

Cherie Booth QC speech on Prison Reform.

Given at St Lawrence Jewry as the Second Jonathan Charkham Lecture
in aid of the Sheriffs' and Recorders' Fund
18th March 2008

“I am delighted to be here at St Lawrence Jewry, a wonderful setting for the Sheriff's and Recorder's Fund annual Jonathan Charkham Lecture and Concert. As a lawyer and someone who is no stranger to politics, I am pleased to be able to associate myself with this historic fund which, over the years, has shown how the City of London's close geographic connection with the Old Bailey also extends to helping rehabilitate those sentenced to imprisonment.

I am not sure I have been done many favours by being sandwiched on the programme between Bach and Mozart. It is hard to believe that any words can compete with their music. And certainly no words of mine. But I have at least found inspiration in this place of worship for the theme for my brief talk – the belief the sinner can repent and reform. As St Luke's Gospels makes clear, Jesus said: *“There will be more rejoicing in heaven over one sinner who repents than over ninety-nine righteous persons who do not need to repent”*.

So I want briefly to examine whether in our penal system today we are doing enough to help people reform for their own sakes and for the benefit of society as a whole. And in particular whether we can do more in our prisons to help re-habilitate offenders and prepare them for a life without crime when they leave.

Because no matter what reforms we bring in to provide alternative non-custodial sentences, there are always going to be those we have to send to prison. Despite what the Daily Mail continues to write about my views – and no doubt will do the same after tonight's speech - not only do I believe prison is the right place for those convicted of serious, violent and sex crimes but as a Recorder I have sent people to prison myself. But I also believe we must examine whether we can reform prison so it helps prisoners reform their lives.

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Unfortunately, for too many inmates, this is not the case. The latest figures show that 67 % of adults released from prison were reconvicted within two years. This is not a success rate which should satisfy anyone. Think of the uproar if our schools were only succeeding in educating 30% of our children or our hospitals were failing to treat 70% of their patients. So we should be pleased to see a widespread recognition that the status quo is simply not good enough – and something which Home Secretary Jacqui Smith made clear this month in her welcome speech to the Prison Reform Trust that the Government is determined to improve.

Prisons, of course, are not just about rehabilitation. But it should be an important part of what they do if we want our societies to be safer. And a success rate of just 30% - despite the hard work of prison staff – is clearly a long way short of what everyone would want.

Making matters worse, prisons are also a very costly option. The 'Economic Case For and Against Prison', published recently by the Matrix Knowledge Group, demonstrates each new prison place now costs £119,000 and the annual average cost for each prisoner exceeds £40,000.¹ On top of this, £29 million has been spent in just one year on overspill police cells because of chronic overcrowding in our prisons.

So what is the solution? I believe that much of the answer to the current dilemma lies in undertaking a realistic examination of the purpose of prisons.

As I have said, prison is the right place for those convicted of serious crimes. But there is now widespread agreement that we need to look at alternatives for those who don't fall into this category and a wider range of sentencing choices have already been introduced.

¹ Bromley Briefings Prison Fact file December 2007
<http://www.prisonreformtrust.org.uk/uploads/documents/factfile5dec.pdf>

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I am on record as a strong supporter of sentences which require offenders directly to repair the damage they have caused to their communities. I have also long been of the view, which might surprise those who see me wrongly as a wishy-washy liberal on these matters, that we should seriously consider introducing uniforms for those taking part in community reparation projects. This will help convince the public that these sentences are not soft options. As someone who regularly has to don a wig and gown for work, I don't see uniforms as inherently humiliating – just uncomfortable!!

It is also very important that we extend and expand Drug Interventions Programme which channel drug-misusing offenders into treatment at all stages of their progress through the criminal justice system. They may seem expensive but when you factor in the reduced chance of reoffending, they are both effective and deliver real value for money.

However, such initiatives do not of themselves address the question of what to do with those already in our prisons and those we will continue to sentence to custodial sentences. Here we need to be both realistic about the challenges faced and be prepared to look afresh at the role we want prisons to play.

An analogy between hospitals and prisons has often been drawn. ² It means prisons, like hospitals, should not stand alone but should be part of a comprehensive punishment system which also includes prevention, the consideration of risk factors, after treatment, and follow-up work.

² See Michael Tonry, *The Future of Prisons*

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Looking at prisons in this way would involve adopting a long-term vision for prison rehabilitation with a clear recognition of the need to provide real life skills to prisoners, together with practical support at the end of their sentences. These skills, like education and effective work training are crucial. And although it is difficult to deliver good rehabilitation in overcrowded prisons, models of good practice in these areas do exist.

Such intervention is, of course, more expensive but again provides much better value for money in the long term. Research suggests that equipping prisoners with the life skills they need on release saves up to £130,000 per sentenced offender when taking into account the cost of crimes not committed.

This is why such intervention is important. Crucially, it also directly addresses the high levels of social problems experienced by those in our prisons and which explain why prisons can often do little more than containment.³

Eight out of ten people arriving in prison have serious drug or alcohol problems. Twenty seven per cent of prisoners were taken into care as a child compared to 2% of the population. Two in three prisoners were unemployed.

Half of male and over two thirds of female sentenced prisoners have no qualifications compared to 15% of the general population. Two thirds of prisoners have numeracy skills at or below the level expected of an 11 year old.⁴ It is not hard to see from these statistics why sending people to prison without addressing the causes of their criminal behaviour only succeeds in re-inforcing a cyclical pattern of cause and effect, increasing the likelihood of a person re-offending.

³ In 2002, a report by the Social Exclusion Unit identified nine key factors that influence re-offending: education; employment; drug and alcohol misuse; mental and physical health; attitudes and self control; institutional and life skills; housing; financial support and debt; and family networks.

⁴ Report by the Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (ODPM), July 2002

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So, again, what can be done? The Government's emphasis on improving drug treatment and mental health help is welcome – and is the need to do all we can to provide job opportunities for those leaving prison on release. But I think we need to go further and look at providing proper and worthwhile work opportunities for those still in prison as well.

This means work which is ambitious and challenging and offers the opportunity for prisoners to become involved in the real economy. When prisoners are given the opportunity to learn and develop skills, re-offending rates are reduced.

We know, for example, that basic skills learning alone can contribute to a reduction in reoffending by 12%. But while there is pretty much universal agreement that education in prison is good, that is not the case with the current prison work agenda.

Work is often seen just as a way of keeping prisoners occupied out of a cell. This is wasting a real opportunity. It is clear that there is a great difference between work such as cleaning cells and doing laundry, and workshop-based activities which offer an element of training and which replicate, to some degree, the structured working environment to be found outside prisons.

And work is about more than the skills provided and the training given. It can also be about encouraging participation in the wider community. After all, many prisoners find themselves in prison because of a chaotic unstructured lifestyle which makes crime a more likely route than regular employment. A prison regime which allows these men, and they are mainly men, to spend their days inside their cells is hardly likely to alter a view that it is up to the State to provide for them and their families, nor likely to turn them in hard working law abiding citizens on their release.

But this also requires us to consider the more controversial step of increasing wages for prisoners if they do proper work. For research has found token prison salaries of £10 -15 per week

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re-enforce a negative picture of legitimate work. It confirms their view that work is menial and gives prisoners no idea how work is linked with social status, social interaction, career progression, long term financial reward or involvement in workplace development. And because remuneration is so low, prisoners do not pay tax and NI, or learning about savings or budgeting to support their family.

But a small number of prisons have launched initiatives which are helping alter this view. And where these public/private partnerships have resulted in higher salaries of £40-£50 per week, they have been popular with prisoners regardless of the nature of the work involved. And this has had positive benefits beyond prison and individual sentences. Some of these companies have interviewed and employed prisoners once they have left custody.

The challenge then is to extend these experiments and provide real work opportunities to prisoners. Everyone benefits. Prisoners learn skills they need for life when their sentences are finished. The Prison Service has inmates who want to take up job opportunities while it is easier to find firms to provide near full-time work rather than the odd hour. Families can benefit from receiving financial support and increased hope of a crime-free life on release. And, of course, society could benefit directly if we allow prisoners to earn enough to pay national insurance and tax.

Higher wages could also provide a means whereby prisoners could also make a financial contribution to their victims. As a part time judge I know that I can make orders for compensation to victims or towards the costs of the trial. But these orders are virtually never made if we sentence someone to prison. The assumption is that they will be unable to pay. But if there was a way that medium to long term prisoners could be better remunerated, then there seems to me to be no reason why some of that money earned should not go back to their victims or to pay for the costs of their trials.

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And we are beginning to see how such schemes might work. I was fortunate enough to witness a fantastic example of innovative practice on a recent visit to HMP Coldingley which houses the Barbed project established by the Howard League. Barbed is a graphic design studio that carries out work for a range of companies and is, I'm told, the world's only social enterprise based inside a prison. Commercial contracts are in place and profits will go into general penal reform work.

The project started last year when six prisoners were recruited as members of staff and provided with specialist training. They will take apprenticeships and other work-related qualifications to ensure standards are as high as on the outside – and they also receive the same benefits and management as other Howard League staff including a contribution to a private pension plan.

Because prisoners generally don't contribute to their bed and board, they pay a third of their wages to a fund which supports projects like the Prison Education Trust for distance learning programmes. Each of the prisoners involved also make voluntary donations to Victim Support. They also want to pay tax and money has been taken off their wages to meet the bill, but, as of yet, the Inland Revenue is refusing to accept it – not a problem I think most people have with the tax authorities.

This is a model of good practice and needs to be replicated. I am pleased as well to see the idea is attracting cross-party support. I think this gives us an opportunity to expand such initiatives and pay less attention to those in the media who seem to think it helps society to keep prisoners locked in their cells 24 hours a day while then denouncing the authorities for doing nothing to reduce re-offending levels.

Believe me, making prisoners do proper jobs whenever we can, is not a soft option. It is much tougher for inmates to have to get up on time and work in a structured, professional manner than

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sitting in their cell or working in a way, as I have seen for myself, where no one cares whether they just mess around or read a paper. And if it helps – as the evidence shows – prevent our prisons being revolving doors or little more than universities of crime, then everyone gains – the prisoners themselves, their families, the tax-payer and the health and well-being of our society.

This ambition also requires, of course, for us to continue support and assistance once prisoners are out of jail. One of the ways of providing this – and again which has been shown to work – is through mentoring. This is a vital service linking ex-offenders to community members from diverse backgrounds. There are several projects running across the country where organisations work in partnership with the National Offender Management Service to remove barriers to employment for offenders.

One example is the work provided by today's hosts - the Sheriff's and Recorder's Fund. They are now working in partnership with London Probation to develop a volunteer mentoring project that will provide practical assistance to ex-offenders. This will provide one-to-one support focused on providing solutions which meet the practical needs of offenders on licence under the supervision of London Probation and so will increase their ability to re-integrate with their families and local communities.

Volunteer Mentors will provide a valuable link between the Probation Service and the Local community. ⁵This support will include advice and guidance about accommodation, education, training and employment, financial management and income, lifestyle and association, drugs and alcohol misuse, emotional well-being and health. Mentors can motivate or accompany offenders to appointments and can act as advocates or help them find jobs or training courses.

⁵ 10 volunteers from diverse communities will receive training to provide support to 25 unemployed offenders who have been released from custody over a 6 month period – on licence in Kingston and Richmond and Hounslow

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These types of 'enhanced' intervention dealing with individual problems, providing real skills and 'real work' training, and post prison support are essential if we are to break the cycle of offending behaviour which currently lies at the core of the re-offending statistics. They are also expensive and carried out – as in this case – largely by the voluntary sector. Which is why, your continued support is so vital.

But coupled with steps to provide effective and publicly supported alternatives to custodial sentences, we might finally be on our way to a penal system which protects the public not simply by removing a dangerous and antisocial element from the community but by rehabilitating offenders so they leave prison better able to make a positive contribution to society. It's a big challenge but only then will we have a penal system which protects the public, provides value for money and helps offenders turn their backs on crime – a penal system, in fact, fit for the 21st century.

Thank you. “