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Our ref: MC175820

25th
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Dear Caroline,

PENAL POLICY & THE EXPANSION OF HMP ROCHESTER

Thank you for your letter to Jack Straw of 9 October about sentencing policy, restorative justice, the expansion of HMP Rochester and the detention of asylum seekers. I am replying as the Minister responsible for sentencing policy and offender management. I am very sorry for the considerable delay in responding to your letter.

The Government's priority is to protect the public from the most serious, dangerous and prolific offenders. There are some offenders for whom prison is the only suitable option to provide the necessary level of protection. We also believe that less serious offenders are normally better punished in the community, with tough, demanding community sentences that can include unpaid work, drug treatment, and curfews. Prison provides an environment in which re-offending may be tackled and offenders trained to re-join society as law-abiding citizens. Therefore, it is imperative that prison is used effectively by focusing the Prison Service's resources to ensure that we properly protect the public from particular offenders while at the same time seeking to rehabilitate them and thereby reduce re-offending.

I welcome your advocacy of the increased use of restorative justice. The Government is committed to placing the needs of victims at the centre of the criminal justice system and restorative justice can help us to deliver this aim. There is consistent evidence to suggest that restorative justice has a significant impact on the victims of crime. As you know, research has found that at least 75% of victims who choose to take part in a restorative justice exercise are glad they did so. However, evidence from abroad and the UK of the impact of restorative justice on re-offending is more mixed and further research is being undertaken to give a greater insight into this issue. Restorative justice does work, but we need to know more if we are to have an evidence-based strategy that effectively targets interventions.

The Government has invested around £5 million in the Crime Reduction Programme Restorative Justice pilot projects (which ran from 2001 to 2004) and their evaluation. These pilots delivered restorative justice at all stages in the criminal justice system and involved both juvenile and adult offenders. The research, which will be completed this year and includes a two year reconviction study, will inform our long term restorative justice strategy for adults.

It is important to acknowledge that crime has fallen under this Government. Violent crime and burglary, and vehicle crime are down, and the chance of being a victim of crime is lower than at any time since 1981. Those improvements are due to many factors: the police, local communities, local authorities and industry; stronger powers to deal with disorder, substantial youth justice reform, and greatly increased investment in law enforcement, with 14,000 more police officers, bringing numbers to record levels. In turn, those improvements have led to many more serious, persistent and violent offenders being brought to justice, and being sentenced for longer.

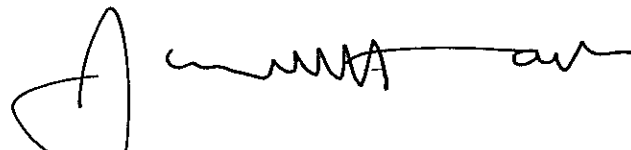
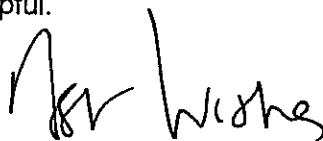
The result has been a rapid growth in the prison population, which is up by one third since 1997 from 60,000 to approximately 82,000. During the same period re-offending rates have improved. These increases in prison population have driven the need to create additional prison accommodation, the plans for which have been announced to Parliament. The National Offender Management Service is building more capacity in the prison estate and part of that programme is the expansion of existing prisons, including HMP Rochester.

Planning permission has been granted by the local planning authorities for the construction of a two storey facility at Rochester that will provide 300 new prison places. Changes in design to the new building were made following concerns raised by local residents. Development is underway and the new facility is due to be completed by October 2008. Additional facilities are being provided in line with the increase of population including education facilities, a library, multi-faith provision, a new visitors' centre, administration offices, reception, new gatehouse, segregation block extension, sports hall, stores and additional kitchen facilities.

Finally, you have expressed concern about the detention of asylum seekers in prisons. The routine use of prison accommodation for detaining asylum seekers for immigration purposes ceased in January 2002. However, there continues to be a need to use prison accommodation for individual detainees where this is necessary for reasons of security or control. Where necessary, it will apply to those who may have applied for asylum at some time in the past, especially where an asylum seeker has committed a criminal offence and is subject to deportation action.

Some immigration detainees are held in prison because they were detained under a criminal warrant as prisoners, and were served with an immigration warrant upon completion of their sentence in anticipation of their deportation. They will remain in prison if they are not considered suitable to be held in the immigration estate, either due to the nature of their offence or because of their behaviour whilst in prison. These cases, referred to as time served immigration detainees, are reviewed on a monthly basis by the Prison Service in conjunction with the Border & Immigration Agency to ensure that no-one is being held in prison accommodation unnecessarily. Occasionally, a person held solely under immigration powers will present too great a risk because of their behaviour to be held in an Immigration Centre. In these cases, the Border & Immigration Agency may ask the Prison Service to hold the individuals to ensure the safety of their staff and other detainees.

I hope that this information is helpful.



DAVID HANSON MP
MINISTER OF STATE