

Smarter sentences, safer streets: David Gauke speech

It's great to be here and can I thank Edelman for providing the venue and Social Market Foundation for hosting and thank you all for coming today.

Gathered in this room there is a wealth of wisdom, expertise and experience of our justice system. You all share, as I do, a deep commitment and passion for reform to ensure justice in this country is delivered in an effective and fair way.

I want to thank you for your dedication and for the valuable work you do and the different perspectives you bring.

In my last major speech on justice reform in February, I spoke about how we need to look beyond prison, move away from short custodial sentences and towards more effective alternatives in the community that better target the causes of offending.

Since then, we've continued to build the evidence base for what works and lay the groundwork for delivering that, for example, with fundamental reform of the probation system.

Today, as we publish the latest set of research and statistics on reoffending, it seems timely to update you on the work we have been doing and to take stock of where we are and what, I believe, our direction of travel should be.

Rehabilitation as the best route to reducing reoffending

There is one stark fact facing us: three quarters of all crime that results in a caution or sentence happens because of reoffending.

We must be fearless in dealing with this.

Whilst long prison sentences will always be right for those who commit the most serious crimes, particularly of a violent or sexual nature, the fact is that the vast majority of all offenders will at some point be released. Most people who go to prison are there for a matter of months or weeks. Last year, for example, sentences of 12 months or less accounted for over two thirds of all immediate custodial sentences.

I believe the public therefore expect the justice system to focus on rehabilitation to reduce the risk of subsequent offending – and the likelihood of them becoming a victim of crime.

That means prison and serving a sentence is not an end in itself, but it is a means to an end, a means to make society safer. We need to punish for a purpose.

Only by successfully rehabilitating offenders so they don't commit a crime when they are released will we prevent more crime and more victims of crime.

The new evidence

When I became Justice Secretary in January 2018, I didn't have a pre-conceived view on short sentences. But I wanted to see and understand the evidence.

I wanted to know what the real cost of reoffending is to our society. Our new research today has found it is over £18 billion a year.

I also wanted to know whether short prison sentences are actually the best way to keep us safe and prevent reoffending.

The latest evidence suggests that if all offenders who currently receive prison sentences of less than six months were given a community order instead, we estimate that there would be around 32,000 fewer proven reoffences a year. That's an estimated 13% fewer proven reoffences for this cohort.

That's not just a statistic, that's thousands fewer actual victims; and it's safer streets and safer communities.

And I've wanted to understand why a particular group in society find themselves more likely to be moving in and out of prison again and again.

Today's research helps us to see past the offence to the person and the complex needs that contribute to keeping them trapped in a cycle of crime.

Over two thirds of those in prison for six months or less have a drug misuse problem. 72% lack the skills and motivation to get or hold down a job. 60% do not have a stable or suitable place to live. These are the problems we need to address to have a meaningful impact on reoffending rates.

But when offenders only serve short custodial sentences of up to six months, the median time spent in prison is just 6 weeks. This just isn't enough time for any effective rehabilitation to take place to successfully tackle these problems.

Ultimately, that short spell in prison doesn't protect the public, doesn't serve as much of a deterrent and exacerbates those already deep-rooted difficulties the individual faces.

The research we have published today compared offenders who went to prison against a similar cohort who received a community order. For those with non-custodial sentences, we can do more to address these problems around addiction and housing and reduce the likelihood of reoffending.

Moving away from short prison sentences

So this latest research has further reinforced my view that moving away from prison sentences up to six months would deliver real and positive change, for

the offenders to turn their lives around and for the safety of the public.

There are different ways that you might achieve this: a bar to prevent the courts using them, or a less prescriptive presumption against their use. Or you could consider combining these options, applying a presumption to sentences of up to 12 months and with a bar for up to six months. I think there's a strong case to explore this, given the evidence.

But for any bar on short sentences, I've always said that there should be exceptions.

Our first responsibility must be to the victims of crime and we should not do anything to compromise their safety. For this reason, I'd argue a bar should not apply to offences of physical or sexual assault, so that in the right cases courts will be able to impose a short prison sentence.

Another consideration is upholding the authority of the court. There are several offences which involve a disregard for court orders or its authority, where the possibility of a short sentence should, in my view, be retained.

For those repeat offenders who have been given community orders and who wilfully and persistently fail to comply with them, they need to know that they cannot get away with it with impunity. We must also ensure that we do not do anything that would put at risk the security of the wider public. We will need to consider, therefore, what other offences raise significant issues of public protection where a short prison sentence should continue to be an option. Given the acute problems with knife crime in cities like London, knife possession could be one such offence.

I believe this is a balanced, considered and, crucially, evidence-based approach to sentencing policy. It will help reduce crime and result, therefore, in fewer victims of crime. And I would hope that the next Prime Minister would continue with this reform agenda.

Probation reform

However, crucial to the success of any reform of sentencing is a strong probation system. Two months ago, I announced plans to reform our probation system, which will allow for much more robust community sentences and that will command the confidence of the courts.

We will be ending Community Rehabilitation Company contracts early and streamlining responsibilities for public, private and voluntary sector partners.

That means a stronger role for the National Probation Service in managing all offenders, greater voluntary sector involvement in rehabilitation, and the private sector leading where it has specialist expertise and experience and where it can support innovation in rehabilitating offenders and organising Unpaid Work placements.

A strengthened probation system will significantly improve the services that have been shown to help turn offenders away from crime – be it housing

support, help finding a job, or help to turn away from drink or drugs or treat mental health issues.

This will build confidence that conditions set by the courts are enforced when people leave prison, and that for those who receive community sentences, tough enforcement is paired with targeted support and services that tackle the root causes behind the crime.

We have seen how partnership working at a local level can offer effective alternatives to custody. I'm keen to work with the judiciary and others in the criminal justice system to learn from, as well as pilot, alternatives to custody to inform our approach nationally.

At the same time, we are successfully rolling out GPS tagging to better monitor offenders and make sure offenders are adhering to the terms of their sentence or licence conditions. The findings from the pilot we ran found that most offenders felt wearing a tag would help them make positive changes in their lives.

Building on the success of this we are also planning to roll out a variation of this service for children in the autumn to support children in their efforts to turn their lives around.

Technology, like GPS tagging, will help to give judges and magistrates more confidence to use community sentences in more cases.

And I'm ambitious about what we can do in the future – using new technology and thinking innovatively about how we can both punish and rehabilitate in the community.

Through our probation reforms – and with some bold thinking about what community sentences look like in the future – we will see a successful shift away from ineffective short prison sentences towards more effective ways of rehabilitating offenders.

I hope that when it comes to a Spending Review in due course that funding effective community sentences is made a priority given the costs it can save down the line.

Prison reform to rehabilitate

Finally, I do think it's important to recognise that prison will always be right for some people.

So, we need safe, secure and decent prisons. Instigated with huge determination and energy by Rory Stewart, the then Prisons Minister, the Ten Prisons Project, has focussed on improving standards in some of our most challenged prisons, alongside securing extra urgent funding and measures to tackle drugs and violence across the estate and significantly increasing the number of prison officers.

But we also need to create a real culture of rehabilitation and opportunity in prisons.

For example, we are funding a pilot that will make befriending services available via in-cell telephony, with the aim of decreasing prisoner isolation, improving mental health and ultimately facilitating rehabilitation, in line with the findings of the Farmer review. We've also recently introduced a new approach to incentivising prisoners that helps them to make the right choices to get on the path to rehabilitation.

And I was proud to launch the Education and Employment Strategy last year putting education, skills and jobs at the heart of prison regimes.

As well as helping those in prison prepare for work, I have also been keen to remove barriers and tackle prejudice that ex-offenders all too often face in trying to get a job.

As I announced this week, we intend to legislate so that for the first time, some sentences of more than four years will no longer have to be disclosed to employers after an appropriate period of time has passed.

These are all important reforms of which I am very proud. They will, respectively and collectively, help make our prisons safer places where rehabilitation can take root and help provide opportunities for ex-offenders – simultaneously enriching our society and making us all safer.

Conclusion

The first duty of government is to keep its citizens safe. That includes tackling crime and reducing the number of victims of crime.

Punishing criminal behaviour is a crucial part of doing that. Whether through prison, community sentences or fines, offenders must face justice. And justice works best when punishment and rehabilitation are balanced and the cycle of crime is broken.

In doing this, we need to be guided by a clear assessment of the facts rather than saying what we think people want to hear. Today's further research helps us to do that.

Let me be clear: I don't want to see softer justice; I want to deliver smarter justice where offenders serve sentences that punish but also make them less likely to reoffend.

I believe that the approach that I've set out today – indeed the approach I have set out in the last 18 months – is one that is most likely to be effective in reducing reoffending and therefore reducing crime.

I am aware that it is an approach that will not have universal support but I have taken great encouragement from the widespread support for an evidence-led, rehabilitative and humane agenda.

It is my hope that in the years ahead – whoever has the privilege of being Justice Secretary – it is an approach that will be pursued with persistence and determination and courage. And that it will help deliver a safer and more civilised society.