The aim of the workshop is not to offer a specific training facility in carpentry. Its purpose is to offer an opportunity for men to regain the work habit.

After a satisfactory period at the workshop, individuals are encouraged to move to a job, to the Phase Two workshop or to government re-training facilities.

17. Another is the *Cambridge Education Project*. This was set up in May 1974 as an experiment to help offenders obtain basic, further or higher education and gain qualifications. The project is based in a residential unit which can accommodate ten students. There are also ten non-residential students living in lodgings.

Students at the residential unit are gradually enabled to gain confidence in themselves, to become better able to cope with stress and criticism and to plan ahead. They each have their own study bedroom and cater for themselves, and there are no residential staff. A few students at the project attend the Cambridgeshire College of Arts and Technology, but most take part in 'O' and 'A' level courses run at the unit. Teaching is done in small groups, and each student has a weekly tutorial with one of the Education Officers when his progress and prospects and any problems can be discussed. Attendance at the unit has in some cases been a deciding factor in a court's decision not to give an offender a custodial sentence.

### **The "Package"**

18. There are a number of ways in which accommodation, employment and education facilities could and should be more systematically presented to the courts as a realistic alternative to a custodial sentence. One of these is the "package" concept. NACRO, in partnership with the appropriate probation and after-care services, is developing multi-facility projects in Manchester, a large city, and Wiltshire, a rural area, which will enable us to explore the means of developing non-custodial resources in both an urban and rural setting. The projects are particularly concerned to try and reduce the number of men and women who receive custodial sentences. The aim is to enable probation officers to assemble packages of proposals for their clients, tailored to an individual's needs, using the community-based facilities provided by the project. These facilities are in the areas of accommodation, employment, educational opportunities and social support. The hope is that these packages will enable courts to pass non-custodial sentences where at the moment custodial ones are imposed. The South Yorkshire Probation Service is also testing out the package notion, and so in the near future we will have the benefit of the

experience of three projects on the basis of which to try and spread such an approach to other parts of the country.

Such schemes aim to strengthen the confidence which the courts have in the probation order. In this way the steady decline over recent years in the courts' use of probation might be arrested or even reversed.

19. However, even if experiments such as the package are successful, there is little likelihood of an expansion in alternatives to prison for some time to come. The Government has expenditure plans stretching into the 1980s and these give no indication that money will be made available for a large-scale expansion of new methods of dealing with petty offenders until after 1982.

## Summary

### Alternatives to prison in Britain

1. NACRO is a voluntary organisation supported by the government, responsible for co-ordinating voluntary effort in the penal field and for stimulating new developments. This paper is therefore written from the point of view of a non-government organisation.
2. Britain has a high rate of imprisonment compared with other European countries (only West Germany imprisons more people per 1 000 of population) and the average prison sentence is long by European standards.
3. This has led to severe overcrowding in British prisons and to a worsening of the already bad conditions. Politically there is agreement across the main parties that the prison population should be reduced.
4. Unfortunately this consensus has not led to any major change in British penal policy.
5. Alternatives to prison are not widespread in Great Britain and progress with development has been slow. The range of alternatives was increased considerably by the Criminal Justice Act 1972 which gave the courts powers to impose community service orders, set up day training centres and gave the police powers to take a drunken offender to a treatment centre.
6. These alternatives are directed by the Probation and After-Care Service, a statutory service responsible to the Home Office. The Probation Service is mainly involved with supervising individual offenders on probation. This is still the main alternative to prison though the number of people placed on probation has been falling. The Service also runs probation hostels and homes, and bail hostels.
7. There is also a wide range of projects run by voluntary organisations some of which constitute alternatives to prison.
8. It is regrettable that the Government has no immediate plans for any large scale new experiments or developments of alternatives to prison.

## Zusammenfassung

### Alternativen zu Freiheitsstrafen in England

1. NACRO ist eine gemeinnützige Organisation, die von der Regierung finanzielle Beihilfe erhält. Sie koordiniert die Arbeit gemeinnütziger Institutionen, die sich für die Kriminalität und ihre Abhilfe interessieren und sie regt auch neue Entwicklungen an. Das Referat skizziert die Arbeit einer Organisation, die nicht von der Regierung kontrolliert wird.
2. Die Gefangenziffer in Grossbritannien ist sehr hoch. In Europa gibt es nur in Westdeutschland eine höhere Gefangenenrate.
3. Deshalb sind die englischen Gefängnisse überfüllt und die Bedingungen sind schlecht. Die wichtigsten politischen Parteien sind sich einig, dass die Zahl der Gefangenen vermindert werden sollte.
4. Leider hat die Übereinstimmung aber zu keiner bedeutenden Veränderung der englischen Strafpolitik geführt.
5. In Grossbritannien gibt es nicht viele Alternativen zum Gefängnis, und hier hat man wenig Fortschritte gemacht. Der Criminal Justice Act 1972 vermehrte die Zahl der Alternativen.
6. Diese Alternativen werden von den Bewährungshelfern, die gegenüber dem Innenministerium verantwortlich sind, vollstreckt. Die Überwachung des Straftäters bleibt die wichtigste Alternative zum Gefängnis, trotz der Tatsache, dass in den letzten Jahren weniger Straftäter unter Bewährung gestellt wurden.
7. Es gibt viele Projekte, die von den gemeinnützigen Organisationen geführt werden, welche Alternativen zum Gefängnis sind.
8. Leider hat die Regierung keine sofortigen Pläne für neue Entwicklungen im Hinblick auf Alternativen zum Gefängnis.

## Résumé

### Alternatives en Angleterre

1. NACRO est une organisation volontaire aidée par le gouvernement

britannique, et qui est responsable pour la coopération volontaire et pour l'encouragement de nouveaux développements dans le domaine pénale. Ce document est écrit donc dans l'esprit d'une organisation non-gouvernementale.

2. La Grande Bretagne a un niveau d'emprisonnement très élevé (en Europe, ce n'est qu'à la République Fédérale d'Allemagne qu'il existe plus de prisonniers par tête de la population) et la durée moyenne des peines auprès de celle d'autres pays de l'Europe est plus longue.
3. Cette situation a amené à une surpopulation des prisons britanniques où les conditions qui sont déjà mauvaises, se sont empirés.
4. Les partis politiques diverses se sont accordés sur le principe qu'on doit réduire la population dans les prisons.
5. Malheureusement ce consensus n'a pas porté de grands changements dans la politique pénale du pays.
6. Les moyens de traitement au lieu de l'emprisonnement ne sont pas répandus et le progrès de ces développements ne se produisent que lentement. L'Acte de Justice Criminelle 1972 a introduit un plus grand choix de traitements diverses et a donné aux cours les pouvoirs d'imposer des injonctions de service communautaire (Community Service Orders), d'établir des centres de formation de jour et par cette Acte aussi la police a le pouvoir d'envoyer les délinquants ivrognes aux centres de désintoxication alcoolique.
7. Le Service de Probation et de Soins Sociaux (Probation and After-Care Service) est responsable à l'égard statutaire au Ministère de l'Intérieur pour la direction de ces moyens de traitement. Il s'occupe de la resocialisation des détenus, et des délinquants individuels, et cela constitue le plupart des moyens de traitement qui existe. En ce moment le nombre de probationnaires diminue.
8. Il existe un grand nombre de projets thérapeutiques dirigés par des organisations volontaires, parmi lesquels on trouve des moyens de traitement de ce genre qui existent au lieu de l'emprisonnement.
9. Il est regrettable que le gouvernement britannique n'a pas en ce moment envisagé des plans pour introduire de nouveaux expérimentations de cadre important ni pour les développements des moyens de traitement au lieu de l'emprisonnement.