

► smaller prisons in their place. But, with property prices slashed during the recession the proposal is in tatters.

David Cameron has hinted in the past that prison ships are potentially a way around this issue. These would be an alternative to the giant Titan prisons that Labour were building. Scrapped by the coalition, Titans were initially an alternative to the early release programme – considered to have undermined the sentences of 80,000 criminals.

Second, the Conservatives pledged in their manifesto that they would deport all non-EU prisoners immediately, which would also create extra space. It's unsure whether this will go ahead, but government plans to extend Harmondsworth Immigration Removal Centre to create Europe's biggest asylum removal centre suggest it might. Inspectors last week condemned the plans as "oppressive".

And third, the Liberal Democrat option: send fewer people to jail. While Cameron says this can be done by cutting crime, the Liberal Democrats – in the days before coalition – wanted to replace short-term custodial sentences with community rehabilitation schemes.

If the Liberal Democrats get their way on this, cutting short-term sentences will have the double effect of relieving pressure on the prison system as well as reducing the rate of reoffending.

## Rehabilitation

A recent report by the National Audit Office (NAO) found that 60 per cent of prisoners serving short sentences are reconvicted within a year of release. Given that in 2008-09, the cost of looking after short-sentence prisoners, not including education and healthcare, was £286m, failure to rehabilitate is proving very expensive. According to the Tories, nothing short of a "rehabilitation revolution" is needed.

There is no single body that deals with rehabilitation. The National Offender Management Service oversees the running of all 140 prisons in England and Wales. It runs the probation service and manages the prison population, but delegates many of its duties to prison governors. Each prison is then expected to provide the right kind of rehabilitation for their prisoners.

Andrew Neilson, the assistant director of the Howard League for Penal Reform, has said: "Prisons cannot provide any meaningful rehabilitation for the large majority of prisoners, as the

We urgently need to put some distance between criminal justice policy and party political competition; the problems of an adversarial political system like Britain's is that you end with an unstable dynamic in criminal justice policymaking.

For example, after a tabloid frenzy around two high-profile cases (Damien Hanson and Elliot White) where prisoners released on parole had gone on to commit further serious offences, the then home secretary, John Reid, gave a speech in which he chastised the audience for their perceived liberal release rates. Result? A subsequent significant drop in release rates. In 2005-06, the Parole Board was releasing 50 per cent of determinate-sentence prisoners and around 23 per cent of indeterminate-sentence prisoners (lifers). By 2006-07, that release rate had fallen to 36 per cent and 15 per cent,

time and resources of prison staff are taken up by security and control."

If the Tories keep their manifesto pledges, they'll turn public-sector prisons into independent, fee-earning prison and rehabilitation trusts, responsible for offenders after they are released as well as while they are in prison, run by governors whose job it will be to deliver the rehabilitation results.

To do this, the Tories want private and

## Overcrowding means that prisoners just languish on their bunks

voluntary specialist organisations to provide education, mentoring and drug rehabilitation to help young offenders, to be funded by the savings made in the criminal justice system thanks to lower levels of crime.

Andrew Neilson said: "Introducing a wave of rehabilitation services for prisoners is certainly commendable, but all the evidence tells us that rehabilitation works far better if offered in the community. The new government needs to focus on strengthening probation and reducing

and those figures continue to fall.

The Parole Board is now so risk-averse that it seriously raises questions about its perceived independence from the state and its institutions. The system is at breaking point, with prisoners suffering endless delays in getting a hearing, spending far longer in prisons that have no facilities or courses for them to complete in order to show a reduction in risk and far longer in open conditions before they are considered suitable for release.

Taking the politics and political partisan competition out of law and order would be a major step to resolving and escaping from the cell of penal populism. Ideally, the coalition now needs set up a Royal Commission to identify a future direction for the criminal justice system. ●

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the avenues available to the courts to send people to prison in the first place."

The Liberal Democrats prefer probation to prison. As well as replacing short-term sentences with community sentences, they want to create more neighbourhood justice panels – a restorative justice scheme that makes criminals confront their behaviour by engaging with their victims. A coalition clash might occur here, as the Conservative Party has been heavily critical of community sentencing in the past.

Budget constraints will invariably decide the outcome of these pledges. However, the NAO warns that if the cash doesn't go to the right place, many short-sentence prisoners, especially those who are unmotivated, will spend most of their time in their cells.

Andrew Neilson seconds this. "Before there is any talk of rehabilitation for prisoners, politicians must first address the issue of chronic overcrowding. Some prisons are operating with over 190 per cent overcrowding. All this means is that prisoners languish on their bunks for years with no access to work or purposeful activity."

If this continues, so will the cycle of crime. ●