

ENHANCING THE COMMUNITY ALTERNATIVES — GETTING THE MEASURES ACCEPTED AND IMPLEMENTED

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I. INTRODUCTION

Identifying the measures needed to reduce the prison populations and ensuring that these measures are accepted and actually implemented are two different things. To get these measures accepted it is necessary to convince all the key players in the criminal justice world. The policy makers (including government ministers) and legislators must be convinced; so must the judiciary and also the police and prosecutors. And it is vitally important to convince the media and the general public. Critical issues, thus, remain:

- how to get the laws accepted on the political level,
- how to get them implemented on a practical level,
- how to confront the punitive-populist pressure from the politicians and the media

On the basis of the foregoing chapters, we may distinguish the following elements or actors in the criminal justice field, which need separately to be addressed in order to make a change.¹

1. *Political will.* - *Attitudinal and ideological readiness to bring down the number of prisoners* may be far more important than the choice of concrete means to achieve this end. The essential step in the process is, thus, *to define prison overcrowding on a political level as a problem* that should and can be solved.

In Finland this *political will and consensus* to bring down the prisoner rate was formulated within a group of key individuals which later was able to produce a number of measures to change the situation. Not only law reforms and alterations to sentencing practice but also low-level day to day decisions contributed to the desired result.

2. *The role of criminal-justice practitioners.* - The content of crime policy is a result of different practices run by different actors: the police, prosecutors, judges, the prison agencies, community corrections and an increasing number of non-governmental agencies. A successful decarceration policy requires that all key actors have committed themselves to this aim.

For example, collaboration with and assistance from the judiciary was clearly a necessary prerequisite for the change in Finland, and this will be the case also in other countries.

One has to bring the key people together to promote policy discussions, leading to decisions as to the direction in which policy ought to move. One concrete form of cooperation and the exchange of information could be sentencing seminars arranged for the judges. Also the *exchange of information and cooperation between different agencies and actors* is needed.

3. *Information and education.* - Society's reactions against crime are heavily dependent on the view the public, politicians and state officials have on the magnitude of criminality and the nature of the crime problem. Much of the people's and the politician's response to crime and their reliance on punishments is explained by their belief that criminal sanctions really are an effective way of dealing with these problems. Reading the basic criminological facts from reliable sources, and not from the media, usually changes – or should change – these views.

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¹ Good practical advice for constructing non-custodial alternatives is given also in *Stern* 2002 (http://www.kcl.ac.uk/depsta/rel/icps/developing_alternatives_to_prison.doc).

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Basic criminological facts should be communicated to politicians, decisions makers, state officials and criminal justice practitioners. Clarification of the (modest) effects of punishments – and informing the public of these effects as well as the existence of other possibilities – may reduce the unfounded public confidence in the penal system.

4. *Public opinion and the role of the media.* - As crime policy becomes more and more politicized, the role of public opinion presumably only increases in the future. Therefore, one should be more and more concerned whether and how well informed these views are. The perceptions of the public are heavily influenced by the biased picture of crime reality offered by the media. *Governments should, therefore, invest more in public education and information in these matters.* Extra efforts are needed to raise the public awareness of basic research-based facts on criminality, the functioning of criminal justice and the existence and content of different crime prevention strategies.

In the composition of the Finnish criminal policy, media has played a central role, mainly by retaining a sober and reasonable attitude towards issues of criminal policy. Generally, the Finns have been saved from low-level populism.

5. *Constructive crime-prevention alternatives.*- On the other hand, crime is a problem and politicians are responsible for offering solutions to this problem. If nothing else is offered, criminal law and the prison system will also in the future prevail as the primary shield against crime. Therefore, *the development of convincing crime prevention strategies outside the domain of criminal law becomes also an issue of importance.*

II. PRACTICAL LEVEL

“Any policy of reducing the use of imprisonment and the length of sentences must win the hearts and minds of the judges” (Walmsley 2001). The police and prosecuting authorities often exercise a major filtering influence in the criminal justice system. Efforts to provide criminal justice officials with balanced information about imprisonment should certainly extend to the police and prosecuting authorities, as well as the prison and probation services.

A. Basic Facts and Professional Education

1. *The reality of prison.*- These key groups in criminal justice must become fully aware of what imprisonment can and cannot achieve, and what harm it can do. Especially, all judges ought to be familiarized with prison conditions and they should be well-informed about the opinions of prison experts, especially including those who work in prisons and with prisoners. Furthermore, they should also receive information concerning the impact of the sentences on prison population levels and on the future criminal careers of those sentenced.

2. *Basics in criminology.* - Judges and prosecutors should receive training at least on the basic facts of criminology. Perceptions on the *nature and causes of crime* have a direct impact on punitiveness. If crime is primarily understood as a problem created by social and environmental factors, one is less willing to rely on punishments, in comparison to views which identify criminality as a problem caused by evil individuals.

Assumptions on the *effectiveness of criminal sanctions* affect the result as well: It is easier to justify harsh sentences if we believe they can lead to good results. The more clearly we realize the adverse effects of penalties, the more critical will our attitude be towards them and the level of punishment.

Possibilities in this respect vary from one country to another. Those jurisdictions which have professional judges are, clearly, better off. But to have professional judges with legal training is not enough. The training itself should – for example the curriculum of law schools – reflect these concerns. The ideal situation would be for criminology and criminal policy to be taught in the juridical faculties. This has – to a certain extent – been the case in Finland, where local court judges and prosecutors are relatively young, having received their university courses during the 1970s and the 1980s in the spirit of liberal criminal policy.

3. *The benefits of community sanctions.* - Ensuring that these groups understand the purpose and rationale of community sanctions and that they are favourably disposed towards using them requires providing them with information and training. The key groups should be made aware of the *general benefits of community sanctions* and the general drawbacks of the widespread use of custodial sanctions.

4. *The functioning of other services.* - Those working in the criminal justice system should be trained in the *rules, procedures and practices of the various other services involved*. This is especially important in countries where the roles and responsibilities are divided between social welfare authorities and criminal justice agencies. Information exchange would make it easier for them to understand the problems involved in community measures, and the possibilities of working together to solve these problems.

B. Legal Conferences and Professional Training

The implementation of specific policies (for example new laws) usually requires additional training and guidance. For some of the professional groups – especially the judges – this may pose additional problems. All European jurisdictions value the independence of the courts as one of the cornerstones of democratic society. Still, judicial independence does not mean that any form of guidance is forbidden. It merely means that this guidance must be given in a way that is in accordance with the principles developed within each legal culture and with their traditions.

1. Most European Criminal Justice Systems regard both legislative norms and Supreme Court decisions as proper forms of judicial guidance. Several European criminal codes have specific provisions on sentencing and the choice of sanction. In some countries, the Supreme Court has the power to issue *sentencing guidelines* that extend beyond the scope of cases at hand. Also appellate courts may have the powers to guide the sentencing practices of the lower courts, for example by reviewing their sentences or organising sentencing conferences (see below).²

Other strategies focus on drawing the attention of the courts to the official policy of favouring community sanctions, for example through the adoption by the legislature or the executive of *an official statement of the purposes and principles of sentencing*.³

2. *Also judicial conferences* or professional associations can assist in clarifying sentencing objectives and guidelines. For example, they could specify the criteria and principles which permit the comparison of various sanctions and the standardization of their use. The judicial conferences provide a special form of training. Other forms include the arrangement of special courses and seminars at which new legislation is introduced.

These kinds of training courses and seminars have been arranged for judges and prosecutors on a regular basis in Finland by judicial authorities – in co-operation with the universities. Basically all major law reforms are accompanied by systematic training courses across the whole country.

These conferences and associations need not be limited to judicial personnel; they could be expanded to include corrections personnel and other persons responsible for the administration of sentences.

3. *Annotated information on current court practices*, published by research and statistical authorities, would also be useful. This can be done in the form of a publication giving the “normal” sentences for the basic types of offences, which indicates how aggravating and mitigating circumstances have affected the sentence. Such information would simply be provided to the courts as a tool, showing the judges what other courts have done in similar cases.

² In the Netherlands, the National Conference of Presidents of the Criminal Chambers of the Courts of Appeal has started to issue 'orientation points' for sentencing. These non-binding 'orientation points' project to some extent the common sentencing practice of the Dutch courts and are designed to provide starting points for sentencing.

³ This was recommended in the report of the Canadian Sentencing Commission (Sentencing Reform: A Canadian Approach. Minister of Supply and Services Canada 1986, recommendation 12.06.)

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Although detailed sentencing statistics have been published in several countries, the information does not necessarily reach the judges. In Finland experiments with a computerized sentencing register were carried out in the 1980s. The Dutch judiciary has recently presented a database for sentencing to be used by the courts, providing means to compare alike cases where possible.

4. The selection of the sanction is often determined by the motion of the prosecutor, or by the way in which the case is presented. For this reason, *prosecutorial guidelines should also be developed* on the presentation of the court, on the prosecutor's proposal for sentence (where this is possible), and on whether or not the prosecutor can and should appeal decisions to a superior court.

C. Extra Efforts in Sustaining the Credibility of Community Sanctions

Community sanctions will not be imposed or implemented if the courts or the probation services regard them as non-credible, ineffective or inappropriate. This credibility of community sanctions can be tied to their success in achieving certain *pre-defined practical goals* and their *symbolic (expressive) function* (Bishop 1988).

1. *The multitude of practical aims.* - Among the practical goals of community sanctions are the reduction of the prison population, the reduction of the costs of the system of sanctions, social reintegrating and the reduction of recidivism.

This multitude of practical aims is both a strength and a weakness. Since there are many aims which often are not made explicit by the legislator, different groups may have different expectations. Therefore it can be expected that some groups will always criticize the sanctions as having been "failures" in the light of some unspecified criteria, and may refuse to cooperate in their implementation. But due to the multitude of aims, *a failure in one respect does not necessarily mean a failure in other respects*. For example, even if recidivism would be the same as after a prison sentence (which is not the case, see they below), some other intermediate treatment goals might have been achieved. Therefore, when success or failure is being evaluated, one should keep in mind all the different dimensions involved (see *Bottoms* 2001 p.87 ff).

Growing international evidence confirms that community service offers the offenders rewarding, constructive experiences and reciprocal social relationships. Community service is also experienced by the offenders as a fair sentence, resulting from the offender's own behaviour – and not as being the "judge's fault". Both of these elements explain why community service systematically results to (slightly) lower re-conviction rates (see *Rex* 2001 p.77 ff).

2. *Symbolic dimensions.* - Non-custodial sanctions also have a punitive dimension. Their credibility can, thus, be enhanced if they are not seen as excessively lenient. Even terminology might be used to enhance the perception of community sanctions as punitive. Instead of speaking of the "waiving of measures" or "absolute discharge", for example (both terms imply that "nothing happened"), one might speak of "punitive warnings" or "penal warnings" or, even, "final warnings".

3. *Ensuring continuity in training.* - Several experiences from different countries indicate that when new measures are implemented, there is ample enthusiasm, as those groups and persons who have originated the project are still personally involved. However, once the programme is placed on a more general footing, there is the danger of falling into routines. Moreover, unexpected difficulties in implementing the sanctions may occur, local circumstances may cause trouble, and the work has to be done with new people who, perhaps, are not as committed to the original purpose of the programme.

This all means that demonstrating the appropriateness of community sanctions to the courts and the practitioners *is an ongoing process which by no means ends with the adoption of the requisite legislation and the arrangement of an initial training phase*. In a way, the idea must be sold over and over again, also to those working for and with the programme.

4. *Taking care of community relations.* - The community must also be informed. The success of many community sanctions depends to a large extent on the interaction between the community and the

offender. Therefore, special measures should be adopted to communicate to the community the benefits and crime control potential of community sanctions.

Examples of such measures include information on the true content of these sanctions and their implementation as well as on the positive reintegrating effects, the situation of offenders and the use and existence of mediation or dispute settlement mechanisms in the community. The value of volunteer work and the citizens' associations role in the implementation of community sanctions deserves clear recognition – also to be publicly announced by the governmental officials.

III. POLITICAL LEVEL

The laws that criminal justice practitioners apply and implement are the result of political processes and political decisions. In the end, the content of any given criminal justice system is defined by these processes. This entails, that the level of penalties and the extent of incarceration is determined by the prevailing *political culture* and by the degree to which criminal political decision making is directed by rational analyses on aims and means, and the extent to which criminal policy is directed by the media and subordinated to general politics or the quest for political popularity.

A. Combating Penal Populism

1. Penal Populism

1. *The flaws of penal populism.* - Within a fairly short period of time, a new concept – “penal populism” or “populist punitiveness” – has entered in the criminological literature (*Bottoms 1995* and *Hough & Roberts 2001*). The concept refers to the “tendency of legislators to enact policies based primarily on their anticipated popularity, with disregard for their penal value” (*Hough & Roberts 2001*). This phenomena is closely connected with the general politicisation of crime policy, which has taken place during the last two decades (see above). The basic flaw in this new form on penal policy is that: (1) it offers simple solutions to complex problems, (2) it is inconsistent with the results of systematic criminological research and, (3) it leads to unnecessary suffering and extensive material and social costs in its unfounded reliance on incarceration.

2. *The results of penal populism.* - In this populist process politicians are locked into a penal “arms race”, where each party is offering tougher and tougher measures in order to protect the public – and to gain popularity among the voters. This process of penal escalation has reached its peak in the US, but some European countries seem to have taken the same route.

Perhaps, the most worrisome feature of the present European political context is that due to the logic of this “arms race” even the most radical – often openly racist – populist movements may have considerable impact on the penal policy of the mainstream parties. Despite the fact that these parties distance themselves from the populist programmes of the right wing movements, there is one area where they do not like to disagree – the requirement of being “tough on crime”. No party seems to be willing to accuse another of exaggeration when it comes to measures against criminality. Being “soft on crime” is an accusation that no one wishes to accept. And it is *this fear of being softer than one's political opponents* that tends to drive politicians, in the end, to the extremes of penal excess (*Hough & Roberts 2001*).

3. *Confronting penal populism.* - In many cases this policy is based on “harmless ignorance” on crucial criminological facts. But the worst forms are examples of sheer political calculation based on the insecurity and fears of the general public. And in the most appalling cases, these movements do not only exploit but also *increase and strengthen* the fears and prejudices of the public against racial and ethnic minorities. In this respect, confronting the penal populism becomes, not only a matter of more rational penal policy, but also an issue of better democracy and social justice.

2. The Will of the People?

Having said this, one has to consider the counterarguments too. The standard defence for these punitive claims is that in advocating harsher sentencing, populist politicians are simply being appropriately responsive to the democratic will. Several objections to this can be added:

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1. In the first place, public opinion is much *more complex and nuanced* than is generally supposed. In many cases, there simply does not exist any uniform public opinion, but a variety of differing views, changing among different segments of the population. Those who speak in the name of “the people” very often speak just for themselves.

In addition to this, a careful analysis on penal politics shows that politicians *lead* as much as follow the public opinion (see especially *Beckett*, 1997). Punitive public demands may well be the result – not the cause – of punitive policies.

2. Secondly, rarely – if ever – are these proposals based on reliable research on the actual content of public attitudes. In many cases, those who refer to “public opinion”, are expressing mainly their own personal values which they wish to authorize by the force of public opinion. In some cases the source of “public opinion” is a media-prepared poll, designed to serve certain prefixed political purposes. Both cases have nothing to do with serious attempts to follow the “voice of the people”.

3. Thirdly, even *if there are* reliable measurements of the public opinion, we may encounter some principled difficulties in their implementation. “Counting heads has nothing to do with validating moral reasons”. This applies also to our conceptions of justice. It would, furthermore, be a simplistic form of democracy that delivered flawed criminal justice policies simply because there was (an apparent) public demand for them. As *Hough & Roberts* summarize: “This would amount to democracy by uninformed plebiscite, quite different from the form of government by elected representatives that our ... nations purport to uphold.” (*Hough & Roberts* 2001).

3. Raising the Rationality of the Criminal Political Decision Processes

1. *Inform the politicians of the basic facts.* - To begin with, penal policies in many developed democracies are characterized by misinformation on the part of both politicians and of the people whom they were elected to represent. Informing the politicians of the basic facts would be the first thing to do. Much of what is said below on informing the public will apply directly to the politicians. This holds true both with the form and the content (the politicians are at least as active readers of the tabloid papers as any of us). However, at least some of the politicians are willing to acquire additional information, once it is given in a concise enough form. Special efforts should be taken to provide accurate and concise information packages.

Politicians are in a position to *make policy choices* between different alternatives. That is their main task. And it their basic responsibility to be able to *explain the pros and cons* of the possible alternatives. In any case, that is what the public should demand them to do. Therefore, politicians must be helped to understand what imprisonment can achieve, what its limits are, and what its dangers are. They must also fully understand the financial costs entailed by a high level of imprisonment. Even if they are not impressed by the arguments for greater humanity and social reintegration, they will sometimes be impressed by the expense of imprisoning so many people (*Walmsley* 2001).

Sometimes it might be useful to draw attention to how similar countries or jurisdictions cope differently (*Hough & Roberts* 2001). The value of this comparison is, of course, greatest in those countries that have the most severe practices. For others – such as Finland – international comparisons are becoming more and more dangerous.

2. *Political culture.* - Providing the necessary information will not be enough, if the political culture remains unreceptive to rational argumentation. In this respect, there are great differences between different cultures. The political culture in the Scandinavian countries has traditionally appreciated evidence-based policies and pragmatic rational argumentation over populist and symbolic gestures. The situation may well be different in other countries – in fact, this is precisely what a “drift towards penal populism” is all about. The main question, then, remains: *Is there anything that can be done in order to influence the political rhetoric itself and the way of argumentation?* At least, two additional pieces of advice can be given.

3. *Apply the normal rules of political accountability also in penal discourse.* - In several other spheres of political life (other than criminal justice) proposals are supported, research-based

evaluations of their effectiveness. Those politicians advocating different proposals (concerning for example economics, traffic or education) usually need to explain the sources of the funds; how much the proposals cost and where the money can be taken from. These same requirements should also be applied to punitive crime policies. It should not be enough just to demand “law and order”: Proposals for tougher sentences should be accompanied with research-based estimations on how much crime will be reduced, and what are the financial costs of increased incarceration. If the same standards of accountability that are applied elsewhere in politics, were followed in the criminal justice debate, the attractiveness of punitive claims might be significantly reduced.

Moreover, objective evaluation of all major projects should be mandatory. This should also apply to changes in sentencing policies.

4. *Increase the political costs of penal populism.* - In addition, there may be some (albeit limited) scope for reducing the political payoffs in “talking tough on crime”. At the same time that penal populism has been growing, there also has been a *growing distaste for populist posturing* as such, among both the public and the media.

The politicians have realized this, too. Usually, no one wishes to be labelled as a penal populist. This also means that if a certain politician’s arguments can be shown – by researchers and pressure groups for penal reform – to include attitudinal oversimplification, political opponents would undoubtedly use this opportunity to introduce new slogans such as “act smarter – not tougher” could also be of some assistance in the debate (*Hough & Roberts 2001*).

Giving *intellectual weapons in the hands of political opponents of any penal populist* – irrespective of the party he/she represents – is one way of improving the quality of political discussions and, thus, enhancing the rationality of political decision-making processes.

B. Public Opinion and the Media

The media and the general public play a crucial criminal political role in many developed countries. The politicians respond to the requirements of the public (whether these demands are “real” or “imaginary”). Media, on the other hand, influences in many ways public opinion and people’s attitudes.

1. Better Measurements of the Public Opinion

Despite what has just been said in the preceding chapter, the politicians will undoubtedly respond to the requirements of public opinion also in the future. This being the case, efforts should be made to *raise the quality of attitude measurements in criminal justice as well as the interpretation of the available evidence.*

1. *Avoid stereotypes in the interpretation.* - Careful studies show that public opinion is far from unidimensional or monolithic. Many people have sophisticated views about punishment; many are ambivalent about the appropriate response to offending. Whilst the majority think that the courts are generally too soft, majorities also tend to recognize that prison is expensive and damaging (*Hough & Roberts 2001*). If given other opportunities in addition to punishments in the polls (which is rare), people tend to support alternative, non-punitive responses (*Beckett 1997*).

2. *Avoid oversimplification in the measurement.* - In most opinion polls, there is the tendency of oversimplification. The ways in which attitudes are measured tend to exaggerate popular punitiveness. Questions are too vague and too general. As a consequence the respondents fill the “gaps of information” with their own imagination which, in turn, is coloured by the information given in the media.

For example, the questions concerning proper sentencing levels are answered specifically with persistent or violent criminals in mind, while the clear majority of offenders who appear before the courts, are poorly educated, unemployed young men charged with property offences. Answers about penalties for drunk drivers are given with “killer drivers” in mind, while a normal drunk driver (in Scandinavia) is someone who had too many drinks the night before and got caught in an early morning

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roadside traffic control on his/her way to work. If the questions are rephrased to correspond more accurately to real life situations, also the punitiveness decreases.

Questions should be *more specific* and they should avoid value-laden terms. Asking “are courts tough enough on persistent criminals” is guaranteed to elicit agreement from the vast majority of the population. Even more misleading are the media organised “on-line net-polls”, arranged in connection with every major crime event.

3. *Include also cognitive dimensions in the measurement.* - Better measurement of public attitudes also involves placing the results of an opinion poll in context with *what people actually know* of the problem being explored. All attitudes are partly based on beliefs of the factual conditions (what the crime rate is, what kind of people the criminals are, how effective the sanction system is, etc). While considering the relevance of public opinion as a criminal political argument, one should also take into account what the factual premises behind this opinion are.

Results showing that people want more severe punishment are of little worth if at the same time a) people have no idea about the actual level on penalties, b) the public is mistaken on the nature and development of crime, and c) people have overly optimistic views on the possibilities to influence criminality by means of raising penalties. After all, in these cases we may well conclude that *if* people would have had correct information of the facts *then* they would also had shown different views on the appropriate penalties.

2. Informing the Public Opinion

Penal populism feeds off public ignorance and misunderstanding about crime and punishment. The obvious remedies are *to improve the quality and availability of information* and *to provide better access to the research evidence* about the crime strategies that work and the ones that do not.

1. *The reality of crime.* - Empirical research shows that those who know less of the facts of crime and crime control also have the highest fears and most punitive demands (*Hough & Roberts 1998*). Thus, improving the general level of knowledge would also reduce the punitive demands of the public. The public's fear of crime and hostility towards offenders in general needs to be counteracted by providing more accurate descriptions of criminality, crime rates as well as the offenders and the circumstances in which they commit the offences. People systematically overestimate the increase (and the gravity) of crime.

2. *The reality of punishments.* - Also information on the functions of punishment, on the relative effectiveness of custodial and community measures, and on the reality of prisons is needed.

For example, the public is generally aware of neither the *problems faced in prisons* nor the dangers in the uncontrolled use of imprisonment nor its human and financial costs. Too many take for granted the media posters which parallel prisons with hotels.

The public is also unaware of the *actual level of sentences*. Demands for harsher sentencing do not spring from a systematic study of sentencing pattern in the courts. People read or hear about sentences from the media. In the light of the summary of facts provided in the news, the sentence seems to be too lenient, which leads to the conclusion, that “we need to do something about sentencing”. One way to lessen the public anxiety about specific sentencing decisions would be information systems which could successfully summarize overall sentencing patterns whilst managing to communicate what the “going rate” is for specific sorts of crime.

Governments and research institutes bear the basic responsibility for informing people about crime trends and court practices. However, in practice, the media will continue play the key role as a source of information for the public.

3. Raising the Quality of Crime News – Can the Media be Influenced?

The media are the source of much information, both true and false. Unfortunately, the media image of crime is selective, simplified and skewed. It drives the discussion (on the television) down to the level of five second sound-bites, thus preventing any efforts to have more nuanced and complicated analyses.

Still, this is the reality we have to live with. Free media and the freedom of expression are also one of the cornerstones of any democratic society. The possibilities to influence the way that the mass media cover crime and punishment are heavily restricted, based mainly on the self-criticism of the media itself (at best). What then – if anything – can be done?

1. *Challenge media misrepresentations.* - Representatives of the media who are receptive to these issues can be drawn into a debate on how criminal justice should be reported. The basic requirement is for more responsible media coverage. Media watchdogs could be required to ensure that coverage on sensational and rare offences and incidents is balanced; at the very least such coverage should point out how rare such incidents are.

2. Most news on crime tends to underline that crime is becoming more and more threatening, even if national crime figures are going down. The growth of crime is always news, declining figures receive much less attention. A 10 per cent increase means that crime is “soaring” whereas a 10 per cent decrease means “a small reduction”. *Therefore, it would be important to place reports of individual crimes in a statistical context.* This is a common practice in the Finnish media, but evidently much rarer in other countries.

3. Often the style of crime reporting is the result of sheer ignorance. Reporters do not have the skill nor the time to make better stories. Media personnel are prone to the same misunderstandings as the average citizen. Those responsible for informing the public on these matters – the governmental officials and research agencies – need to ensure that the media is also given accurate information about criminal justice. One has to remember that responsible reporters are also receptive to well-founded critique.

4. Governmental research agencies play a central role in serving the media with accurate information. For example, in Finland the National Research Institute of Legal Policy has, since 1975, published detailed yearbooks on both crime and sentencing statistics. This book (over 300 pages) is now also available on the Internet.

Other useful means may include: appointing press officers, improving media access to statisticians and academics, and using more efficiently the new technology to communicate statistical information to the press. In most Scandinavian countries the public and the press have free access to the frequently updated national crime statistics on the internet.

5. *Editorial policies* may be moderated if their unintended consequences are pointed out to the editors. Key persons in the media market (editors, leading reporters, etc.) should be cooperated with. In the UK there was at least a temporary break on the tabloid media’s style to sensationalise crime, after influential media personalities were invited to participate in a committee that examined the media’s role in exacerbating the fear of crime (*Hough & Roberts 2001*).

C. Constructing Convincing Political Alternatives

Politicians need some persuasive alternatives. As noted by *Hough & Roberts*, any attempt to render the penal debate “fireproof” against populism cannot be simply defensive: “Politicians *have* to be able to respond to public concern about crime; they will listen to the message that Draconian sentencing is ineffective only when they are provided with positive and plausible suggestions for effective replacement strategies” (*Hough & Roberts 2001*).

On the other hand, if other, more functional instruments can be advocated, it will also become more and more difficult to justify severe sentences. The development of convincing crime prevention strategies outside the domain of criminal law reduces, thus, the political strains on the criminal justice system.

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What is needed is a *comprehensive national crime reduction programme based on a partnership on prevention, employing all relevant crime prevention strategies*. The shape of such a programme will, of course, vary across jurisdictions, and it needs to be responsive to local conditions and priorities. These kind of national programmes have now been implemented in several European countries, including France, the UK, Sweden and Finland. The content of these programmes fall, however, outside of this presentation.

IV. WHY DO HIGH PRISONER RATES MATTER?

“The more criminals you lock up the less crime they can commit.” But there is clear evidence that to have a significant effect on crime levels you would have to lock up far more people and for longer periods - at a great public expense - than even the countries who are most enthusiastic about imprisonment have been willing to do (*Walmsley 2001*).

The benefits of massive use of imprisonment in crime prevention could easily be achieved with other, more economic and humane measures. What, then, are the costs involved?

High and growing prison population sizes lead to overcrowding. Overcrowded prisons are a breach of United Nations and other international standards which require that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings, which includes being accorded a reasonable amount of space.

High prison population numbers bring with them poorer conditions of hygiene, poorer sanitation arrangements, less time for outdoor exercise, insufficient bedding and clothing, insufficient nutrition and health care, more tension, more violence between prisoners, more violence against staff and more suicides.

Growth in prisoner numbers means less effective supervision by staff, less time to organise activities to ensure the chances of successful reintegration, less treatment programmes, increased stress and higher sickness levels among the staff.

And what does it say about the state of a country that it finds it necessary to lock up more than one per cent of its male population (as the case is in the US and Russia). The picture looks even darker, if we recalculate the figures excluding boys too young to be imprisoned and older men. And if we look at how many urban male citizens belonging to ethnic minorities aged 15 to 30 are being locked up, we are faced with even more serious questions concerning the social costs of mass imprisonment: “The hardening of social and racial divisions, the reinforcement of criminogenic processes; the alienation of large social groups; the discrediting of legal authority; a reduction of civic tolerance; a tendency towards authoritarianism.” (*Garland 2001 p.204*).

One can but hope that the same political structures that once enabled the birth of mass imprisonment will, in the long run, work against it. As David Garland concludes: “But over the long term it is probable that its conflict with the ideals of liberal democracy will become increasingly apparent, particularly where penal exclusion ... is so heavily focused upon racial minorities. A government that routinely sustains social order by means of mass exclusion begins to look like an apartheid state.” (*ibid*).