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HOWARD LEAGUE FOR PENAL REFORM

HOW IMPORTANT IS PUNISHMENT?

15 NOVEMBER 2007

Putting people in prison in order to punish them is a comparatively recent practice. In medieval times the High Sheriff of each county was responsible for the keeping of the King or Queen's peace. He would travel around the county apprehending miscreants and committing them to gaol. But he did so not by way of punishment but to keep them secure until they could be tried and sentenced. The object of the sentence was to punish, and very unpleasant the punishment was likely to be. Offences of any degree of seriousness attracted the death penalty. Lesser offences were rewarded by flogging or, if the offence was really trivial, by a spell in the stocks.

Imprisonment could, in theory, be imposed as an alternative to a fine, for a very minor offence, but this did not happen very often. In 1717 the Transportation Act made the first provision for transporting prisoners by way of punishment – initially to the United States. So you would have in prison some men and women awaiting criminal trial or transportation, but the majority of them were imprisoned were imprisoned for debt. If you had the money, you were permitted to buy food and other necessities. If you had no money you were quite likely to die from malnutrition.

In 1729 a Parliamentary Commission discovered that 300 inmates of Marshalsea prison had died of starvation in the course of three months.

In 1773 the office of High Sheriff of Bedfordshire was conferred on a well-to-do land-owner called John Howard. Unusually he decided that it was part of his duty to inspect the prisons in which he was incarcerating significant sections of the populace. He was horrified by what he found and embarked on a study of prisons both in Britain and on the Continent. In 1777 he published a major work on *The state of the prisons in England and Wales.* In this he made many recommendations for prison reform that were subsequently adopted. The Howard League for Penal Reform was named after that High Sheriff.

John Howard believed that it was better not to send someone to prison if this could possibly be avoided. I am well known for my enthusiasm for community sentences in circumstances where these can properly be imposed. During the last summer vacation I was reading about some of my predecessors in Campbell's 'Lives of the

Chief Justices' and I found that one of the earliest shared my enthusiasm for alternatives to prison, though not in entirely the same way.

He was Ralph Basset, Chief Justiciar in the reign of Henry I. It is recorded that, during the King's absence in Normandy, Basset held a grand assize at Huncote in Leicestershire. There "he convicted capitally, and executed, no fewer than four score and forty thieves, and deprived six others of their eyes and their virility". It is no wonder that Campbell comments "he was much more praised for the vigour than the clemency or justice with which he exercised" the functions of his office.

In those days the objects of sentencing were primarily the punishment of those who had had the temerity to breach the King's peace, although there was no doubt also an element of deterrence and of protection of the public. As to the latter, execution or blinding will certainly have prevented recidivism, but the severity of the sentences do not seem to have been any more of a deterrent than has been the focus on longer custodial sentences that we have witnessed in recent times.

What are the objects of sentencing today? The 2003 Criminal Justice Act provides the answer —

- punishment,
- reduction of crime, including reduction by deterrence,
- reform and rehabilitation of offenders,
- protection of the public,
- reparation.

I suspect that there are very few here who would cavil at that list.

Who is to decide the appropriate sentence designed to achieve those objects? That task is shared, and rightly shared, between Parliament and the judges. Capital and corporal punishment involved little expenditure and were treated as spectacles that afforded entertainment to the public. The sentences that have replaced those in our more humane society place heavy demands on resources. Parliament, by taxation, has to provide those resources. Parliament has a legitimate interest in deciding on the sentencing options that are to be open to judges and the circumstances in which they should be exercised.

Parliament, accountable to the electorate, is also probably the proper body to decide on the scale of punishment that is to be imposed, having regard to the resources that it is prepared to devote to that object.

Keeping people in prison is very expensive. In so far as this is done by way of punishment, there is a simple question to be asked: how much are we prepared to pay to punish offenders?

My colleague, Sir Igor Judge, recently attracted considerable press coverage when he pointed out the simple fact that the resources needed to build an extra prison could be used to build an extra hospital or an extra school. Equally, there is a degree of tension between punishment and rehabilitation.

Money spent on keeping offenders in prison by way of punishment is money that could be spent on rehabilitating them in the community. Unless Parliament is prepared to provide whatever resources are necessary to give effect to the sentences

that judges choose, in their discretion, to impose, Parliament must re-examine the legislative framework for sentencing. I do not believe that these simple propositions have been fully appreciated by those responsible for formulating criminal policy to which Parliament is invited to give effect.

It is true that the 2003 Act contains some simple propositions of principle that are coherent and, to my eyes, admirable.

The court must not pass a custodial sentence unless the offending was so serious that no alternative sentence can be justified and, in that event, the custodial sentence passed must be for the shortest term that is commensurate with the seriousness of the offending. These provisions require the judge or magistrate to weigh up the seriousness of the offence, which is no easy matter. The Sentencing Guidelines Council, which I chair, has given guidance on this.

We have advised that the seriousness of an offence depends upon the culpability of the criminal act or omission and the gravity of its actual consequence, the former being the more significant factor than the latter.

Parliament has not, however, been content to leave it to the judges to evaluate the seriousness of an offence and to impose the appropriate sentence of imprisonment. In some cases legislation requires judges to give particular weight to specific ingredients of an offence or to the antecedents of the offender, almost always with the consequence that sentences have been increased. The most obvious examples are the starting points for the minimum terms to be served for murder now laid down in the 2003 Act.

These have had the effect of increasing very substantially the terms of imprisonment to be served, not merely for murder, but for a whole range of other offences that must logically bear a relationship to the sentences imposed for murder.

It is not clear to me that these consequences of the legislation were intended. Even less is it clear that the cost of these consequences were calculated and deliberately incurred as giving sound value for money. If you decide to lock up one man for a minimum term of 30 years, you are investing £1 million or more in punishing him. That sum could pay for quite a few surgical operations or for a lot of remedial training in some of the schools where the staff are struggling to cope with the problems of trying to teach children who cannot even understand English.

I have been looking at the Ministry of Justice's predictions of prison numbers in the period up to 2014. If one assumes that there is no change to sentence lengths or the proportion of offences that result in custodial sentences, the numbers will rise to about 95,000.

Today, we are in a critical situation.

The prisons are full to capacity. Prisoners who go to court do not know whether they will return to the same cell or even the same prison. In the prisons, cells designed for one person that include a lavatory are being used by two, but prisons are still being forced literally to close their doors to any further admissions. After court, prisoners are being driven around for hours on end in a desperate search for

a prison that can squeeze them in. As often as not 200 or 300 are spending the night in police or court cells. We simply cannot go on like this.

Lord Patrick Carter has been asked to produce a report on how to solve the prison problem, and this is expected very soon. One solution is to build prisons without limit to keep pace with ever increasing demand. This course has been adopted in some American States. In California the annual expenditure on keeping people in prison has recently exceeded the higher education budget.

If this course is not to be adopted, then some method must be found of linking resources to the setting of the sentencing framework It may be that Lord Carter will recommend such a course. If he does I hope that it will lead to a public debate about whether it is desirable to have such a link, and, if it is, how best this can be done.

That debate should consider the extent to which resources should be devoted to funding, not merely imprisonment, but other types of sentence now available to the courts, which aim both to punish and to rehabilitate so as to prevent re-offending.

Such a debate will be of no avail, indeed it will probably not be a possibility, unless those taking part are prepared to put to one side the opportunities that this subject always provides for scoring political points and to consider, objectively, what is in the best interests of our society. I believe that the time is ripe for such a debate.

There is no alternative to custody for the prisoner whose criminality poses a serious danger to the public. Prison protects the public against the dangerous offender so long as he remains confined and there is general agreement that a prison sentence is the appropriate disposal for an offender who poses a serious risk of causing serious harm by re- offending. In such a case imprisonment serves the dual object of providing both punishment and protection of the public. Until recently the sentencer had to have regard to both objects when fixing the term of imprisonment. Penal policy, as reflected in the 2003 Act, is now to distinguish between the two objects. The indeterminate sentence for public protection or IPP is one that the judge must impose where, according to the terms of the statute, the offender is dangerous.

The judge specifies a minimum term that the offender must serve by way of punishment, before being considered for release, but thereafter he will remain in prison unless and until he can satisfy the Parole Board that he has ceased to be a danger. Here, it seems to me that penal policy is overlapping with our approach to mental health or, more accurately, mental illness.

We are at once in the difficult area of distinguishing between mental illness and personality disorder — a distinction not easy to draw but of critical importance as a matter of law.

Those who pose a danger to others by reason of mental illness can be sectioned and detained for treatment under the Mental Health Act, even if they have committed no criminal offence.

If they do commit a crime by reason of their mental illness, the appropriate disposal is detention in a secure mental hospital where they can receive treatment. Where a

person is not mentally ill, but has a personality disorder, he cannot be detained unless he commits a crime. He is then detained in prison and, if sentenced to an IPP, may remain in prison in order to protect the public after serving the punitive term of his sentence.

There are a number of causes for concern about the IPP sentence. Some raise issues of law, and I am not going to speak of those for I shall be addressing them in a judicial capacity. The others are practical. IPP sentences place a heavy demand on resources. They are in part responsible for the predicted increase in prison numbers.

They also place an increased burden on the probation service and the Parole Board, who together have to undertake the risk assessment that these sentences require. It is not easy for offenders to prove that, if released, they will not pose a risk to the public. About 70% of male sentenced prisoners suffer from two or more mental disorders; 64% suffer from personality disorders.

A significant number experience severe mental illness. These will be placed in prison health care centres. The Chief Inspector of Prisons recently estimated that 41% of those held in health care centres should have been in secure NHS accommodation. This is supported by other research that shows that there are up to 500 patients in prison health care centres who are sufficiently ill to require immediate NHS admission.

Prison provides a repository for many whose mental condition is the cause of their offending. It is not the right repository for them. 28% of those male prisoners who show symptoms of psychosis spend 23 hours or more in their cells every day. That is not the right treatment for them. All are agreed that we need, by way of alternative to prison, more accommodation where mentally disordered offenders are treated as patients rather than confined as dangerous criminals.

I was preparing parts of this speech when on vacation in France and the French media were preoccupied with a serious attack on a child by a paedophile who had just been released after many years of imprisonment. The Government's response to this was to announce that they proposed to introduce new legislation to deal with paedophiles.

Under this a paedophile will not be entitled to release until he has served his full sentence, in contra distinction to all other prisoners for whom early release is the norm in France. When he had served his sentence he will be subject to psychiatric assessment. If this indicates that he is still a danger he will be moved from prison to a secure mental hospital, described as a 'prison-hospital' for treatment. Such treatment may include chemical castration. Finally, if and when let out of the prison-hospital the offender will be monitored by electronic tagging.

This is an interesting amalgam of punishment and mental treatment but why, I wonder, need they be sequential rather than simultaneous? There is a tension between attributing personal responsibility for crime that deserves punishment and recognising that an offender may be subject to the dictates of mental illness that he cannot deal with without assistance. We have begun to grapple with that tension within our own system but we have still some way to go.

So far I have been considering the position of those who have committed offences calling for some form of custodial disposal. Government policy calls for very different treatment for those offenders whose offences are less serious and who are not dangerous.

The 2003 Act requires that, if the seriousness of the offence is such that a non custodial sentence can be justified, such a sentence must be imposed in preference to imprisonment. This might suggest that the seriousness of the offence is the only criterion that the court has to consider when deciding whether or not to send the offender to prison. The position is not as simple as that.

The seriousness of the offence determines whether it crosses what is known as 'the custody threshold', but factors personal to the offender can justify the court in passing a non-custodial sentence even where the custodial threshold is crossed. In practice there is quite a wide border-line area where it is open to the court to choose between sending the offender to prison or dealing with him in some other way. This is particularly true in the case of Magistrates, whose jurisdiction is at present limited to imposing a sentence of six months imprisonment for any single offence, and who should have sent off to the Crown Court the more serious cases where sentences of over six months imprisonment may be appropriate.

I mentioned earlier my enthusiasm for non custodial sentences where the nature of the offence is such as to enable them to be considered.

They set out to achieve at least one and usually both of the following objects of sentencing: punishment and rehabilitation. But there will be a reluctance on the part of sentencers to impose non-custodial sentences unless they are confident that they will actually achieve those objects. It is also important that the public, and the media that form the views of much of the public, should believe in the efficacy of non-custodial sentences.

At present I fear that neither all sentencers, nor the media and the public are persuaded that non-custodial sentences are effective. The 2003 Act offers a wide range of requirements that can be imposed under a Community Order. Is the perception that these are not effective well founded and, if so, what can be done about this?

Before looking at Community Orders I would like to say a word about fines. The 2003 Act prohibits the imposition of a Community Order unless the offence is serious enough to warrant it, and this will involve the court having regard to whether a fine can be justified. In the decade between 1992 and 2002 there was a 92% increase in the imposition of custodial sentences and an 82% increase in the use of community sentences, but a steady decrease in the use of fines.
These trends have continued. Between 1995 and 2005 those sentenced to community sentences increased by 57% whereas those fined have decreased by almost the same proportion. The reason for this is not clear. I suspect it has been due in part to a perception that there is no point in imposing a fine because fines are not enforced. This was true at one time but it is no longer. Fines that are imposed today are generally enforced.

For a short period between 1992 and 1993 legislation required that fines should be arithmetically related to income, but this produced fines that were quite

disproportionate to the offence in the case of the very rich, and this initiative was abandoned.

There is, however, a case for a greater use of fines that have regard both to the nature of the offence and to the means of the offender.

Where punishment is the object of the exercise there is much to be said for a fine that is sufficiently significant to hurt the offender. This is one punishment that is relatively cheap to enforce.

A fine is not, however, much use if the offender is on income support, as very many are. Nor does a fine achieve anything by way of rehabilitation. Over half of those who are convicted of a crime are never convicted a second time. It is the remainder who fill the prisons: repeat offenders. And the statistics show that those who receive short prison sentences are particularly likely to re-offend. Of those discharged after short sentences in 2001, 67% were reconvicted within two years. Within that period 47% had more than two reconvictions, 32% three or more and 21% four or more. It is estimated that 50% of offences are committed by 10% of offenders. These figures demonstrate what most of us know well. That a vast proportion of crime is committed by people, mostly men, who have difficulty in coping with the demands of living in our society.

I have already spoken of the proportion of those in prison with mental problems. A similar proportion have problems with literacy and numeracy. Most are, or have been, addicted to drugs or alcohol. Their problems can, in many cases, be traced back to infancy; to an inadequate or abusive family background.

Offenders such as these do not take readily to rehabilitation. Nor are many of them capable of the self discipline that is required if punishment in the community is to be effective. There are, I believe, two vital ingredients to successful rehabilitation and they are linked. The offender must feel that there is someone who cares whether he succeeds or fails, and the punishment or the treatment must engender, at least in some degree, a feeling of self respect. Each is likely to be a new sensation for the offender.

The most common requirement imposed under a Community Order, apart from supervision, is unpaid work, more imaginatively titled 'community payback'. In the year 2003 to 2004 about 5 million hours of unpaid work were completed by offenders. In 2004 to 2005 this had risen by about 30% to 6.6 million hours, and 51,206 unpaid work completions. It is the government's aim to increase this to 10,000,000 hours by 2011.

I believe that community payback is a desirable alternative punishment to short terms of imprisonment for the following reasons:

- Imprisonment is expensive; the costs of community payback are much lower;
- Community payback is, or should be, a visible form of restorative justice. It does, what its name suggests; it makes reparation to the community for criminal behaviour;
- Community payback is more likely to achieve rehabilitation than a short sentence of imprisonment.

This last proposition is, to some extent, an act of faith. Statistics do not demonstrate decisively that those sentenced to unpaid work are less likely to re-offend than those given short sentences of imprisonment.

Research done in the Thames Valley, sponsored by the Esmee Fairbairn Foundation, indicates that the average level of attendance for offenders sentenced to unpaid work is no better than 60%. As became rather widely publicised, I arranged to do a day of unpaid work in the Thames Valley area in the guise of a rather mature offender to see what this was like.

I spent a day working in a small group cleaning and repainting a gloomy pedestrian underpass on the outskirts of Milton Keynes. The work was reasonably arduous and not particularly pleasant, but no worse than many a householder may voluntarily undertake by way of home decoration.

I found it a positive experience. I, and my fellow workers, who to my surprise and relief were not inclined to discuss why they were there, took an obvious satisfaction in doing the job well. Passers-by, including a community policeman, stopped to congratulate us on the improvement that we were producing — they knew why we were there, for a sandwich board had been put in place announcing that we were performing 'community payback'. A small group of boys stopped to cross-examine us as to what this meant and left having learnt a useful lesson about crime and punishment.

My experience was not necessarily typical. A report published by HM Inspectorate of Probation in 2006 found that there were 'wide variations in the quality of case management' of unpaid work across the country and that not all of the projects provided the positive benefit to the offender that was intended. I learnt myself of potentially excellent projects that had foundered for want of modest funding needed, for example, to provide portaloos for those doing the work.

I hope that NOMS will continue to give careful consideration to the lessons to be learnt in respect of unpaid work. I have some ideas of my own. The projects should be satisfying.

Each group of workers has to be supervised. Why should the supervisor not lead the work team as a foreman, joining in the work, rather than standing aloof looking on? This would help to make the work a more positive and satisfying experience for those involved and to remove any stigma attached to it. I suspect that some who had discharged their unpaid work obligation might then be prepared to accept employment as team leaders, and be particularly effective in that capacity.

An attendance rate as low as 60% is depressing. Team leaders should be proactive in making sure that their teams turned up for work. I also believe that it would be no bad thing for judges or magistrates, and others involved in the criminal justice system, to spend the odd day working with the teams, not incognito as I was, but as volunteers joining in a worthwhile community activity.

Community payback is primarily designed to serve the object of punishment. The other punitive requirement frequently imposed under a Community Order is that of curfew, usually monitored by electronic tagging. These orders are more often

imposed as stand alone punishment rather than in combination with other requirements.

In the year beginning August 2005 about 17,600 stand alone orders were made and a further 7,200 odd in combination with other requirements, although these figures include orders made in conjunction with suspended sentences of imprisonment. I suspect that the thinking behind these orders is not merely that they are punitive, but that they give a degree of protection to the public from anti social behaviour. I consider that these are useful options as alternatives to prison. They amount to partial deprivation of liberty without cost to the State, other than that of monitoring, which is contracted out to the private sector.

They do not, however, of themselves do anything positive to achieve rehabilitation, and it is the potential for rehabilitation that I find the most interesting aspect of Community Orders.

I am now going to turn to those requirements that can be imposed under a Community Order that are specifically directed at rehabilitation. Nearly a quarter of offenders serving community sentences have a drug misuse problem. They can be made subject to a drug rehabilitation requirement, formerly a Drug Treatment and Testing Order or DTTO, and these are increasingly being imposed. Some 14,000 were begun in the year 2005-2006.

Most of these had been convicted of offences against property — usually I suspect to obtain money to fund the drug problem.

Statistics in relation to the success of these Orders are sparse and those that exist are not very encouraging. Research into DTTOs between 2000 and 2004 showed that only 3 in 10 were completed. Of those who completed, 70% tested positive for opiates 12 months later. Nonetheless, those who completed the course reduced their annual conviction rates to levels well below those of the previous five years. Getting offenders off drugs is not easy, and keeping them off is even more difficult. I have seen a number of different schemes in action, and it is clear that a desire to be drug free is a prerequisite of initial success as is a continuing determination not to relapse if the success is to be long term.

Here again it can make an enormous difference if there is an identifiable individual taking a personal interest in the progress of the offender. We have, I believe, much to learn from the problem solving courts in the United States.

In England we have had two pilot drugs courts and I have seen something of that run by my namesake, Justin Phillips, in West London. He is an unconventional and inspirational figure and is believed to be achieving considerable success, attributable I believe to the personal relationship that he forms with those whose progress he supervises.

Where a court imposes a drug rehabilitation requirement it is highly desirable that when, periodically, the offender comes back before the court to have his progress reviewed, he sees the same judge or bench of magistrates, so that a personal relationship is built up. This is not easy to achieve, especially with magistrates who volunteer their time, but it can be done. Long term success is much more readily achieved if the offender is helped to develop self-esteem and self-confidence.

Drug courses, such as the excellent course provided by Reach, can help to achieve this, but I have been particularly impressed by what can be achieved on residential courses where those who are receiving treatment are involved in the running of their own environment. I have particularly in mind the Lea Community outside Oxford and the Neremiah Project that I visited recently in South London, which has become the life's work of the American couple who founded it.

There are quite a number of other forms of rehabilitation that can be included in a Community Order. These include an alcohol treatment requirement, a mental health treatment requirement and requirements to take part in accredited programmes, such as anger management.

I attended a unit providing group therapy in relation to domestic violence as part of the Thames Valley project and I was impressed by what I saw there. Domestic violence poses a particularly difficult exercise for the sentencer, one challenge being to identify the defendant who is really determined to confront his behaviour and for whom it may be possible to consider a community sentence.

Re-offending is much more likely where an individual does not have stable accommodation and where he is unemployed. Both these needs can be addressed under a Community Order. A residential requirement can be imposed. About one third of those given Community Orders do not have a satisfactory home, but it is rare for the order to impose a residence requirement. This, I suspect, reflects the fact that before a court can make such an order there must be suitable accommodation available.

It is a false economy not to provide accommodation for homeless offenders when they come out of prison, or are given community sentences, for if they re-offend it is going to be very much more expensive to accommodate them in prison.
54% of those starting a community sentence have an 'education, training and employability problem' and almost exactly the same proportion are unemployed. Each year over 40,000 of these start a 'basic skills programme', but only one third complete the programme. Those who drop out are likely to contribute to the re-offending statistics. This is a depressing picture, but gives some indication of the difficulty of integrating some of those who offend into society.

I would like to make some general comments about rehabilitation.

There are very many people involved in the rehabilitation of offenders, some professionally and others as volunteers. They work with offenders in prison and in the community. The primary motivation of most of them is not to benefit society in general by reducing re-offending, but the satisfaction of seeing individual offenders responding to the fact that someone cares about them and then beginning to develop an appreciation of and respect for their own individuality.

Ultimately, rehabilitation is about personal relationships. Offenders who have acquired self respect in this way can be almost messianic in their support for rehabilitation. They also carry far more credibility with offenders than the rest of us. Very often, having been rehabilitated themselves, they are anxious to help to rehabilitate others and we must, where possible take advantage of this enthusiasm. The St Giles Trust, which trains offenders who are serving prison sentences to help their fellow prisoners to deal with family problems and to find accommodation and

employment when they come out of prison, is an example of how to do this. The offending rate of those who have qualified under this scheme is very low indeed, and the Trust is now employing a number of these to help with rehabilitation in the community. Rob Owen gave up lucrative employment as a merchant banker when he applied, successfully, to be Chief Executive of the Trust.

He is convinced that, if the Trust is given the funds, it will produce a saving of tenfold or more in the cost to society of re-offending. But how can he prove this? How can he persuade Helen Edwards, who is the head of NOMS, who must in turn persuade the Treasury, that he is correct?
There is the rub. The satisfaction of seeing the lives of individual offenders transformed is not going to motivate NOMS to approve the use of substantial funds for rehabilitation projects like this one. If the funding needed for rehabilitation of offenders is to be provided, it is necessary to show that the uses to which it is put are cost effective. This I believe is an area of prime importance.

There has been a tendency to judge the efficacy of rehabilitation by applying simple criteria: what is the rate of re-offending within two years of conviction? What percentage of offenders undergoing this drug treatment completed the course? Statistics such as this are of some assistance, but they do not tell the whole story.

Statistical analysis is extremely complex.

If those given community sentences have a lower re-offending rate than those given short prison sentences, and there is some evidence that they do, how can one be certain that this is a reflection of the effect of the sentences rather than of the factors that led the courts to choose between the two types of sentence in the first place?

I believe that community sentences, when compared with short custodial sentences, are cost effective, but it is of critical importance that the statisticians help us to demonstrate that this is indeed the case.

I would like to end by widening the topic a little. The need for rehabilitation is usually a sign that society has failed. Rehabilitation is attempting to underpin lives that have developed without foundations. How much better to provide the missing foundations as the lives develop? The juvenile delinquency that precedes adult delinquency is usually the consequence of poor, or no, parenting.

In Japan, which I visited earlier this year, family justice embraces juvenile delinquency, save where the offence is particularly serious. The family judge is assisted by a team of highly qualified professionals and where a young person is charged with an offence, this is investigated and dealt with as a family problem. The breakdown of family life in this country is such that this approach would probably not be viable. Instead the social services and the voluntary sector do their best to protect children from the consequences of inadequate or dysfunctional parents.

Since I have become Lord Chief Justice I have learnt a lot about the work being done by the voluntary sector and have been involved in some of it. Once again it is largely about showing the child that there is someone who cares for him or her and that he or she is somebody who deserves that care. Let me mention a few: Kid's

Company and Chance UK, each of which arranges for individual mentoring by volunteers of children in need of this at different stages of their lives. Endeavour Training and Youth at Risk, which help young people to discover and achieve their potential for individual achievement and at the same time teaches them to interact with others in a positive social environment; Youth Music, which takes young people off the streets and opens their eyes to their ability for individual creativity. These are just the tip of the iceberg of individual organisations that work in part because they build relationships between young people and adult role models. Each of these has to struggle to obtain funding, whether from the public or the private sector. How is one to know which are the more cost-effective? How is their value to be compared to that of organisations that set out to tackle criminality by education of one kind or another, such as Smart Justice and Prison! Me! No Way!

It is only the government that has the means to attempt an overview of all the resources that are being devoted to attempting to prevent the vulnerable members of society from adding to the criminal statistics. It is important that this should be done so that those projects that are succeeding are given the support that they need. Money that is spent on punishing offenders is money that could be spent on trying to prevent them from offending in the first place. The question 'how important is punishment' is a relative, not an absolute question. Punishment is, of course, important. It is hard to envisage any society in which those who offended were not punished. But the 2003 Act rightly stipulates that, where a sentence of imprisonment is imposed, it must be for the minimum period commensurate with the seriousness of the offence. The scale of sentences is now largely determined by Parliament. Where within that scale the facts of a particular offence fall is the judge's task. Parliament should, when altering that scale, have regard to the resource implications of the changes that are proposed. Any shortcomings in penal policy will be likely to receive the attention of the Howard League. That is something for which we all have cause to be grateful.

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