

Community sentences

Punishment and rehabilitation in the community – the strategy at a glance

- sentencers now have access to community orders that combine punishments such as unpaid work, curfews and exclusions with rehabilitative requirements like drug treatment;
- it is essential that persistent offenders get the right level of punishment and supervision resources. There are now plans to test even more intensive measures to deal with these offenders;
- evidence tells us that community punishments are helping to reduce re-offending, therefore we would like to see greater use made of the best community sentences to punish and rehabilitate persistent offenders;
- we want offenders to make a constructive contribution to society, not be an expensive burden on it, and with the right combination of interventions, this can happen.

People can be and are punished in the community in several ways, including fines, compensation orders and civil orders such as antisocial behaviour orders (ASBOs). The most common alternative to custodial sentences is to pass a community order. Community orders have evolved greatly since the First Offenders Act of 1887 made it possible for offenders to be released into the community on condition of good conduct instead of going to prison. Current Community Orders were introduced in the 2003 Criminal Justice Act and provide a menu of punitive and rehabilitative options that can be combined to produce a demanding package.

The 12 potential requirements of a community order

With the 2003 CJ Act, we put in place a community order which can for the first time be made up of one or more of 12 different requirements. These are:

1. Unpaid work;
2. Supervision – the offender must attend appointments with a responsible officer;
3. Programme – the offender must participate in an accredited programme specified in the order (e.g. substance abuse programme; drink impaired driver programme; offending behaviour programme);
4. Drug Rehabilitation;
5. Alcohol Treatment;
6. Mental Health Treatment;
7. Residence – the offender must reside at a place specified in the order for a specified time;
8. Activity – the offender must participate in an activity specified in the order, or present him/herself to a person specified in the order. The activity might, for example, include reparative work;
9. Prohibited Activity – the offender must refrain from engaging in specified activities for a specified period (e.g. not attending football matches);
10. Exclusion – the offender is prohibited from entering a place specified in the order for a specified time;
11. Curfew – the offender must remain, for specified periods, at a specific place;
12. Attendance centre (offenders under 25 years only) – the offender must go to an attendance centre for a specified number of hours.

All community orders can be made alongside compensation orders, driving disqualifications and civil orders such as ASBOs.

Requirements can be combined to punish offenders, rehabilitate them and to restrict their movements. The number and intensity of requirements can be varied to produce an individually tailored package. The overall restriction on liberty imposed by the order must be commensurate with the seriousness of the offence. This means the community order can be used as a sentence for a very wide range of offenders. More serious offences will attract more or longer requirements, whereas less serious offending may be appropriately dealt with by one or two requirements. A single unpaid work requirement is often imposed for less serious offences.

A community order can last for up to three years but individual requirements can be for different lengths:

- An offender convicted of a serious offence might typically receive a sentence with a 2 year supervision requirement, a requirement to attend an accredited programme and a curfew requirement backed by electronic monitoring.
- If offending is fuelled by a drug problem, the offender might receive a sentence with a 12 month supervision requirement, a 12 month drug rehabilitation requirement and a programme requirement.
- If a serious offence has been committed, but no specific problems have been identified, the offender might be sentenced to an unpaid work order of 300 hours and a 6 month curfew.

There are minimum standards for how often an offender must be seen, with *minimum* contact set for a number of offenders, although *required* contact may be much higher. Most offenders will be seen at least weekly for the first 16 weeks of the order, although for those on Prolific and Other Priority Offender schemes this might be four times a week or more.

Those whose sentence includes requirements for drug rehabilitation have higher minimum contact times. Requirements for drug, alcohol or mental health treatment may include clinical intervention, counselling and group work as well as housing and employment support.

Offenders who fail to comply with their community order are breached and returned to court. The court can re-sentence the offender for the original offence and might impose a custodial sentence. Alternatively, the court can extend or add requirements and allow the community order to continue. Home Office National Standards require Probation staff to breach an offender after a maximum of two unacceptable failures to comply in a 12 month period. The National Probation Service has significantly improved its performance for enforcement of community orders in recent years: 52 per cent of offenders were breached in accordance with the national standard in 2001/2 but this increased to 92 per cent in 2006.

Unpaid work

- The number of hours which a person may be required to work must be not less than 40 and not more than 300 hours;
- It is estimated that the average worked is 109 hours.

In 2006:

- there were 35,700 successful completions of unpaid work requirements under community orders;
- local communities benefited from 6.5 million hours of compulsory unpaid work, the equivalent of nearly £35 million worth of work free to local authorities, schools, local groups and charities.

All offenders subject to a community order will be allocated an offender manager, but interventions may be provided by a range of other agencies. For example:

- drug and alcohol treatment are often provided by the NHS or voluntary sector;
- education is provided by learning and skills councils;
- supervision of PPOs is delivered in conjunction with the police;
- to supervise offenders who are subject to multi agency public protection arrangements (MAPPA) the police, probation and other relevant agencies work closely together and share information;
- electronic monitoring of curfews is delivered by the private sector;
- Unpaid Work is currently delivered by Probation Areas who may sub contract to, or work in partnership with, the voluntary or private sectors.

Unpaid work for a lunch club

Brierley House Luncheon Club runs every Sunday and it is offenders that get the food on the table. Around six offenders with a supervisor provide a two-course meal for between 20-25 senior citizens. The meal is prepared, cooked and served by offenders who are carrying out unpaid work as part of their Community Orders.

The next section of this paper also sets out how we want to open up probation services to a wider range of providers.

Community Payback in Flintshire

A series of “environmental audits” was conducted by North Wales Police with community councils in Flintshire. The aim was to identify trouble spots and clear them up. Studies show that areas blighted by graffiti, mess and litter are much more likely to attract crime. Clear up work in these areas is now being carried out by teams of offenders organised by the North Wales Probation Area. As part of their sentences, they have been compelled by the courts to carry out unpaid work to help the community. The work involves activities such as clearing a ditch of rubbish and removing graffiti. *“The police prioritise the jobs for us and we can crack on to tackle the worst examples”* said one offender. The Community Payback scheme has received positive feedback from both the participant offenders and the community: *“I think we are doing something valuable. At the end of the day, it’s punishment but it serves the community – we are giving something positive back”* (offender), *“The probation service has provided valuable help in instances such as this where litter is seen to be a problem and we are grateful for their support in enhancing the local environment”* (Acting Chief inspector).

Prolific offenders

Those offenders who commit the most crime and who are of most concern to their local communities can be placed on a *Prolific and other Priority Offender scheme* (PPO). This initiative was established in 2004 and there is a PPO scheme in every probation area in the country.

Prolific and other Priority Offenders (PPOs) are subject to intense supervision and are offered interventions to change their offending behaviour or face a swift return to the courts. An offender is actively monitored by the police, probation and other agencies who ensure that he or she is supported to stop re-offending and helped to prevent re-offending. While no firm conclusions can yet be drawn about the specific impact on levels of offending the results are already encouraging.

Stopping prolific offenders

Mr D's criminal history began in 1997 when he was sixteen and became a regular visitor to the courts. He was considered to be a prolific offender with a clear pattern of behaviour associated with acquisitive crime and he had failed to respond to previous sentences of the court. After several custodial sentences he was finally released on licence in November 2004 with a condition to attend the Prolific and other Priority Offenders Programme. Mr D was offered a property which he accepted. He has decorated it and maintained this tenancy. He was offered a methadone script, which he accepted and subsequent urine tests were all negative for opiates. Mr D was on the programme for twelve months and during this period there were no further recorded offences and no police intelligence to suggest further illegal activities. Consequently, during the October 2005 formal review Mr D was removed from the current PPO register. Since then, no further convictions have been recorded against Mr D, and local police intelligence have no further information recorded against him.

Building on arrangements for supervising offenders on PPO schemes and on the minimum contact times for offenders on Community orders with a Drug Rehabilitation Requirement, we will work with the courts to commission and test even higher intensity community orders as an alternative to custody for offenders who might otherwise get a short prison sentence. This sort of high intensity community order would not need new legislation and could include:

- a Supervision Requirement (maximum 3 years) to build and sustain motivation, address individual need for rehabilitation and to support inter agency working;
- an unpaid work requirement (max 300 hours) to deliver punishment and reparation;
- a programme or treatment requirement;
- a 6 month curfew to punish the offender and restrict his/her liberty.

The order would mean minimum contact of about 20 hours per week with some contact most days. It would involve information sharing and liaison between probation and the police to deter further offending and, if the offender did commit further crime, ensure quick arrest and interruption.

The aim of the sentence would be to punish and rehabilitate offenders while restricting their liberty in the community. Because of the intensity and combination of requirements, it is envisaged that sentencers would use an order like this instead of a short custodial sentence whenever appropriate. We plan to test the idea to ensure that it works well in practice.

"... it's not only a punishment, but it is a making right, because being in jail is clearly a punishment but doesn't make anything right. Whereas doing something in the community that may well make other people's lives a bit better is making it right" Community member talking about Unpaid Work

There is evidence that:

- community-based programmes, in general, produce more positive results compared with prison-based interventions¹;
- offenders perceive community sentences to be useful and to help them stay out of trouble², and that they welcome the opportunity to learn new skills;
- supports the effectiveness of cognitive behavioural programmes (also referred to as offending behaviour programmes) in reducing re-offending. These programmes include cognitive behavioural programmes for general offenders, sex offenders and for substance-misusing offenders;
- drug treatment can be effective in reducing drug-related crime and overall re-offending;
- indicates that community orders generally are reducing re-offending.

Offenders who commenced a community penalty in the first quarter of 2004 showed reductions in their actual proven re-offending rates compared to their predicted rates (based on 2000 patterns) and actual re-offending rates were lower in 2004 than in 2000 for all types of community sentences. For example: for Community Punishment Orders (the predecessor to an unpaid work requirement) the predicted and actual rates were 43.5 per cent and 37.9 per cent respectively.

1 McGuire, J. (2000) What Works in Reducing Criminality. In Graycar, A. (ed.) *Reducing Criminality – Partnerships and Best Practices*. Australian Institute of Criminology.

2 Mair, G. and May, C. (1997) *Offenders on Probation*. Home Office Research Study 167. London: Home Office.