

Press release: Justice Secretary David Gauke sets out long-term for justice

- focus on effective alternatives to custody in the community and more punitive sanctions on certain criminals
- shift resource to probation with new reforms to be unveiled later this year
- harness technology to hit fraudsters where it hurts – in the pocket

In a landmark speech he challenged the “polarising” view that there is only a choice between “soft” and “hard” justice, arguing that the focus should instead be on a system based on evidence of what actually works – “punishments that are punitive, for a purpose”.

In setting out his vision, the Justice Secretary stressed he did not want to reverse tougher sentencing for serious crimes, but urged caution in continuing to increase sentence length as a response to concerns over crime.

Instead, he urged those who shape the system to “take a step back” and ask fundamental questions such as whether our approach to sentencing reduces crime; if prisons currently maximise the chances of rehabilitation; and if we should look at better alternatives to punish and rehabilitate offenders.

He said:

I think now is the time for us as a society, as a country, to start a fresh conversation, a national debate about what justice, including punishment, should look like for our modern times.

Sentencing and community orders

On sentencing, he said that the high rate of reoffending for those on sentences of less than 6 months showed that for them and wider society “prison simply isn’t working”.

There was, he said, “a very strong case to abolish sentences of 6 months or less altogether, with some closely defined exceptions, and put in their place, a robust community order regime”.

Among the problems with short sentences he cited were disruption to the lives of families when women went into custody and – for women and men – the loss of access to benefits and drug or alcohol support services and treatment.

Offenders were less likely to reoffend if they are given a community order, he said, because these orders were “much more effective at tackling the root causes behind criminality”.

He said:

Now, I do not want community orders which are in any sense a 'soft option'.

I want a regime that can impose greater restrictions on people's movements and lifestyle and stricter requirements in terms of accessing treatment and support. And critically, these sentences must be enforced.

Mr Gauke stressed the vital role technology has to play in effective community orders, and pointed to the recently-announced rollout of a GPS tagging programme to more effectively monitor offenders' movements.

He continued:

Other new technology and innovations are opening up the possibility of even more options for the future too.

For example, technology can monitor whether an offender has consumed alcohol, and enables us to be able to better restrict and monitor alcohol consumption where it drives offending behaviour.

We are testing the value of alcohol abstinence monitoring requirements for offenders on licence, building on earlier testing of its value as part of a community order.

Probation

The Justice Secretary pledged to set out more detail on probation later this year, and stated that "if we want to successfully make a shift from prison to community sentences it is critical that we have a probation system that commands the confidence of the courts and the public".

He said:

In thinking strategically about the future of our justice system I believe in the end there is a strong case for switching resource away from ineffective prison sentences and into probation. This is more likely to reduce reoffending and, ultimately, reduce pressures on our criminal justice system.

I am determined to strengthen the confidence courts have in probation to ensure we can make this shift away from short custodial sentences towards more punitive and effective sanctions and support in the community.

Economic crime

Mr Gauke said he was looking not only at more effective punishment for those

on short sentences, but also those convicted of more serious crimes such as fraud, where the custody rate has increased from 14.5% in 2007 to over 20% now.

He singled out how fraudsters – whose crimes can be “devastating” for victims – could return to their comfortable lifestyles after prison, but that this could be addressed through “a combination of technology and radical thinking”.

He said:

After serving part of their sentence behind bars, we could, for example, continue to restrict an offender’s movement, their activities and their lifestyle beyond prison in a much more intensive way.

And that could also mean a real shift in the standard of living a wealthy criminal can expect after prison.

I want to look at how, once a jail term has been served, we can continue to restrict their expenditure and monitor their earnings, using new technology to enable proper enforcement.

They would be in no uncertainty that, once sentenced, they wouldn’t be able to reap any lifestyle benefits from their crimes and would need to make full reparation to the community as part of the sentence.

Concluding his speech, Mr Gauke said:

Prison will always play a part in serving as punishment for serious crimes and in rehabilitation, and our reforms will deliver that. But we need to think more imaginatively about different and more modern forms of punishment in the community. Punishments that are punitive, for a purpose.

As with our approach to short sentences, ultimately, it’s about doing what works to reduce reoffending and make us all safer and less likely to be a future victim of crime.

Guidance

The Ministry of Justice has introduced a wide range of reforms since David Gauke was appointed Justice Secretary in January 2018, including:

- Restoring stability to the prison estate with a £70 million investment in safety, security and decency.
 - This includes £16 million to improve conditions for prisoners and staff and £7 million for new security measures, such as scanners,

improved searching techniques, phone-blocking technology and a financial crime unit to target the criminal kingpins operating in prisons.

- More than 4,300 prison officers have been recruited, staffing levels are at their highest since 2012, and there has been a significant focus on prisoner rehabilitation.
- Launching the Education and Employment strategy last year, which focuses prison regimes on rehabilitation and helps set each prisoner on a path to employment for when they are released.
- Reforming the Parole Board to increase transparency, improve the process for victims and, crucially, introducing a reconsideration mechanism to allow any seriously flawed release decision by the Parole Board to be looked at again without the need for judicial review.
- Unveiling the Victims Strategy, which ensures support for victims is aligned to the changing nature of crime, and boosts services at every stage of the justice system.
- Launching a consultation on no fault divorce, to remove the acrimony created by forcing couples to attribute blame when a marriage ends.
- A draft Domestic Abuse Bill, which represents the most comprehensive package ever to tackle abuse, better support victims, and bring more offenders to justice.
- Launching a new vision for the future of legal aid, including £5 million of funding for technical innovation and £3 million to support litigants in person. This Legal Support Action Plan followed the Post Implementation Review of LASPO reforms, prioritising early intervention and broadening the types of support people can access.
- Moving more court processes online, saving time and money as part of the government's ambitious £1 billion court reform programme, bringing new technology and modern ways of working to the justice system. This includes a new fully accessible online civil money claims service giving the public the ability to make small claims online – with more than 37,000 claims made since its launch in March and user satisfaction at 90% – and a new system for applying for divorce online, which has cut errors in application forms from 40% to less than 1%.
- Investing £15 million in the court estate on more than 170 wide-ranging improvement works across a number of sites before the end of the financial year.

- Introducing the “Upskirting” Bill, protecting victims by making this invasive behaviour a criminal offence punishable by 2 years in prison.

- Publishing a Female Offender Strategy which delivers dedicated support to vulnerable female offenders – diverting them away from short prison sentences wherever possible. This includes £5 million of funding in community services as well as establishing five pilot residential women’s centres across England and Wales.

- Introducing 3 new justice bills into law:
 - The Prisons (Interference with Wireless Telegraphy) Bill means mobile network operators can now detect, block and investigate illegal phone use in prisons – joining the government in the fight against criminals who fuel violence behind bars.
 - The Assaults on Emergency Workers (Offences) Bill doubled the maximum prison sentence from 6 to 12 months for anyone found guilty of assaulting a prison officer
 - The Civil Liability Bill will ensure spurious or exaggerated whiplash claims are no longer an easy payday. Compensation will be capped, and settling claims without medical evidence will be banned – with insurers promising to pass on savings to hard-pressed motorists through lower insurance premiums.