

***Together We Can Cut
Crime***

Policy Paper 78

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Introduction

1.0.1 The debate on law and order has been dominated for too long by the rhetoric of ‘tough’ and ‘soft’, by a government determined to stamp their legislative mark and by a party insistent on branding themselves as being unique in their commitment to standing up to crime and anti-social behaviour. Yet despite the deluge of initiatives and legislation -each more stinging than the last- little progress has been made except to feed public anxiety and fear.

1.0.2 Nonetheless, the public has become increasingly sceptical of government reforms, recognising that the ‘tough talk’ masks serious weaknesses in the criminal justice system. England and Wales has the highest imprisonment rate in Western Europe, at 143 per 100,000 of the population, but also has amongst the highest rates of crime and re-offending. Clearly the current approach is not working.

1.0.3 The Prison and Probation Services are being crippled by the excessive strain of meeting the ever-increasing levels of demand. They have neither the capacity nor resources to pick up the pieces of government neglect of the multitude of complex social problems that lead to offending. The hands of the court are tied by skewed sentencing policies and too few properly funded alternatives to custodial sentences. Clearly the system currently cannot work.

1.0.4 There is a fundamental difference in the approach to tackling crime taken by British political parties. The Liberal Democrats reject the distinction between ‘tough’ and ‘soft’ and recognise the difference between ‘effective’ and ‘ineffective’ policies on

crime instead. We advocate prioritising measures that prevent crime and antisocial behaviour from occurring, that engage with as well as punish the offender to cut repeat crime and, crucially, to involve the public in the workings of the criminal justice system. We believe that there is no other responsible way to approach the crime in the communities in which we live if we really want to make the environment safe for everyone. We recognise the importance of generating faith in the justice system and of ensuring everyone in our society has a stake in it. Consequently, we believe in order to make punishment and reform truly effective, and meaningful for society, it must occur in visible institutions that people have experience of and trust; in essence it must be embedded in the neighbourhood. Furthermore, we understand that any system failing to address the multitude of circumstances and problems that generate offending behaviour is failing society overall.

1.0.5 This paper does not seek to address every aspect of the criminal justice system but to set out proposals to:

- Prevent crime and anti-social behaviour from occurring in the first place.
- Break patterns of offending behaviour and tackle rates of re-offending.
- Make offenders face up to the consequences of their actions and their effect on the community through the use of restorative justice and

community sentencing as well as custodial sentencing.

- Involve the community in justice, prevention and rehabilitation.
- Re-engage the public with the Criminal Justice System and improve support for the victim.

In bringing forward these proposals we reaffirm Liberal Democrat commitment to our core principles: Promoting fairness, social inclusion and justice.

1.0.6 Addressing the causes of crime and dealing with the consequences of criminal activity must be looked at in conjunction with policies to address poverty, inequality and social injustice. Britain's poorest communities are those most affected by crime and are those most likely to feel disempowered. Any political party concerned with re-engaging citizens must put tackling crime and inequality at the heart of its agenda. Therefore the Liberal Democrats have commissioned a second policy paper, *Poverty, Inequality and Lack of Opportunity*, to develop a long term and wide-ranging strategy for tackling inequality and poverty that takes into account immediate benefit reform and helps people to escape the poverty cycle and gain independence. In addition this paper should be read in conjunction with Federal Party Conference Motion *Equipping Police to Fight 21st Century Crime (2004)* as a statement of party policy on our approach to policing – further details of which can be found in the supporting Spokespersons' Paper *A Force to be Reckoned With*- and policy paper 47, *Honesty, Realism and Responsibility*, which details party policy on drugs treatment and reform.

Executive Summary

Liberal Democrats believe the only responsible way to tackle crime in our communities is by rejecting the distinction between ‘soft’ and ‘tough’ policies on crime, instead prioritising effective measures which:

- Provide proper support to victims when they need it most.
- Focus on reducing opportunities for crime and anti-social behaviour to occur.
- Target high quality early intervention at those groups vulnerable to becoming perpetrators or victims of crime.
- Prevent prison from becoming a ‘revolving door’ and work to break the cycle of criminality.
- Ensure the Criminal Justice System works efficiently and engages communities in justice.

Liberal Democrats will reduce opportunities for crime to occur by:

- Improving standards of security in product design and regulating the manufacturers and distributors of products that can have criminal applications.
- Implementing reforms to licensing for bars, pubs and clubs, making an appropriate ratio of seated to standing areas a condition of their license in order to reduce the likelihood of alcohol related crime and confrontation.
- Introducing a National Register of Personal (alcohol) License Holders so that those who have traded illegally or irresponsibly cannot simply move from locality to locality continuing to do so.
- Extending the House in Multiple Occupation licensing regime to include minimum-security standards.
- Working closely with vulnerable groups to develop targeted safety messages.
- Mandating councils to work with local communities to ensure that, where possible, crime can be designed out of the physical environment, facilities to actively deter people from crime can be designed in, and ‘trouble spots’ for crime and anti-social behaviour are speedily addressed.

Liberal Democrats will empower local communities and the local agencies to target high quality early intervention towards groups vulnerable to becoming perpetrators or victims of crime by:

- Focusing efforts on diverting young people away from criminal and anti-social activities and implementing reforms to Safer Neighbourhood Teams to enable them to work more effectively with young people.
- Undertaking a national review of the use of Anti-Social Behavioural Orders in order to issue guidance on their most effective use to Councils and Magistrates.
- Empowering local communities to tackle minor anti-social behaviour by establishing Responsible Behaviour Panels with a strong emphasis on restorative justice.
- Requiring existing Crime Reduction Partnerships to target resources and provide advice to prevent those who have been victims of crime from being repeatedly victimised.

Liberal Democrats will work to break cycles of criminality and reduce re-offending rates by:

- Reforming community sentencing, taking responsibility away from the Probation Service and establishing the Community Sentence Enforcement Service to develop and enforce demanding, rigorous community based sentences which have a statutory regard to the suggestions of the local community in devising unpaid work.
- Implementing a package of reforms to custodial sentences, including removing automatic sentence reductions, establishing a presumption against ineffective short-term sentencing and introducing honesty and transparency into sentencing for more serious offences.
- Establishing a Violent Offenders Register.
- Investing in mental health facilities so all offenders with serious mental health problems are diverted away from prisons into secure mental health treatment facilities, requiring PCTs to make court and police liaison part of their local mental health delivery plans.
- Expanding provision for secure drug treatment facilities.
- Ensuring all young people in custody be provided with access to education and training, and be offered incentives to improve their skills similar to those available to other young people.
- Expanding prison based work schemes which offer offenders training in marketable skills and experience of the work place environment.

- Imposing a statutory obligation on prisons to offer assistance through co-ordinated benefit, work and accommodation programmes to prisoners before release working alongside properly monitored prison induction procedures.

Liberal Democrats will ensure the Criminal Justice System works efficiently and properly engages the community by:

- Abolishing committal hearings.
- Allowing prosecutors and defence solicitors to appear via video link for remand court appearances, pre-trial proceedings and administrative hearings when the defendant is not required to be present.
- Taking strategic action to deploy judges and magistrates as needed to prevent backlogs of trials developing.
- Setting an average of 90 days between arrest and trial in Magistrates' Courts.
- Expanding the provision of Drug Rehabilitation Courts and introducing National Offender Management feedback reports to courts so judges are able to sentence more effectively.
- Making court decisions and trial results available on the internet, subject to an agreed time limit.
- Halting the closure of local Magistrates' Courts.
- Strengthening the Magistrates' recruitment campaign and targeting under-represented groups in society.
- Increasing the involvement of jurors, requiring them to sit alongside district judges in trials.

Liberal Democrats will improve support for those who have been victims of crime by:

- Reviewing the outcome of the Victim Advocates Support Scheme pilot with a view to implementing successful suggestions.
- Simplifying the Criminal Injuries Compensation Scheme claims and appeals procedures to ensure claims are decided within 12 months.
- Ensuring fairer payments for victims dependent on their individual circumstances and increasing awards in line with inflation.
- Establishing a Common Victim Compensation Fund, topped up by diverting monies earned by prisoners engaged in prison based work schemes, to protect victims from never receiving payments.

Deterrence

2.0.1 During a speech given to launch, of all things, *Criminal Justice: The Way Ahead*, the Prime Minister observed that the government's social programmes amounted to a "crime-fighting strategy for tackling the 97 per cent of crime that never gets to the courts" (Blair 2001). Attempts to cut crime must look further than the criminal justice system if they are to be successful. In fact, research suggests that primary crime prevention actions, which seek to reduce opportunities for crime, rather than deal with problems once they have occurred, can be more successful than interventions later in the cycle of criminality¹.

2.0.2 Crime occurs when opportunities arise. The confluence of circumstances that create crime can be summarised as, a vulnerable target, a willing and equipped offender, and an environment without capable crime preventers. Primary crime prevention focuses on reducing the vulnerability of attractive targets, reducing the likelihood of the offender being equipped to commit crime, and an increase in the number, scope and prevalence of crime preventers.

2.0.3 Liberal Democrats advocate a common sense approach to crime prevention. Well thought out, simple and practical measures may not generate headlines but, as many Liberal Democrat councils have proved, can significantly reduce the levels of crime in a community and improve everyone's quality of life.

2.1 Environment

2.1.1 The design of buildings, public spaces and public vehicles can have a profound effect on crime. Local authorities are required to consider crime and disorder when approving planning applications. There is a wide variety of best practice in terms of increasing sight lines and visibility, improving lighting, and cutting off well-used escape routes.

2.1.2 The challenge is to spread these innovations and conduct more research into designing out crime. We are reluctant to over-regulate, especially where stipulating design standards could actually curtail innovation. However, there are some areas where regulating licenses or working more closely with organisations and businesses could have a positive impact.

2.1.3 The Liberal Democrats were instrumental in pushing the government to introduce a House in Multiple Occupation (HMO) licensing regime in the Housing Act 2004, which sets minimum standards for landlords. People who live in HMOs are usually at high risk of being a victim of crime, being either students -with their pattern of ownership of high-value hi-tech equipment- young people, migrant workers or the very poor. The licensing regime requires the property to have a specified minimum amenities and facilities, this should include basic security features.

- **We propose: Extending the House in Multiple Occupation licensing regime to include minimum-security standards**

2.1.4 Licensing regimes should also be used to ensure responsible behaviour on the part of bars, pubs and clubs. When seated, people drink more slowly, and are less likely to be involved in confrontation. Increasing the numbers of seats available is a simple yet effective way to significantly reduce alcohol related crime. Design of town centres also needs to take into account dispersal routes for crowds late at night to reduce the likelihood of violence.

- **We propose: Requiring local authorities have regard to ensuring an appropriate ratio of seated to standing areas in all pubs, bars and clubs when issuing licenses**

2.1.5 While there is no excuse for committing crime, vulnerable groups can take practical steps to avoid becoming a target and to protect their property. The police have already developed effective advertising campaigns aimed at educating people on the dangers of, among other things, illegal mini-cabs. Such initiatives should be extended. We propose working with organisations representing groups vulnerable to crime such as the National Union of Students and Help the Aged to develop targeted safety messages and advertising campaigns.

- **We propose: Introducing a ‘Keep yourself safe’ initiative**

2.1.6 Communities, with their detailed experience of crime, are often the best source of information about the patterns of criminality that crime prevention should be targeted against.

Local people will know, for example, that drug dealers sit on a particular wall and could be prevented by installing a fence. The new Safer Neighbourhood Teams -to be rolled out nationally- are already required to hold public meetings to enable local residents to express their concerns and gain feedback on crime and anti-social behaviour in their area. These meetings should be a joint initiative with the local council to enable them to take action where necessary to improve the local environment and crime prevention.

- **We propose: Safer Neighbourhoods Teams should hold regular joint public meetings with the local council**

2.1.7 All councils now have websites and many are making use of communications technology, such as email and texting, to allow local residents to inform them of problems like graffiti as soon as it occurs. These initiatives should be expanded upon. Every council should be required to have a designated website to allow local residents to express their concerns and review the progress the council makes in addressing them.

- **We propose: Designated crime prevention council websites**

2.1.8 The design of the physical environment should not only design out opportunities for crime, but we believe actively seek to design in alternatives to crime. We believe that the current duty on local councils to consider the crime and disorder implications of their decisions is limited, but could be used in a more

positive way, seeking not only to eliminate opportunities for crime but also to proactively prevent crime occurring in the future by offering sustainable alternatives. Too often councils are attempting to deal with the consequences of poor design when problems later emerge. A frequently cited component of anti-social behaviour is young people hanging around with little to do except cause trouble or to appear threatening to others. Equally young people frequently complain of having too few activities and facilities to occupy them. This is a particular issue for those living in cramped housing and without significant private outdoor space. Ensuring neighbourhoods are designed to include areas and facilities where young people can gather would reduce both actual and perceived anti-social behaviour. Liberal Democrats believe councils should use Section 17 of the Crime and Disorder Act 1998, which requires councils to consider crime and disorder reduction in exercising their functions, to build positive alternatives to crime and anti-social behaviour as well as simply reducing opportunities for crime.

- **We propose: Encouraging councils not only to act to design out crime but also to design in positive alternatives to crime by ensuring proper areas and facilities for young people**

2.2 Targets of crime

2.2.1 Acquisitive crime can be radically reduced by changes in the design of products that make them either harder to steal, or unworkable once out of the hands of their rightful owner.

2.2.2 Many organisations and businesses have the power to radically reduce crime by changing their products to make them less vulnerable. Car crime, for instance, has been dramatically reduced in recent years thanks to increased security measures introduced by car companies.

2.2.3 The key question for policy makers, however, is how to encourage such design innovations from businesses without imposing regulatory burdens that compromise flexibility. Mobile phone companies, by way of example, have been slow, and seemingly reluctant, to work together to develop phone-disabling techniques that would reduce the motivation to steal phones.

2.2.4 A more liberal approach would be based around the provision of information and the availability of national standards or awards. Successful initiatives to cut car crime offer a clear vision of the way forward, with projects like a national Car Theft Index to identify the least secure vehicles and a safer car park scheme initiated by the Association of Chief Police Officers with a “Park Mark” quality standard.

2.2.5 Liberal Democrats would work with the police and consumer organisations to develop more published information about the security of products available. We would work with the British Standards Institute to develop a new kite mark standard for security and crime prevention considerations in product design. We would also work with the British Retail Consortium to improve security in the methods by which services and products are sold.

- **We propose: Establishing a new kitemark standard for security**

distributors of items which can have criminal applications, including the power to ban products which have no legal application.

2.3 Equipment

2.3.1 Much crime prevention legislation is devoted to reducing the chances of a potential offender having adequate resources, in particular for violent crime: prohibitions on carrying offensive weapons or firearms are coupled with the use of plastic glasses and bottles in certain pubs.

2.3.2 These principles can be extended, however. On the environment, Liberal Democrats are increasingly moving toward the principle of “polluter pays”. We should also consider, working on the same principle, focusing crime prevention on those who facilitate, as well as those who play an active part in a crime.

2.3.3 Many companies manufacture products with legitimate uses but which equally are frequently used to perpetrate crime such as “slim jims” used to break into cars. However, other devices to skim the details off credit cards, to intercept the signal from a car key in order to create a forgery or knuckle-dusters are just some examples of products whose legitimate purpose is highly questionable. Companies making and selling products frequently linked to criminal activity should be carefully regulated. Where items have no legitimate purpose they should be banned. The internet raises new challenges in regulating suppliers, particularly those from abroad, therefore we need to investigate ways to regulate online.

- **We propose: Regulating manufacturers and**

2.3.4 Alcohol is also a major facilitator of crime. We recognise the need to identify opportunities to resolve the much longer-term issues of alcohol sales and misuse and its severe impact upon crime, disorder and community concerns. Many of these issues are complex, such as dealing with over-concentration of licensed premises in an area which combine planning, business development and community issues, and are not easily dealt with by simple or simplistic legislative change. Similarly much work is needed to assess the impact of alcohol upon youth and how we can change the developing culture of increasing alcohol consumption to the detriment of society as a whole. This is an area where Government has made very little investment in the past. However, the principle of targeting those whose activities enable or encourage crime can be extended to businesses or individuals who supply alcohol. A ban on the sale of alcohol to minors or those who are demonstrably drunk is already within legislation, but often poorly enforced. License holders and their staff need to take the lead in promoting a responsible attitude to drinking and enforcing the law. While many license holders are conscientious there are a number who are not. Currently personal licenses are issued and registered with the local authority only; therefore there is no system to stop those who have offended in one area from continuing to trade irresponsibly in another. Personal license holders need to be registered nationally to prevent rogue traders from slipping through the net.

- **We propose: Introducing a National Register of License Holders**

Case study: Newcastle and Liverpool Best Bar None Scheme

Best Bar None is a scheme that aims to create a safer environment in the pubs, bars and clubs of Newcastle by rewarding safely managed licensed premises, clamping down on alcohol related crime and curbing irresponsible drinking habits.

The scheme encourages all sectors of the nighttime economy to work together to improve the attractiveness and economic vitality of the city centre, and has already succeeded in improving public reassurance and confidence, as well as increasing the profitability for businesses involved in the programme.

Sixty-four venues have entered the programme, which has been well received by the licensed industry in Newcastle. Greater Manchester is in its third year of the scheme.

2.4 Crime preventers

2.4.1 Opportunities for crime are reduced when willing and capable crime preventers exist, this can mean visible policing: however, crime preventers do not have to be officials. As the innovation of turning seats around on buses shows, being observed by other members of society reduces the likelihood of the potential offender choosing to commit a crime because people are reminded of their obligations to other citizens, rather than simply interacting with officialdom that, for some people, is there to be defied.

2.4.2 Nonetheless, high visibility policing is vital to improving public confidence and focusing on foot patrols (by increasing the number of police and providing them with technology to spend more time on the beat and less time in the station) makes

the prospective offender less likely to attempt a crime -for fear of being caught- or from being able to successfully complete one.

2.4.3 Patrol officers make up about 56% of police staff, but a large part of their time is not spent on the beat. Furthermore, safety considerations mean patrols in the hours of darkness are usually conducted in pairs, unlike daytime patrols which can be by single officers. Two-handed patrols can, clearly, cover only half the ground of single patrols. It is, however, mostly at night that public sense of security needs to be reinforced by a visible police presence. While we do not want to jeopardise police safety, forces must take into account the fact that the same number of officers will cover less ground at night than during the day when compiling patrol shift patterns.

2.4.4 We would conduct a full study of shift patterns to ensure that night patrols, especially in city and town centres, are being fully utilised. Neighbourhood policing teams should ensure that they are offering evening and night coverage of their area, and we would aim to increase patrol support during these periods in those

wards with particular crime or disorder hotspots.

- **We propose: Increasing preventative policing and targeting patrols to improve night safety**

Case Study: Newcastle Taxi Marshals

Newcastle City Council piloted the use of taxi marshals operated at 4 taxi ranks for 10 weeks in the Newcastle City Centre. Police Officers were on duty at four taxi ranks in Newcastle City Centre between 9:30pm and 3:30am on Friday, Saturday and Sunday nights to reduce confrontation and dispersal on busy nights. This scheme met with great success and thus funding is being provided to continue the programme during peak hours.

2.4.5 The majority of the public make their initial contact with the police through the telephone system. The UK police service currently receives over 67 million calls for assistance from the public annually. In 2001, in *Open all hours*, Her Majesty's Inspectorate of Constabulary admitted that "the service has not kept pace with the best practice in customer interfaces; callers wait too long for a reply and the service at too many police station counters leaves much to be desired". Three years later, HMIC's first Baseline Assessment (for the year 2003/04) identified call management as the second worst performing function across a wide range of policing activities in England and Wales.

2.4.6 There are very few publicly published statistics on success at answering calls, but Avon and Somerset has recently revealed that

non-emergency calls take an average of 18 seconds to answer. The force has a target of 90% of emergency calls answered within 40 seconds – but after waiting this long many people will simply hang up.

2.4.7 Improving first contact with the police via the telephone is vitally important, and we will explore ways to improve performance at a local level. The industry standard target for call centres is for 80% of calls to be answered within 20 seconds, and this is a government target for many other agencies including those of the DWP. Police forces need to meet this as a minimum standard, 24 hours a day.

- **We propose: Working with local police forces to develop and implement new strategies to improve call response time**

Prevention

3.0.1 This section focuses on the prevention of crime and antisocial behaviour at a secondary level. Unlike the previous chapter, which focuses on deterring people from crime more broadly, ‘secondary prevention’ targets ‘at risk’ individuals or groups in society that might, through social or physical pressures specific to them, become either perpetrators or victims of crime. This could include those suffering from mental illness or who have substance and alcohol abuse problems. It will include people of all ages. In every case, it involves a targeted approach. We recognise that perpetrators often have been victims themselves, and we believe that these groups should be targeted with services to help put them in a position such that they will not commit crime. Consequently, we believe reforming the way in which resources are deployed and used will have a significant impact on levels of crime and anti-social behaviour.

3.1 Youth Crime

3.1.1 All too frequently, young people are vilified as being a threat to society and creating fear in local communities. As a section of society at risk of becoming both perpetrators and victims of crime, sometimes this is true. Where young people are involved in anti-social or criminal behaviour this must be tackled, but simply denouncing all young people as “yobs” and “hooligans” is not a solution. Instead it adds to the fear of crime felt by others and fails to confront actual problems experienced by communities. Promoting schemes aimed at intergenerational work address some

elements of these problems by facilitating understanding and communication between the generations, as successfully reducing youth crime requires positively engaging young people alongside punishment.

3.1.2 Neighbourhood policing has great potential to work with and understand local communities and, importantly, develop new ways to prevent crime. One of the most significant benefits is the scope to work more closely with minority communities and young people. The Liberal Democrats support greater work with young people through youth workers and targeted schemes. We see a way of bring the two together thus benefiting young people at risk, the community at large and the police. We propose developing a new role within each Safer Neighbourhood Team for a dedicated youth officer and offering Police Community Support Officers (PCSOs) the opportunity to undertake extra training (current total training is four weeks) in specifically dealing with and understanding young people. Trained PCSOs would be able to work formally, in schools or youth centres, or informally with young people in the neighbourhood, in order to help identify those at risk. This will provide the police with a greater understanding of the issues that face this social group and will assist the police in diverting them away from crime. This initiative will also diversify the role of PCSOs offering greater career opportunities in the future.

- **We propose: Designating a police officer or community support officer within each Safer Neighbourhood Team**

**as the dedicated youth officer
with youth work training**

3.1.3 Liberal Democrats believe that targeted early intervention is key to preventing at risk groups and individuals from turning to crime. The Police and Community Support Officers usually possess a wealth of information about young people at risk of engaging in anti-social behaviour or criminal activities; an area we have already sought to strengthen through proposals to introduce dedicated youth officers into each Safer Neighbourhood Team to coordinate and advance such work. Offending behaviour is likely to start at a low level, at which time various organisations including the police, house association and schools become aware of it, often before it escalates into more serious offending. The White Gold Project in Cornwall, a partnership between the Police, Youth Offending Team and Community Safety has pioneered an approach which funnels intelligence from both the police, the community and a range of other organisations into a single

dedicated police unit. The unit is supported by youth and community workers employed as police support workers and uses the intelligence to target and voluntarily engage young people at risk in assertive outreach work and in building relationships between the young person and their police support worker. This project has a proven track record of dramatically reducing criminal and anti-social behaviour and, as a result, there has been a 56% reduction in crime and a saving to the Home Office of £500,000. We believe this model should be replicated in police forces around the country. We propose establishing a dedicated police unit in partnership with the Youth Offending Team, working closely with youth officers from each Safer Neighbourhoods Team and supported by youth and community workers in each Police Basic Command Unit.

- **We propose: Expanding police intelligence led youth work schemes targeted on high risk groups modelled on the White Gold Project**

Case study: Liverpool Police in the Parks

For Operation Summer Holiday - Police in the Parks – the Citywatch patrol officers and mounted police worked together with the aim of increasing public reassurance and reducing anti-social behaviour at key sites across the city by patrolling important public areas such as parks, public buildings and schools. Allowing all of Liverpool's citizens to enjoy the parks, open spaces and public places free of crime and disorder and free of the fear of crime and disorder.

3.2 Anti-social behaviour

3.2.1 There is no doubt that anti-social behaviour is a problem in many local

neighbourhoods, but the Government's response does not constitute a long-term solution. Antisocial Behaviour Orders (ASBOs) play a part in tackling crime but they are not a panacea, they are a reaction to behaviour that has already occurred, meaning the public has already suffered as a result. ASBOs can have some success in curtailing current actions, but are very limited in their scope to positively change behaviour for the better. Liberal Democrats believe that truly tackling anti-social behaviour requires a range of responses based on early intervention and engagement as well as punitive measures.

3.2.2 Liberal Democrats have long criticised ASBOs for criminalising non-criminal behaviour. All too frequently ASBOs are handed out - often to children and those with mental health problems- for petty transgressions and nuisance behaviour that, while undoubtedly anti-social, do not constitute criminal offences. Yet the subsequent breach of an ASBO is grounds for criminal prosecution and even prison. ASBOs allow the criminal justice system and proper procedures to be short circuited in obtaining criminal convictions. We do not believe that like a game of monopoly individuals should proceed straight to jail without passing GO.

3.2.3 Nonetheless ASBOs have a place in tackling antisocial behaviour and can offer some short-term relief for residents who are plagued by it. However, emerging evidence shows that this relief is all too often short-lived as a significant number of ASBOs are breached causing further problems² and may be viewed by incumbents as a 'badge of honour'³. Research conducted by the Youth Justice Board has concluded that successfully tackling anti-social

behaviour requires a tiered approach which emphasises lead agencies, including the Youth Offending Teams, working closely together to conduct multiple intensifying interventions before the decision to apply for an ASBO is taken. However, the report also highlighted large discrepancies in the ways each area approached issuing ASBOs, in particular the number and scope of the tiers and the extent to which this approach was pursued. ASBOs issued as part of criminal proceedings were of particular concern as these frequently bypassed decision-making procedures⁴. A comprehensive review, such as is being undertaken in the London Borough of Camden, is needed to identify and tackle the shortcomings in the current use of antisocial behaviour prevention measures. We believe that good practice guidelines need to be developed and implemented specifying in which circumstances and at what stage ASBOs are merited and where they are likely to prove counter-productive in effecting truly positive behavioural change.

- **We propose: Undertaking a national review of the use of Antisocial Behaviour Orders in order to issue guidance on their most effective use to Councils and Magistrates**

3.2.4 Liberal Democrats firmly believe in community involvement and in applying the principles of restorative justice when dealing with anti-social behaviour. Community justice panels (a project successfully piloted in Chard, Somerset where volunteers facilitate an agreed course of action for petty offenders who have admitted their guilt to make amends to the victim) and projects such as at the Red Hook Community Justice Centre in

New York, which has been successful in engaging with young people through peer panels, provide a model for our way forward. We believe there are four key elements to successfully dealing with anti-social behaviour. First, early intervention is vitally important, preventing behaviour from progressing into offending and causing serious damage to other people's lives. Second, ensuring the individual takes responsibility for their behaviour and seeks to make appropriate reparations to the community for damage caused. Third, individuals should also be required to apologise to the victim and make amends. Fourth, the root causes of the individual's challenging behaviour must be addressed if any lasting changes are to be affected. Furthermore, we believe that encouraging people to take greater responsibility within their community is paramount in this process.

3.2.5 Consequently Liberal Democrats propose establishing Responsible Behaviour Panels. These would be based on the existing Youth Offender Panels, but with a much-expanded role. Rather than just dealing with referral orders such panels would also administer a range of programmes for both youths and adults run as an alternative to prosecution. Offenders might be referred to these panels by the police, housing associations or local authorities after a minor crime or an act of anti-social behaviour has been committed. The panel -consisting of volunteers plus a representative from the Community Sentence Enforcement Service or the Youth Offending Team- would then invite all interested parties to meet, crucially bringing the offender and victim(s) face to face, provide mediation and facilitate an agreed course of action which it would then monitor. This may be as simple as cleaning up some graffiti and writing a

letter of apology to the victim. Panels would be able to engage both parties in a restorative justice process and, if appropriate, put people in touch with other support services able to address the underlying causes of their behaviour. Liberal Democrats strongly advocate tackling challenging behaviour holistically.

3.2.6 Such panels could never act as courts and will never decide on guilt. Offenders will only come in front of them voluntarily and if they accept responsibility for their behaviour. The alternative - in most cases - will be taking the matter to court. We believe that these panels will present an alternative to prosecution, or applications for ASBOs in more minor cases, whilst still providing a positive solution for the victim.

- **We propose: Establishing Responsible Behaviour Panels to tackle minor cases of Anti-Social Behaviour**

3.3 Providing services to the community

3.3.1 Not enough work is done with sections of society that through mental ill-health and drug or alcohol abuse are at risk of both committing and becoming victims of crime. Drugs and alcohol education and rehabilitation, and mental health services are exasperatingly undervalued in terms of the positive contribution they could make to crime prevention by helping those at risk to overcome the challenges they face. At an average cost of £647 per week⁵, over the course of a year, drug treatment costs £6000 less than a prison place and is more successful in effecting lasting behavioural change. Similarly, mental

health problems and the closure of treatment centres has led to an increase in crime related to mental health. Clearly “Care in the Community” has had many failures due to lack of proper resources and investment, leaving the criminal justice system, in many instances, to pick up the pieces. Services which are sufficiently staffed, adequately funded and dedicated to working with at risk people can have a significant success rate - helping them to make life choices which do not involve crime before the potential arises.

- **We propose: Improving community mental health facilities**

3.3.3 Crime related to alcohol and drug abuse is blighting our society. Such problems are also frequently interrelated with mental health problems. We renew the commitments made in Policy Paper 47 *‘Honesty,*

Realism, Responsibility: Proposals for the Reform of Drugs Law’ to increase resources for drug treatment programmes and develop specialised heroin prescription and treatment centres. It is unacceptable, but unfortunately the case, that for many people, their only access to such treatment and advice is through the prison system.

3.3.4 However, we also recognise that too little has been done to combat alcoholism and binge drinking which may lead to alcohol related crime. The Dudley Borough Alcohol Arrest Referral Scheme is a pilot project which aims to reduce alcohol related re-offending by offering all those arrested for relevant offences brief alcohol interventions and, in serious cases, on going assistance. We believe the success rates of this pilot should be carefully monitored and, if practicable, replicated nationally.

Case Study: Watford Ticket System

Particular off licences have been selected to be part of a ticket system, where certain product lines, such as popular alcopops, are being ticketed with a reference code unique to that off-licence so that any alcohol seized from an under-age drinker can be traced back to the supplier.

3.4 Repeat Victimization

3.4.1 We have long been aware of the need to work with victims or locations that have been repeatedly victimised, but we now know that the need for this is on a greater scale than was suspected. Analyses of the British Crime Survey 2000 have estimated that 4% of victims account for between

38% and 44% of all crime reported to the survey⁶. The particular features of repeat victimisation, such as burglary and domestic violence, make it predictable and therefore preventable⁷. A substantial programme of research and development has demonstrated the scope for reducing crime by targeting preventative effort on victims and locations of repeat crime and disorder.

Essentially, high crime areas have such high crime levels, not because they have more victims but because they have more heavily victimised victims. More recent research has highlighted the value of targeting offenders who re-offend against the same people and places. A local strategy should encompass both preventive and detecting measures and will ensure effective co-operation between agencies to prevent repeat victimisation.

3.4.2 The Government is right to focus on the victim. Their approach, such as the Victims' Charter, focuses on the interface between victims and the police and courts during the process of prosecuting an individual crime. We believe much more work needs to be done on helping victims to protect themselves against further incidents of crime.

3.4.3 Crime reduction partnerships, through their constituent agencies, should offer victim consultations with crime prevention experts, offering advice and where possible practical assistance in protecting the victim from further victimisation. This could be help with, for example, securing the windows and doors of a home, or obtaining a personal, car or burglar alarm. Businesses that are repeatedly targeted may benefit from expert advice on store layout, CCTV or staff training. Simply put, those who have been victims of crime once are far more likely to be victimised again unless they receive assistance to better protect themselves and their property.

- **We propose: Deploying Crime Reduction Partnership's resources to prevent repeat victimisation**

Case study: Liverpool Distraction Burglary Awareness Events

Programmes have been held across north and south Liverpool focusing on older/more vulnerable residents who are potential victims of distraction burglary (involving bogus callers/officials). The event's attendees were encouraged to take part in the 'Doorstep Challenge,' a community play that showed how residents could practically be in control of acceptable doorstep behaviour. Crime Prevention officers from Merseyside Police provided information on crime prevention and personal safety in and around the home, and when out in public places.

Punishment, reform and rehabilitation

4.0.1 Liberal Democrats believe any system dealing with offenders must aim to fulfil three functions; punishment, public safety and rehabilitation. A system, which focuses exclusively on punishment, we believe, is ultimately self-defeating as it fails to break the destructive cycle of offending which in turn reduces public safety. The Home Secretary revealed that “more than half of crime in this country is committed by people who have been through the criminal justice system”⁸ costing society an estimated £11 billion per year⁹. Social exclusion, poor education, substandard living conditions, alcohol or drug abuse and mental illness are all massive contributing factors to criminal behaviour. A system that fails to address these problems, and in many cases simply serves to exacerbate them, is doing the public a massive and expensive disservice.

4.0.2 The previous two chapters brought forward proposals to prevent crime from occurring in the first place, yet once crime has occurred resources need to be invested to prevent a cycle developing. Despite the Labour Government’s rhetoric too little has actually been done to tackle the problem of re-offending. Therefore it would be both practical and effective to take steps to focus on changing offender’s behaviour while they are in the criminal justice system to make a real impact on the levels of crime.

4.0.3 Nor can prison alone be considered effective at challenging criminal behaviour. Studies have suggested that it would be necessary to increase the prison population by 15% in order to reduce the rate of crime by 1%¹⁰. At an average annual cost of

£40,992 per year to maintain a prisoner¹¹, Liberal Democrats believe this is hardly cost efficient to the tax payer when other methods are proven to be less expensive and more effective at preventing further criminal behaviour.

4.1 Sentencing

4.1.1 A sentence should fit the crime. The government’s sentencing policy is deeply hypocritical. On the one hand judges and magistrates are being encouraged to hand down more and more custodial sentences for petty crime¹² while on the other they are being consistently undermined by provisions for automatic reductions in custodial sentences. Any sentence should reflect the individual circumstances of the case; where a long custodial sentence is appropriate to the crime or is in the interest of public safety it should be given without compunction. However, some crimes might be better dealt with through non-custodial sentences. Community sentences have frequently been seen as a ‘soft’ option in the past, often as a result of inadequate resourcing and poor public visibility. However, well-designed community based sentences can have a much stronger impact than custody. In order to be truly effective community sentences need to be demanding, rigorously enforced, visible and rehabilitative. This has not been successfully achieved under the present system. Enforcing community sentences is the responsibility of the Probation Service whose focus is split between the challenges of dealing with those, often serious offenders, released

from custody and lower level offenders serving community sentences.

4.1.2 The current weaknesses in community sentencing need to be addressed, to ensure that the system is effective and to build public confidence. We propose establishing the Community Sentence Enforcement Service (CSES), as a separate division of the National Offender Management Service. The CSES would deal exclusively with those offenders receiving non-custodial sentences and have responsibility for devising – alongside the input of the courts- and enforcing suitable community sentence packages including both punitive and rehabilitative measures. This would free the Probation Service to focus on offenders released from custodial sentences.

4.1.3 A run down and vandalised environment has an extremely negative impact on the morale of the local community and gives the impression that engaging in certain anti-social and criminal activities is acceptable. Graffiti is a prime example of this problem. The unpaid work element of community sentences should be targeted at projects that improve the local environment and used wherever possible to require offenders to ‘put right’ the damage they have caused to the local community. Sentencing offenders to projects that visibly benefit the community (such as picking up litter or cleaning graffiti) coupled

with clear signs that those working are offenders, enables people to see the consequences of criminal behaviour. The local community would be encouraged to put forward suggestions of projects that they feel would satisfactorily make amends. The CSES would have statutory regard to the priorities of the local community when devising community sentences.

4.1.4 Rehabilitation to break the cycle of offending behaviour is also extremely important and should involve two key elements. A community sentence package should seek to identify and assist an offender to take steps to address any personal problems which are contributing towards offending, such as substance abuse or debt. It is also appropriate that offenders should also be required to take part in restorative justice measures, which force individuals to take personal responsibility for their actions and make amends to the victim directly.

- **We propose: Establishing the Community Sentence Enforcement Service to develop and enforce demanding, rigorous community sentences which have statutory regard to the suggestions of the local community in devising unpaid work.**

Case Study: Waltham Forest Beat Sweep

“Beat Sweep” is a unique, multi-agency, crime and grime reduction programme led by the SafetyNet Partnership. A different ward in the borough is blitzed by up to 30 CDRP partner agencies working in close coordination to make it a cleaner and safer place to live. Often, the chosen areas report high levels of anti social behaviour.

The National Probation Service also participates by having supervised offenders help clean up areas of Waltham Forest as part of their sentences by engaging in a variety of task such as picking up litter in public parks and removing graffiti.

The programme has received recognition from the launch of “London Cleanup” for being the best practice, in addition to visits and replication by other boroughs.

4.1.5 The number of short custodial sentences for minor offences has increased dramatically since 1994. 53,676 people were sentenced to 6 months or less in prison in 2004 where they served on average less than 2 months¹³. Under the present prison system, such short-term custodial sentences frequently do more harm than good. Little rehabilitation work or constructive participation in education and training can be achieved in a few weeks or months. Incarceration also leaves people vulnerable to problems, such as homelessness, which will increase the likelihood of re-offending. Indeed offenders serving custodial sentences of less than 12 months are significantly more likely to re-offend – 61% of male and 56% of female prisoners- than those serving more. Recidivism rates amongst those convicted of property crime and younger offenders, two groups which frequently overlap, are as high as 92% for those who have served short sentences¹⁴. Consequently it is short-term prisoners who form the hard core of persistent offenders for whom prison is a revolving door; an expensive revolving door with an

estimated average cost of £16,622 for a 6 month stay¹⁵.

4.1.6 Clearly short-term custodial sentences do not form an effective deterrent when an offender knows they are likely to only serve a few weeks in prison. The cost of custodial sentences is not just for the offender either. An estimated 17,700 children a year are separated from their mothers, many of whom end up living with relatives or in care¹⁶. We believe in cases of minor offences, where the offenders poses no risk to the community, that rigorous, visible community sentences are more effective at preventing re-offending and challenging unacceptable behaviour while maintaining the offender’s relationships within the community. In such cases community sentences would be not less than twice the length of the relevant customary custodial sentence. Where a community sentence is breached the courts would retain the right to order the offender to serve the remainder of the sentence in custody.

- **We propose: Establishing a presumption against the use of custodial sentences of less**

than three months, which reinforce criminal behaviour and fail to cut re-offending. To be replaced by rigorous and visible community sentences –of not less than twice the length of the custodial sentence which would have otherwise been imposed- which make criminals work to repay their crimes and stop reoffending

4.1.7 Automatic reduction of custodial sentences, provided for by section 244 of the Criminal Justice Act 2003, undermine the position of the judiciary and promote ineffective short-term prison sentences. We believe the public feels cheated by a sentencing system that enables offenders to serve often significantly less than the custodial sentence awarded by the courts. If they are to retain public confidence, the judiciary must have the tools to impose suitable sentences based on the individual circumstances of each case, not a blanket set of criteria. We believe that judges should retain the ability to reduce custodial sentences by up to a third for those who plead guilty, however, this should be discretionary

- **We propose: Removing provisions for automatic reductions in custodial sentences**

4.1.8 While short custodial sentences for minor offences are frequently ineffective, Liberal Democrats recognise that for serious offences many people believe sentencing to be too soft –despite a 32% increase in the average length sentences given by Crown Courts dealing with the most serious offences¹⁷. We believe this is

due to highly misleading sentencing terminology as opposed to the length of custodial sentences as a rule. An offender sentenced to life imprisonment will on average serve 13 years before release on parole, although some offenders are detained for decades and others can gain release in a few years¹⁸. To label 13 years a custodial life sentence is clearly erroneous, although the actual time served may be appropriate. All sentencing should be honest and transparent, in each case it should be absolutely clear to the public the minimum amount of time an offender will serve. If, for example, 10 to 15 years is deemed right in the circumstances of a case then this must be reflected in the terminology and be made clear to the public when the custodial sentence is given. The Liberal Democrats propose reforming the sentencing system so that prison sentences can adequately match the severity of the crime.

- Life will mean life. The most serious offenders who have been found guilty of the most severe and offensive of crimes, who are intended to spend their whole life in prison, should be given a sentence of **Life Custody**, subject to periodic review by a judge.
- For the other most serious offenders, the present life custodial sentence is misleading. These offenders should be given a **Public Safety Sentence** of indefinite imprisonment with a minimum term announced by the judge in open court.
- Determinate sentences should all have minimum

and maximum terms. The judge will sentence the offender to a **Fixed Term Sentence**, announcing in court the minimum and maximum terms. There will be no automatic early release.

- **We propose: Honesty in sentencing. Recategorising sentencing terminology**

4.1.9 In August 2005, the government launched a database called ViSOR (Violent and Sex Offenders Register). This is a national database to which all forces have access. It contains the details of all those subject to Sex Offenders Act reporting requirements and people sentenced to 12 months or more for violence.

4.1.10 However, because violent offenders are not subject to the reporting requirements applied to sex offenders (unless they are on probation or licence), the data held is not necessarily accurate, making it harder for the police to keep track of individuals. We believe it is appropriate for courts to have the power to impose reporting requirements similar to those faced by sex offenders on more serious violent offenders, together with multi-agency protection arrangements.

- **We propose: Establishing a Violent Offenders Register**

4.2 Institutions

4.2.1 Currently the prison system is a very blunt tool, a one-size fits all institution. Liberal Democrats propose establishing a broader range of secure

institutions that can more easily address the needs of the offender and engage them in rehabilitation schemes while in custody.

4.2.2 Rehabilitation work, education and training should be undertaken in all penal institutions. However, many offenders have specific needs, notably serious drug or alcohol abuse, which require specialist medical help. Few prisons have adequate facilities to address these types of problems. Liberal Democrats believe a proportion of the £1.5 billion the government plan to invest in new prisons should be used to develop secure institutions specialising in drug rehabilitation in order to ensure that while in custody offenders get the help they need to reform. Offenders may be sentenced directly to such an institution by the courts.

- **We propose: Secure drug rehabilitation institutions, paid for in part out of the money earmarked by the Government for new prison places**

4.2.3 We believe that offenders with serious mental disorders and ill-health should not be incarcerated in an environment likely to exacerbate mental stress with limited treatment facilities where they may prove a danger to themselves or others. In 2002, 30% of all admissions to prison health centres were for mental health related problems¹⁹, many of which were severe enough to warrant immediate transfer to secure NHS facilities according to the Chief Inspector of Prisons²⁰. Yet currently, setting aside those who remain undiagnosed, at any one time there is likely to be 40 inmates waiting for more than three months to be

transferred to a secure NHS mental unit²¹. Clearly greater capacity is needed; the prison service should not be used as a holding pen for those with serious and chronic mental health problems.

4.2.4 It is vital people receive the help they need and do not end up victims or perpetrators of crime. The government's prison building programme is estimated to cost £1.5 billion with further £350 million annual running costs²². We propose reallocating the majority of the funding from the new prison programme to the NHS, ring fenced for secure and semi-secure mental health treatment facilities to ensure all inmates with suspected mental health problems are professionally assessed and, if suitable, removed to a secure NHS unit.

- **We propose: Reallocating the funding earmarked for the new prison building programme towards the development of more secure mental health treatment centres, so that prisoners with acute mental health conditions can be moved from prisons into specialised secure locations**

4.2.5 Liberal Democrats propose expanding young offenders institutions and establishing them as secure education and training centres for offenders under 21. We believe that where a young person has committed a crime they should be punished, but in determining an appropriate punishment it should also be recognised that the system is dealing with a child or very young person with different needs to adults. Whilst in custody a young person should have access to full time

education and training as appropriate to their age.

- **We propose: Ensuring all young people in custody should be provided with access to education and training and that they should be offered incentives to improve their skills similar to those available to other young people.**

4.2.6 Ensuring that offenders leave custody with adequate training and education to achieve in the work place is essential to reducing re-offending. Research has suggested that the likelihood of re-offending is three times higher for offenders who do not participate in education or training²³. However, too frequently the training and education on offer is of substandard quality and inadequate. In 2005, the Home Affairs Select Committee estimated 65% of offenders did not receive any training and 31% did not work²⁴. Overcrowding leading to frequent transfers causes much of the disruption preventing constructive programmes. We have brought forward proposals to tackle overcrowding, nonetheless there are still a number of improvements we believe should be made to prison training and education.

4.2.7 Training offenders in marketable skills and establishing clear pathways into employment on release has a proven impact on rates of recidivism. The Prison Service Industries Report clearly identified the benefits of inmates undertaking work which as closely as possible replicates a normal working environment, allowing inmates to gain valuable experience, often for the first time, of working practice which improve their employment prospects. Well-structured

programmes also provide essential training in work-based skills. Projects which forge links with local and national businesses and address skills shortages in the region are particularly successful in getting offenders into employment after release, as the National Grid Project has demonstrated. The project identified a skills shortage experienced within the industry and has worked with prisons to train carefully selected young offenders to meet the industry's needs; those successfully completing the training are guaranteed a job on release. Re-offending rates amongst participants are approximately a tenth of non-participants. However, such opportunities to work have not kept pace with the prison population. Currently only 10,000 prisoners a day are engaged in the types of workshop programmes which were identified by the Prison Service Industries Report as being of greatest benefit²⁵.

4.2.8 We believe the opportunities for prisoners to take part in prison work schemes, such as the National Grid Project, need to be massively expanded, with further encouragement and incentives to a wide variety of both local and national companies to take part. Only 10% of prisoners enter employment on release²⁶. We propose to work to triple this within 10 years. This needs to be placed at the top of the Prison Service's priorities.

- **We propose: Tripling the number of prisoners on prison based work schemes within 10 years**

4.2.9 Working in prison also provides valuable opportunities for offenders to earn money which can be used to service debts on the outside, pay child support and save for release. The

legislation is already in place to channel a proportion of earnings away from the offender. We believe the legislation should be used to require all working offenders to contribute a proportion of their earnings to top up the Victims' Compensation Fund.

- **We propose: Requiring working offenders to contribute a proportion of their earnings to a Victims' Compensation Fund**

4.2.10 The type of education received by inmates is also extremely important. Poor literacy, numeracy, financial and communication skills often get in the way of individuals successfully holding employment, obtaining benefits and accessing services. For example, only one in five prisoners are literate enough to complete a job application form²⁷. Education provided therefore needs to target 'life skills' as well as qualifications. In order to ensure the quality of education, we propose extending the powers of the education inspection bodies to inspect prison education as well.

- **We propose: Giving appropriate bodies power to inspect prison education and training**

4.3 Release

4.3.1 Liberal Democrats recognise that the first few weeks after being released from prison are absolutely critical for an offender; however the system is stacked against them. On leaving prison many ex-offenders find it difficult to sort out practical problems such as benefits, housing and employment. Services can be difficult

to access due to their locations, and take far too long to activate. Individuals are often left for weeks without any means of support or stable accommodation while government agencies process their applications. As a result of the obstacles they face many offenders find it easier to return to crime. Liberal Democrats believe that a system which makes 'going straight' more difficult than committing crime is deeply flawed.

4.3.2 Offenders also frequently need a great deal of personal support and assistance to help overcome the challenges of release and reintegration with the community. Where drug and alcohol addictions or mental health problems have not been adequately addressed in custody, offenders may require assistance accessing support programmes.

4.3.3 Resolving these problems from within prison is often hugely difficult; prisoners have restricted access to telephones, may need professional advice and assistance to successfully complete the necessary procedures and may be lacking essential identity documents for example. Getting their affairs in order, including problems such as unresolved debt, will successfully contribute towards assisting offenders to steer clear of returning to offending behaviour.

4.3.4 We believe that it should be mandatory (by way of an Home Office Prison Service Order) for the Prison Service and the National Offender Management Service (NOMS) to provide facilities for organisations and services, such as Job Centre Plus and the Citizens Advice Bureau, to be able to operate services within prisons as well as NOMs post-release initiatives and probation support procedures. We

also recognise the need for greater support for the Probation Service, which is currently struggling to offer basic assistance to offenders on release. We believe that proposals to remove the responsibility of implementing and monitoring community sentences from the Probation Service will allow it to concentrate on its core functions working with those released from prison. At the moment service delivery inside institutions only occurs at the discretion of prison governors, and very patchily. Given that the key window for re-offending is in the immediate aftermath of release, it is essential that there is access to these services within prison. In addition the third sector plays a valuable role in offender rehabilitation which should be facilitated.

- **We propose: Imposing a statutory obligation on prison to offer prisoners assistance before release to help prevent re-offending through co-ordinated benefit, work and accommodation programmes**

4.3.5 Many of the problems that offenders face upon release could be avoided by better prison induction programmes. On leaving prison, a third of offenders will have lost their accommodation, two-thirds will have lost their job, more than a fifth will face worsened financial problems and two-fifths will have lost touch with their family²⁸. All contributors towards re-offending. Proper induction procedures which identify and develop a strategy to address offenders' affairs on the outside can reduce the likelihood of any such problems developing. Procedures for induction are set out in the Prison Service Orders, however, serious concerns

have been raised that they are not consistently implemented²⁹. The Prison Inspectorate should monitor induction procedures to ensure they are properly fulfilled and promote examples of good practice.

- **We propose: Monitoring implementation of prison induction procedures, and laying down standard best practice across the prison estate.**

Systemic Change

5.0 The Criminal Justice System

5.0.1 Liberal Democrats believe a healthy Criminal Justice system is an essential part of a functioning democracy. However, we believe all is not well with the present system. Liberal Democrats recognise that communities feel alienated from the very system that should be protecting them. Many victims and witnesses believe that the system neither values their involvement nor provides them with any help.

5.0.2 The present system is seen not only as slow but as cumbersome and overly bureaucratic. Parts of the Criminal Justice system can be subject to long delays and postponements. Liberal Democrats understand that being a victim or witness can be a traumatic experience, which requires support and should not be drawn out longer than necessary. It is also important to remember that defendants remain not guilty until either they admit their guilt or it is proven at trial, keeping potentially innocent people on remand for months is unacceptable.

5.0.3 We propose a number of reforms to the criminal justice system that will increase the efficiency of the court process and save many individuals undue personal distress.

5.1 Delay

5.1.1 Delay is an endemic problem throughout the court service. Often this results from both a lack of resources and flawed procedures within the police, CPS and courts themselves. At

present, any increase in detection rates could not be speedily dealt with by the system. It is up to the courts to take a robust attitude towards delays, however, procedural changes and better use of IT and communications technology could significantly improve the process.

5.1.2 Currently, either way offences (an offence which could be heard in either a magistrate or crown court depending how complex or serious a magistrate judges it to be) cannot be sent straight to the Crown Court without a committal hearing – a second appearance in a Magistrates’ Court after the decision to transfer the case is made. This usually results in delays of several weeks while statements are prepared and takes up valuable Magistrates’ Court time. There is no reason why cases can not be transferred straight away, allowing any perceived inadequacies in the evidence to be dealt with by an early dismissal application to the Crown Court.

- **We propose: Abolishing committal hearings**

5.1.3 Many appearances in both the Crown Court and Magistrates’ Courts are for administration and case management purposes, as opposed to presenting evidence or examining guilt. Advocates frequently travel long distances to appear in court for no more than a few minutes. More extensive use of video and telephone links for remand court appearances, pre-trial proceedings and administrative hearings, when defendants were not required to be present, would save time and be more environmentally sustainable.

- **We propose: Allowing prosecutors and defence solicitors to appear by video link for remand court appearances, pre-trial proceedings and administrative hearings**

5.1.4 Regardless of the system there will be times when courts experience a backlog, either due to the complexity of the cases or through sheer volume. Where a backlog does build up this has a negative knock on effect for all trials. At such times more magistrates are required to hear proceedings. The government has the power to allow District Judges and Magistrates to sit anywhere within the National Commission boundaries, this power should be used on a regional basis to strategically deploy magistrates to prevent backlogs of trials building up.

- **We propose: Taking strategic action to deploy judges and magistrates as needed to prevent backlogs of trials developing.**

5.1.5 Allowing long periods of time to elapse between arrest and trial is in most cases unacceptable and detrimental. Victims are prevented from getting on with their lives, witnesses may be lost and defendants – who have not yet been judged innocent or guilty- may spend that time in a prison cell. Based on evidence from the legal community, we believe that in Magistrates’ Courts an average time of 90 days should be set from arrest to trial and performance monitored by reviewing average times. An extension of the 90-day average would be acceptable where it is in the interest of justice, where cases are particularly

complex, or there have been unavoidable delays.

- **We propose: Setting an average of 90 days between arrest and trial**

5.1.6 Traditionally, the courts have taken a hands-off approach to the management of offenders during their sentences. Whilst the management of offenders after sentence has been passed remains the core responsibility of the National Offender Management Service, we believe that there would be significant benefit for courts to play a more active role in reviewing the progress of sentences, as the success of the Drug Rehabilitation Courts pilot schemes in Leeds and West London demonstrates. The pilot scheme has set up specialist drug courts which are presided over by specially trained judges who continue to monitor the progress of the defendant throughout their sentence. The scheme has proved very effective at assisting offenders to complete drug rehabilitation. We advocate both the expansion of the Drug Rehabilitation Courts programme and extending the principle of sentencing review to all courts, as by allowing courts to re-sentence more quickly when it is clear that an Order is not working and by being better informed about the success of their sentencing overall, courts will be better able to sentence effectively and help reduce re-offending.

- **We propose: An expansion of specialist Drug Rehabilitation Courts and introducing National Offender Management feedback reports to courts**

5.2 Courts and the community

5.2.1 Many communities are feeling increasingly disconnected from the courts and justice. Re-connecting communities with the system will play a key part in improving both faith in the system, and in encouraging greater involvement in the fight against crime.

5.2.2 At present, in many Magistrates' Courts, much of the work takes place, if not in secret then without notice, especially since the decline of the local press means reporters no longer visit many of these courts on a regular basis. The visibility of Magistrates' Courts and their decisions needs to be increased, especially given they deal with over 90% of criminal cases. We believe that all decisions made by courts should be available for scrutiny on the internet although with a time limit for how long they should be displayed.

- **We propose: Making court decisions and trial results available on the internet**

5.2.3 The wholesale closure of court buildings, started by the last Conservative government and continued under Labour, needs to be halted. Although many communities are relatively crime-free places, they are entitled to both adequate police protection and to their own Magistrates' Court. Liberal Democrats would urge the use of powers available under the 2003 Criminal Justice Act to ensure communities have access to courts within a reasonable travelling distance. Such a move would also be in tune with the Liberal Democrat green agenda.

- **We propose: Halting the closure of local Magistrates'**

Courts to ensure communities have access to courts within reasonable travelling distance

5.2.4 We would encourage the government, trade unions and employers to allow more volunteers to become Magistrates. At present, too many people in employment are prevented from volunteering because of fears about the effects upon their working lives. Furthermore, many are unaware of the requirements to become a magistrate or what the role involves. Action should be taken by government at all levels to encourage more people –particularly those living in high crime areas- to become involved in helping to reduce crime.

- **We propose: The present Magistrates' recruitment campaign should be strengthened and extended to target under-represented groups in society**

5.2.5 Now that jury service is universal, we would require some jurors to be assigned to Magistrates' Courts to sit alongside District Judges in trials. We do not think it right that guilt and innocence should ever be decided by just one person, nor that a judge decide points of law, whether to admit evidence, guilt and sentence. We propose requiring three jurors to sit with a district judge who would be requested to hear the evidence and reach a verdict under the guidance of the judge. We believe this would not unduly slow trials.

- **We propose: Requiring jurors to sit alongside district judges in trials**

5.3 Court Diversion

5.3.1 Many of those who come before the courts have mental health problems, which the stress of an episode in custody can precipitate or exacerbate. The presence of mental ill-health should not automatically exclude an individual from a sentence or from answering allegations in court. However, we recognise that such defendants may have unique needs when engaging with the courts and police, and that, ultimately, admittance to a mental facility might be the most appropriate course of action.

5.3.2 A lack of appropriate training for police officers reduces the likelihood that vulnerability will be recognised when someone first comes into contact with the system. Recognising mental ill-health is extremely important, it impacts on the decision to call an ‘appropriate adult’ and the need to call for a specialist assessment.

Furthermore, many offenders who have mental health problems have multiple needs, including drug and alcohol problems, present challenging behaviour and are often difficult to engage with. The police as, most usually, the first point of contact should be equipped to deal with such behaviour sensitively. It is particularly common for individuals with obvious drug and alcohol problems combined with less obvious mental health problems to remain undiagnosed and end up spending extended periods of time within custody rather than in a treatment facility. The police and the courts need to be able to work with individuals who have a continuum of mental health needs and not just intervene with those who can be formally identified under the Mental Health Act.

- **We propose: Appropriate training programmes for Custody Sergeants to improve identification of vulnerable offenders.**

5.3.3 We have brought forward proposals to increase both secure and non-secure mental health provision to ensure proper provision of community facilities and to enable offenders with serious mental health problems to be diverted into secure NHS units. However, without proper mental health liaison services for the police, courts or prisons little will be achieved. Evidence shows that liaison schemes are effective at diverting the seriously ill from custody and connecting individuals with low-level mental health needs to appropriate services within the community while their criminal justice proceedings continue. Currently, the coverage and quality of police and court liaison schemes is patchy, with inconsistent and inadequate hours of operation and staffing levels. It is too easy for vulnerable offenders to slip through the net. Requiring primary care trusts to divert some mental health resources to dealing with defendants, by making court and police liaison schemes mandatory, would facilitate much better delivery.

- **We propose: Making court, prison and police liaison services mandatory in Primary Care Trust local delivery plans**

5.4 Victims

5.4.1 Although the very purpose of the Criminal Justice System is to protect

the public and obtain justice on behalf of victims, all too often victims become lost in proceedings that focus on the defendant. It is vital that victims are properly supported through out the process, fully understand what is happening at every stage and have a strong voice.

5.4.2 Court proceedings and trials are often very confusing for people. Liberal Democrats believe victims and their families should be properly guided through the criminal justice process by a liaison worker able to explain proceedings and address any concerns they have. A victim's advocate could play a vital pastoral role from the time of the crime being reported, throughout the trial and subsequently at the time of parole.

- **We propose: Introducing victim advocates to provide support and advice**

5.4.3 Supporting the victim may also require ensuring that they have a proper voice in proceedings. The Victim's Advocates Scheme being trialed by the Government at five courts around the country for the families of murder and manslaughter victims is attempting to do both. We have some reservations regarding the practicalities of introducing victim advocates: however, we will review and take into serious consideration the findings of the pilot scheme.

5.4.4 Liberal Democrats sign up to the principle that victims of crime should be entitled to some compensation whether this is obtained from the perpetrator by court order or if it is paid by the state via the Criminal Injuries Compensation Scheme. While it cannot be considered the fault of the state that an individual has been

victimised, we recognise that being a victim of crime can be both traumatic and have both long and short term consequences for an individual's life and livelihood. Yet under the present system there are frequently long delays in both the Criminal Injuries Compensation Scheme and receiving court ordered payments. Consequently, victims do not receive assistance when they most need it.

5.4.5 The Criminal Injuries Compensation Scheme is often slow and inefficient, it takes an average of 39 weeks to process each case, and some much longer. At present if a claimant is dissatisfied with a decision the next step is to have it reviewed by a more senior claims officer from within the Criminal Injuries Compensation Authority before that decision could be taken to the Criminal Injuries Compensation Appeal Panel (CICAP). Rather than the present "3 tier" structure we advocate a single, fully explained decision open to appeal. Furthermore, any claim that has not been decided within 12 months should automatically be referred to the CICAP for a decision.

- **We propose: Simplifying the claims and appeals process to ensure any claim is decided within 12 months**

5.4.6 The Criminal Injuries Compensation Appeal Panel needs to be given greater powers to summon police witnesses and require police authorities to produce documents in order to achieve speedy decisions. Long delays can occur when police authorities fail to fully co-operate with the process. More use should also be made of interim payments in particularly complex cases to ensure that victims do not suffer undue

financial hardship while their claim is being resolved.

- **We propose: Extending the powers of the Criminal Injuries Compensation Appeal Panel (CICAP) to ensure speedy decisions**

5.4.7 Liberal Democrats are concerned that, despite inflation, the maximum level of award has remained at £500 000 since 1996 thus dropping in real terms by 25%. We are concerned too that the scheme is inadequate for dealing with cases involving multiple injuries. We propose reforming the awards system by:

- Increasing the awards in line with inflation.
- Replacing the current tariffs with guideline brackets to allow awards to reflect the unique circumstances of each case.
- Ensuring that awards reflect the number as well as severity of injuries.
- Stop taking a claimants previous convictions into account, only a claimants actions directly related to the incident are relevant.

The additional cost to the Criminal Injuries Compensation Scheme will be funded by additional contributions from the common fund that will be paid into by our proposed prisoner work contributions.

- **We propose: Ensuring fairer payments for victims dependent on their individual circumstances and in line with inflation**

5.4.8 At present how much an offender will be ordered by the court to pay in compensation to a victim can seem like a complete lottery. The compensation is also often never paid as the offender ends up in prison or cannot afford to make payments, which means victims loose out. Establishing a common fund would enable courts to pay victims up front, recovering the money from the offender later, if necessary from their wages or benefit payments. Consequently ensuring a victim receives the support they need when they need it. Furthermore, if an offender proves unable to pay the victim is protected from simply never receiving a payment. The fund would allow for any short falls by receiving additional payments from the prisoners work contributions. Diverting income from fines and other penalties into the fund could also make up any shortfall.

- **We propose: Establishing a common victim compensation fund**

Conclusion

6.0.1 These proposals seek to strengthen our ability to prevent crime from taking place in the first place; to give citizens and communities a greater stake in the criminal justice system; reduce delays in the administration of justice, and instil honesty in sentencing; provide durable answers to the problems of anti-social behaviour; make prison work for offenders, victims and the public alike; and provide victims with the support and compensation they deserve. Above all, they are proposals which are pragmatic, workable and evidence based. They will help make the public both feel safer, and be safer.

6.0.2 The Liberal Democrats are proud of our track record for being effective in tackling crime. Crime prevention and reducing re-offending is the laborious and unglamorous element of tackling crime undertaken by those who really care about making our communities safer. We are committed to that challenge and, in bringing forward these proposals, we reaffirm Liberal Democrat commitment to our core principles: Promoting fairness, social inclusion and justice.

Notes

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- ¹ Ekblom and Tilley: 'Going Equipped' British Journal of Criminology 40: 376-398 (2000)
 - ² Hansard House of Commons written answers (24/01/06)
 - ³ The Youth Justice Board Report 'Anti-social Behaviour Orders' (2005)
 - ⁴ Ibid
 - ⁵ Hansard House of Commons written answers (18/04/06)
 - ⁶ Kershaw et al, *The 2000 British Crime Survey for England and Wales: Home Office Statistical Bulletin* (2000)
 - ⁷ Anderson et al, *Biting Back: Tackling Repeat Burglary and Car Crime*, Crime Detection and Prevention Series, Paper 58 (1995a)
 - ⁸ Rt Hon Charles Clarke MP, Hansard House of Commons debates (9/02/05)
 - ⁹ Social Exclusion Unit Report 'Reducing Re-offending by Ex-Prisoners' (2002)
 - ¹⁰ The Halliday Report 'Making Punishment Work', Home Office (2001)
 - ¹¹ Hansard House of Commons written answer (18/04/06)
 - ¹² Hough, Jacobson and Millie, *The Decision to Imprison: Sentencing and the Prison Population* (2003)
 - ¹³ Home Office Statistical Bulletin, *Sentencing Statistics 2004 England and Wales* (2005)
 - ¹⁴ Social Exclusion Unit Report 'Reducing Re-offending by Ex-Prisoners' (2002)
 - ¹⁵ Scottish Liberal Democrats Policy Paper 'Effective, Efficient, Fair' (2006)
 - ¹⁶ The Prison Reform Trust Bulletin 'The Bromley Briefings: Prison Factfile 2006' (2006)
 - ¹⁷ Home Office Statistical Bulletin, *Sentencing Statistics 2004 England and Wales* (2005)
 - ¹⁸ Home Office Report 'The Prison Population in 2001: A Statistical Review' (2003)
 - ¹⁹ Hansard House of Commons written answers (18/03/03)
 - ²⁰ HM Inspectorate of Prisons Report 'Annual Report of HM Chief Inspector of Prisons for England and Wales 2002-3' (2004)
 - ²¹ The Prison Reform Trust Bulletin 'The Bromley Briefings: Prison Factfile 2006' (2006)
 - ²² Hansard House of Commons written answers (04/09/06)
 - ²³ Social Exclusion Unit Report 'Reducing Re-offending by Ex-Prisoners' (2002)
 - ²⁴ Home Affairs Select Committee Report 'Rehabilitation of Prisoners' (First Report 2005)
 - ²⁵ Ibid
 - ²⁶ Webster, Hedderman, Turnball and May, *Building Bridges to Employment for Prisoners*, Home Office Research Study 226 (2001)
 - ²⁷ Social Exclusion Unit Report 'Reducing Re-offending by Ex-Prisoners' (2002)
 - ²⁸ Ibid
 - ²⁹ Ibid

This paper has been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 5.4 of the Federal Constitution. Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom. The Party in England, the Scottish Liberal Democrats, the Welsh Liberal Democrats and the Northern Ireland Local Party determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas. The Party in England has chosen to pass up policy-making to the Federal level. If approved by Conference, this paper will therefore form the policy of the Federal Party on federal issues and the Party in England on English issues. In appropriate policy areas, Scottish, Welsh and Northern Ireland party policy would take precedence.

Many of the policy papers published by the Liberal Democrats imply modifications to existing government public expenditure priorities. We recognise that it may not be possible to achieve all these proposals in the lifetime of one Parliament. We intend to publish a costings programme, setting out our priorities across all policy areas, closer to the next general election.

Working Group on Crime in the Community

Note: Membership of the Working Group should not be taken to indicate that every member necessarily agrees with every statement or every proposal in this Paper.

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