

Prison: the facts

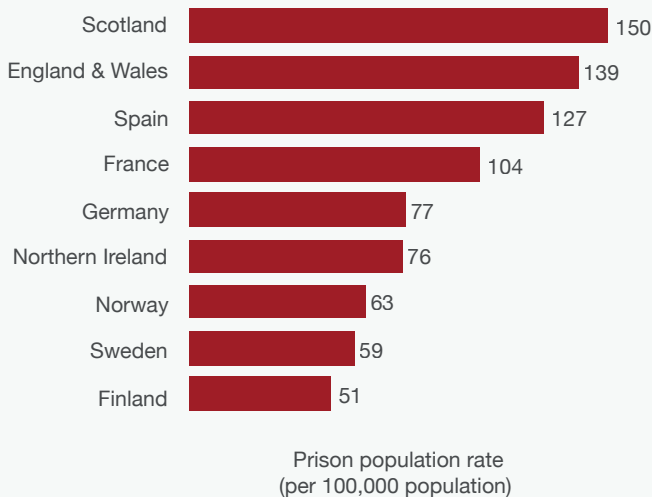
Bromley Briefings Summer 2019



Facts and figures provide a better basis than opinion for policy and practice change. Drawn largely from government sources, these facts chart the extraordinary rise in prison numbers over the last twenty years, inflation in sentencing and the social and economic consequences of overuse of custody. They reveal the state of our overcrowded prisons and the state of people in them, the impact of deep budget cuts, the pace and scale of change in the justice system and the scope for community solutions to crime.

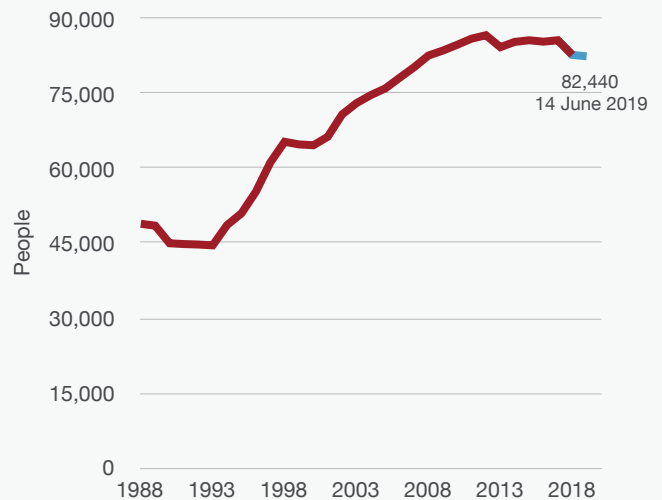
Sentencing and the use of custody

Scotland and England and Wales have the highest imprisonment rates in western Europe



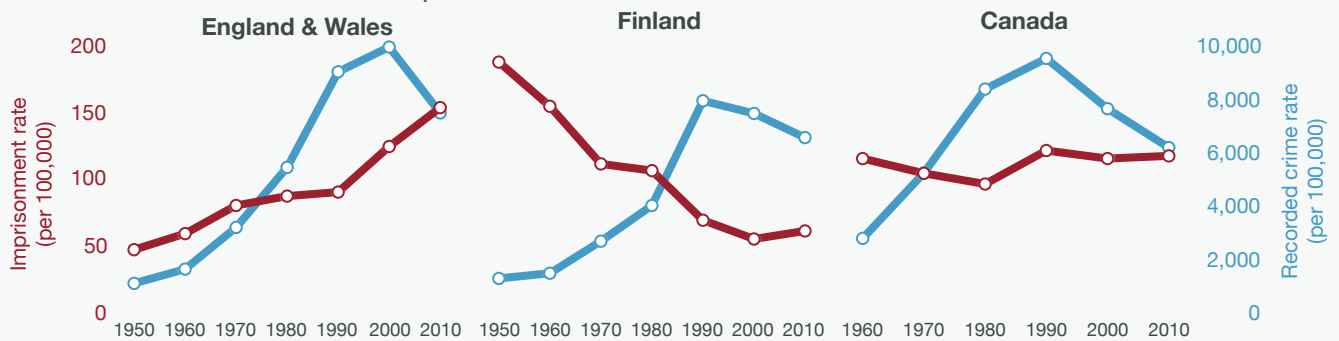
Source: International Centre for Prison Studies, 24 May 2019

The prison population has risen by 69% in the last 30 years—but it has fallen in the last two



Source: Offender management statistics and Population and capacity briefing for 14 June 2019

Yet there is no link between the prison population and levels of crime according to the National Audit Office.¹ International comparisons also show there is no consistent link between the two.²

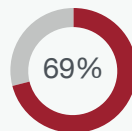


In England and Wales, we overuse prison for petty and persistent crime.³

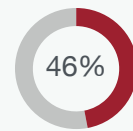
Nearly

59,000

people were sent to prison to serve a sentence in 2018



The majority had committed a non-violent offence

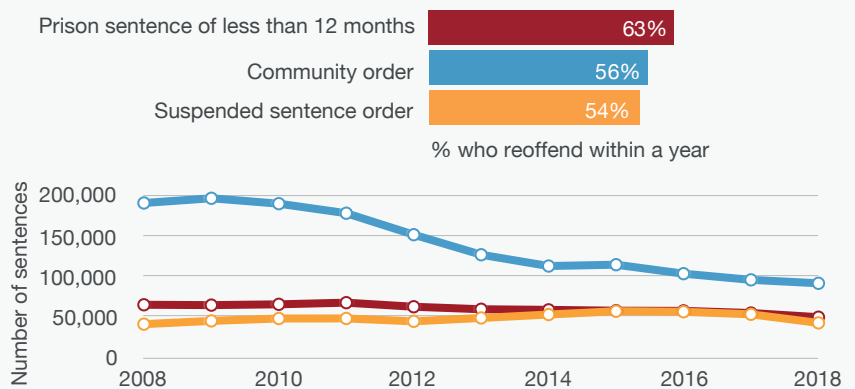


Almost half were sentenced to serve six months or less

Short prison sentences are less effective than community sentences at reducing reoffending.⁴

Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.⁵ Yet, their use has more than halved in only a decade.

Suspended sentences have risen, but account for only 4% of all sentences—and fell in 2017 & 2018.⁶



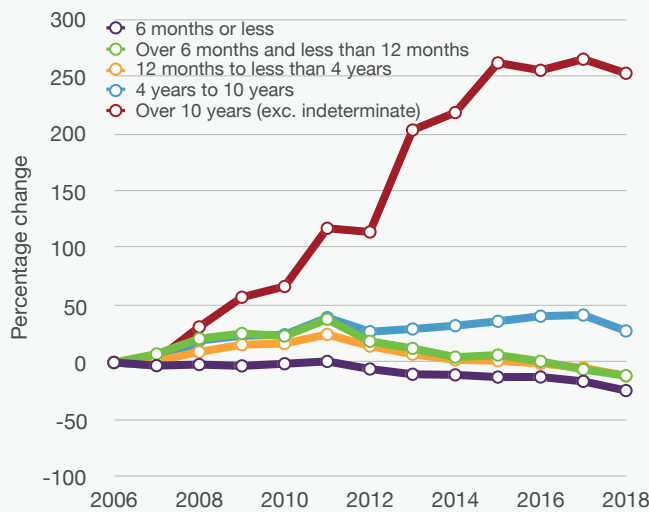
1 National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office
 2 Lappi-Seppälä, T (2015) Why some countries cope with lesser use of imprisonment, available at <http://bit.ly/Tapio>; Table 1, Eurostat (2013) Trends in crime and criminal justice, graphs and tables, Trends in crime and criminal justice 2010, Luxembourg: European Commission; Office for National Statistics (2017) UK and regional population estimates 1838 to 2015, Mid-2015 population estimates, London: ONS; Table 8, von Hofer, H., et al. (2012) Nordic Criminal Statistics 1950–2010, Stockholm: Stockholms universitet; and Statistics Canada (2017) 'Canada's crime rate: Two decades of decline', available at <http://www.statcan.gc.ca/pub/11-630-x/11-630-x2015001-eng.htm>
 3 Table A2.7 and A2.9i, Ministry of Justice (2019) Offender management statistics: Prison receptions 2018, London: Ministry of Justice
 4 Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice
 5 Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice
 6 Table Q5.1b and Q5.4, Ministry of Justice (2019) Criminal justice statistics quarterly December 2018, London: Ministry of Justice

Fewer than one in 10 people surveyed said that having more people in prison was the most effective way to deal with crime. Early intervention, such as better parenting, discipline in schools and better rehabilitation, were all rated as more effective responses.⁷



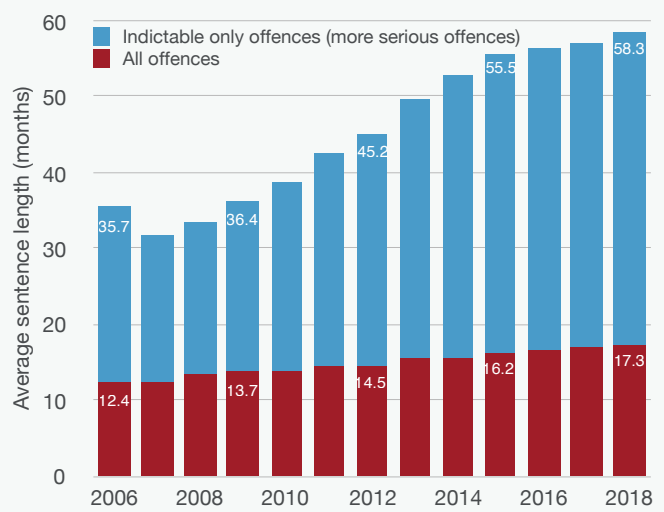
We choose to send people to prison for a long time...and it's growing.

More than two and a half times as many people were sentenced to 10 years or more in 2018 than in 2006.⁸



Source: Criminal justice statistics quarterly December 2018

For more serious, indictable offences, the average prison sentence is now 58.3 months—over two years longer than in 2006.⁹



Source: Criminal justice statistics quarterly December 2018

People serving mandatory life sentences are spending more of their sentence in prison. On average they spend 17 years in custody, up from 13 years in 2001.¹⁰

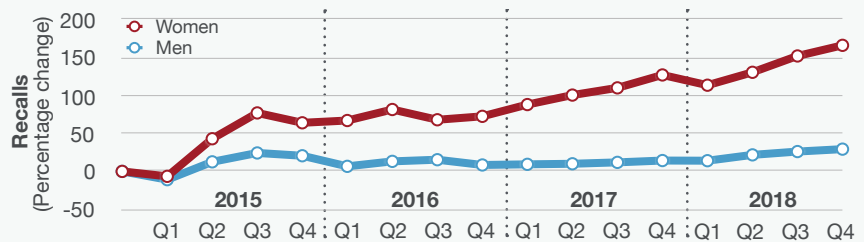
This is set to rapidly increase as judges are imposing substantially longer tariff periods.¹¹ The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.¹²

Many are released from prison, only to return there shortly after.

Nearly half of adults (48%) are reconvicted of another offence within one year of release.¹³

Anyone leaving custody who has served two days or more is now required to serve a minimum of 12 months under supervision in the community.¹⁴

As a result, the number of people recalled back to custody has increased, particularly amongst women. 8,927 people serving a sentence of less than 12 months were recalled to prison in the year to December 2018.¹⁵



7 Crest Advisory (2018) Rewiring justice: Transforming punishment and rehabilitation for the 21st century, London: Crest Advisory

8 Table Q5.4, Ministry of Justice (2019) Criminal justice statistics quarterly December 2018, London: Ministry of Justice

9 Table Q5.1b, Ibid.

10 Table A3.3, Ministry of Justice (2019) Offender management statistics: Prison releases 2018, London: Ministry of Justice and Table A3.5, Ministry of Justice (2011) Offender management statistics: Annual prison population 2010, London: Ministry of Justice

11 Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation

12 Ministry of Justice (2014) Freedom of Information request 89346, London: Ministry of Justice and House of Lords written question HL2315, 6 November 2017

13 Table C1a, Ministry of Justice (2019) Proven reoffending statistics quarterly: April to June 2017, London: Ministry of Justice

14 Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice

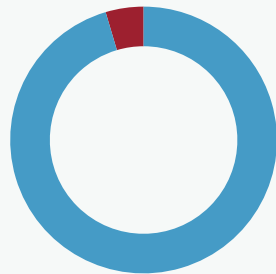
15 Table 5.2, Ministry of Justice (2019) Offender management statistics quarterly: October to December 2018, London: Ministry of Justice

Safety in prisons

Safety in prisons has deteriorated rapidly over the last seven years. Prisoners and staff are less safe than they have been at any point since records began, with more self-harm and assaults than ever before. Despite a brief decline, the number of self-inflicted deaths is rising once again.

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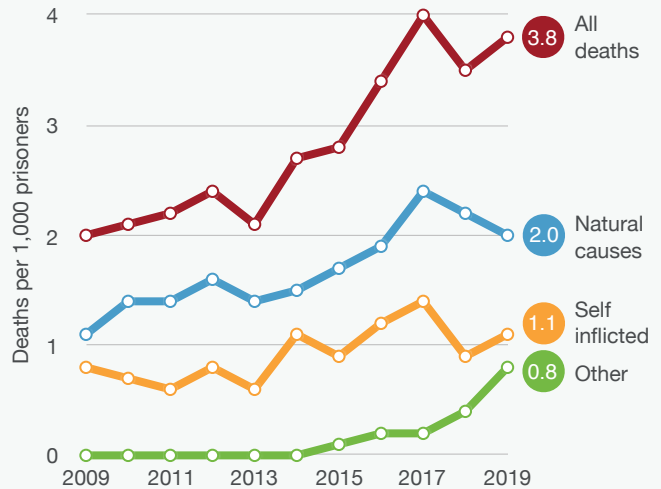
People died in prison in the year to March 2019



Over a quarter were self-inflicted

of which 83 were men and 4 were women

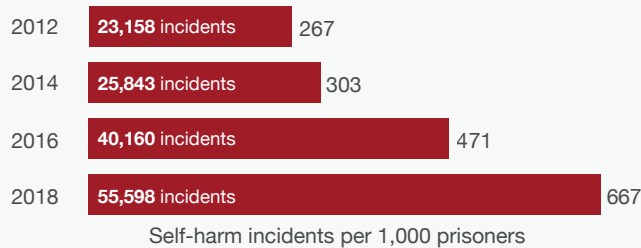
Rates of death in prison continue to rise after a brief decline—and have almost doubled in the last decade.



Self-inflicted deaths are 6.2 times more likely in prison than in the general population.

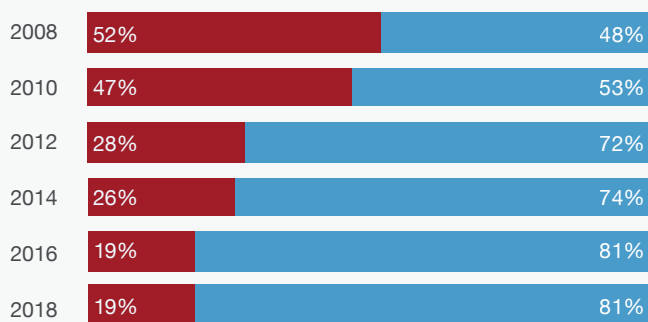
Self-harm

Rates of self-harm are at the highest level ever recorded



Women account for a disproportionate number of self-harm incidents in prison—despite making up only 5% of the total prison population.

But in recent years there has been a significant rise in self-harm incidents by **men**.

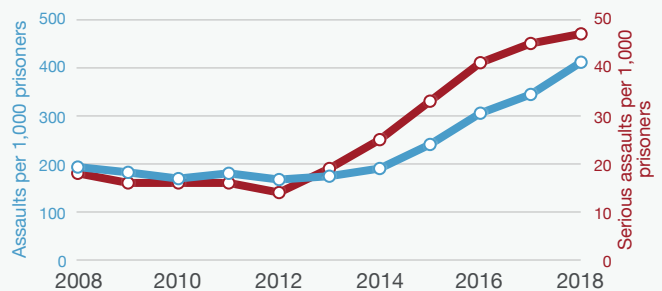


Proportion of all self-harm incidents

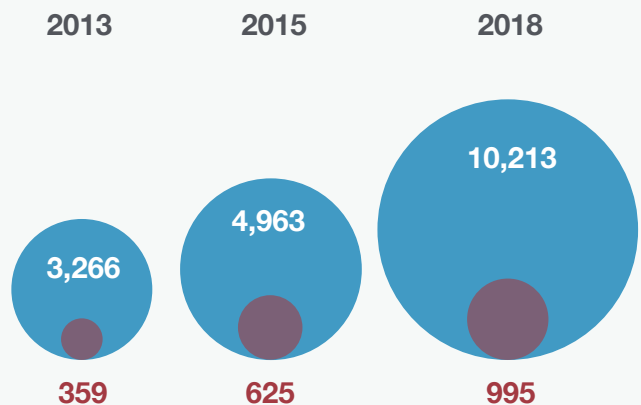
Source: Safety in custody statistics quarterly update to December 2018

Assaults

Assaults and serious assaults are at the highest levels ever recorded



Assaults on staff have more than tripled in only five years



Serious assaults on staff have risen at almost the same rate

There were three homicides in prison in the year to March 2019 and another five the year before.¹⁶

Recorded sexual assaults in prison have quadrupled since 2012. There were 469 recorded assaults in 2018.¹⁷

There were 117 deaths in prison between June 2013 and September 2018 where the person was known, or strongly suspected, to have used or possessed new psychoactive substances (NPS) before their death.¹⁸

Prison service resources and staffing

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010–11 and 2014–15 its budget reduced by around 20%, and despite increases since then, these have been almost entirely cancelled out by the effects of inflation.¹⁹

However, HMPPS' resource budget rose in real terms by 4% to £3,920m in 2018–19. Capital spending also increased, as the government seeks to build 10,000 new prison places.²⁰

£1.3bn has been announced to invest in reforming and modernising the prison estate. The government has committed to build 10,000 new prison places by 2020.²¹

Work is due to begin in June 2019 on a new 1,680 place prison in Wellingborough, Northamptonshire at a cost of £253m.²² 206 new prison places were scheduled to open in early 2019, with a new houseblock at HMP Stocken.²³ HM Treasury has also approved the building of a new prison on the former site of HMP Glen Parva, due for completion in 2022.²⁴

However, the prison population is projected to rise by a further 3,200 places by March 2023.²⁵

Plans to close HMPs Rochester and Hindley have been delayed due to pressure for prison places, and the Welsh Government has refused to give consent to build a prison at Port Talbot.²⁶

The cost of a prison place reduced by 19% in real terms between 2009–10 and 2017–18. The average annual overall cost of a prison place in England and Wales is now £40,843.²⁷

The number of frontline operational prison staff was cut by 26% between 2010–2017.²⁸

£100m was committed to recruit a further 2,500 officers by December 2018.²⁹ This target has now been met, with an additional 1,592 prison officers recruited in the last year.³⁰

But retention remains a problem—the majority of officers (54%) who left the service last year had been in the role for less than two years.³¹

Staff experience has declined as a consequence. Over a third (35%) of officers have been in their post for less than two years, and less than half of officers (46%) have 10 years of experience or more.³²

Although officer numbers have recovered, the cumulative length of service of serving officers has declined by 25% since 2010.³³

¹⁶ Table 2, Ministry of Justice (2019) Safety in custody quarterly update to December 2018, London: Ministry of Justice

¹⁷ Table 3.9, Ibid.

¹⁸ Freedom of Information request by the Prison Reform Trust to the Prisons and Probation Ombudsman

¹⁹ Sturge, G. and Robins, J. (2018) Estimates day: Ministry of Justice spending, Debate pack, London: House of Commons Library; Ministry of Justice (2017) Ministry of Justice Annual Report and Accounts 2016–17, London: Ministry of Justice and previous editions; HM Prisons and Probation Service (2018) Annual report and accounts 2017–18, London HMPPS; and HM Treasury (2018) GDP deflators at market prices, and money GDP October 2018 (Budget 2018), London: HM Treasury

²⁰ Ibid. and National Offender Management Service (2018) Annual Report and Accounts 2017–18, London: The Stationery Office

²¹ HM Treasury (2015) Spending review and autumn statement 2015, London: HM Stationery Office and House of Commons written question 151219, 12 June 2018

²² Ministry of Justice (2019) Agreement reached on construction of new Wellingborough prison, available at <https://www.gov.uk/government/news/agreement-reached-on-construction-of-new-wellingborough-prison>

²³ House of Lords written question HL11934, 29 November 2018

²⁴ House of Commons written question 200144, 7 December 2018

²⁵ Ministry of Justice (2018) Prison Population Projections 2018 to 2023, England and Wales, London: Ministry of Justice

²⁶ House of Commons Justice Committee (2017) Oral evidence: The work of the Ministry of Justice, 25 October 2017, London: HM Stationery Office and National Assembly for Wales (2018) The Record, 9 May 2018 c103, available at <http://record.assembly.wales/Plenary/4982?lang=en-GB#A43307>

²⁷ Table 1, Ministry of Justice (2017) Costs per prison place and cost per prisoner by individual prison establishment 2016 to 2017 tables, London: Ministry of Justice; Table 42, Ministry of Justice (2011) National Offender Management Service Annual Report 2009/10: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2017) GDP deflators at market prices, and money GDP September 2017 (Quarterly National Accounts, September 2017), London: HM Treasury

²⁸ Table 3, Ministry of Justice (2019) HM Prison and Probation Service workforce statistics: March 2019, London: Ministry of Justice

²⁹ House of Lords written question HL1680, 18 October 2017

³⁰ Table 3, Ministry of Justice (2019) HM Prison and Probation Service workforce statistics: March 2019, London: Ministry of Justice

³¹ Table 10, Ibid.

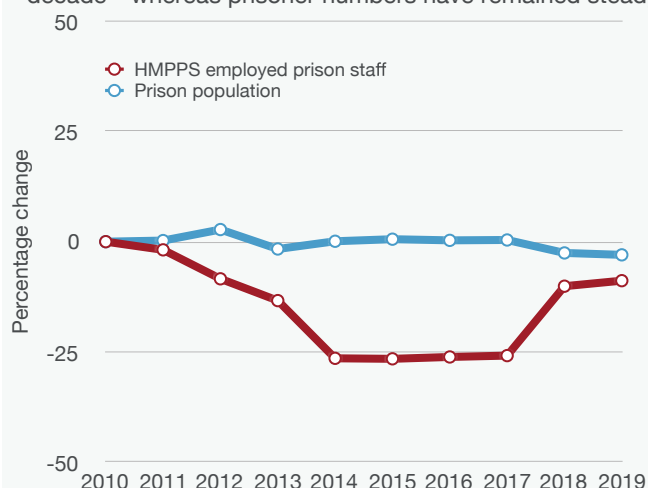
³² Table 4, Ibid.

³³ House of Commons written question 252665, 17 May 2019

Prison service resources and staffing

Public sector prison staff

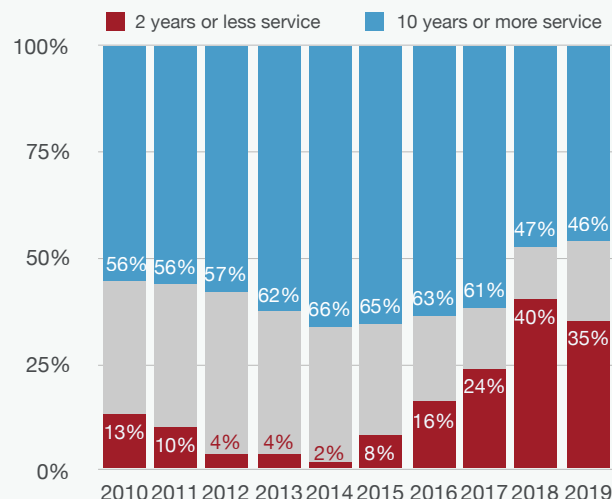
Staff numbers fell sharply before recovering over the last decade—whereas prisoner numbers have remained steady



Sources: HMPPS workforce statistics bulletin: March 2019 and Offender management statistics

Growing inexperience

The proportion of staff with two years or less service is rising



Source: HMPPS workforce statistics bulletin: March 2019

People in prison

People on remand

For many people, their first experience of prison is on remand. This might be ahead of their trial, or whilst they are awaiting sentencing having been found guilty.

People remanded to custody to await trial are innocent until proven guilty. 31,062 people were sent to prison before their trial in 2018—down by 23% in three years.³⁴

More than half (54%) of people entering prison on remand awaiting trial are accused of non-violent offences—15% were for theft offences, and 13% for drug offences.³⁵

People on remand currently make up one in 10 people in prison (11%)—8,957 people. The majority are awaiting trial (65%), whilst the rest await sentencing.³⁶

One in 10 people remanded into custody by magistrates' courts in 2018 were subsequently acquitted. A further 14% of people received a non-custodial sentence. In the Crown Court, the figures were 13% and 13%, respectively.³⁷

Remand prisoners receive no financial help from the prison service at the point of release. Those acquitted receive no compensation.

Black men are 26%, and mixed ethnicity men 22% more likely to be remanded in custody at the Crown Court than white men.³⁸

Nearly three in 10 (29%) self-inflicted deaths in 2018 were by people held on remand—far higher than the proportion of the prison population they represent (11%).³⁹

However, use of remand is falling. The number of people in prison on remand has dropped by over a quarter (29%) since 2010.⁴⁰

³⁴ Table A2.5i, Ministry of Justice (2019) Offender management statistics: Prison receptions 2018, London: Ministry of Justice

³⁵ Ibid.

³⁶ Table 1.1, Ministry of Justice (2019) Offender management statistics quarterly: October to December 2018, London: Ministry of Justice

³⁷ Table Q4.4, Ministry of Justice (2019) Criminal justice statistics quarterly December 2018, London: Ministry of Justice

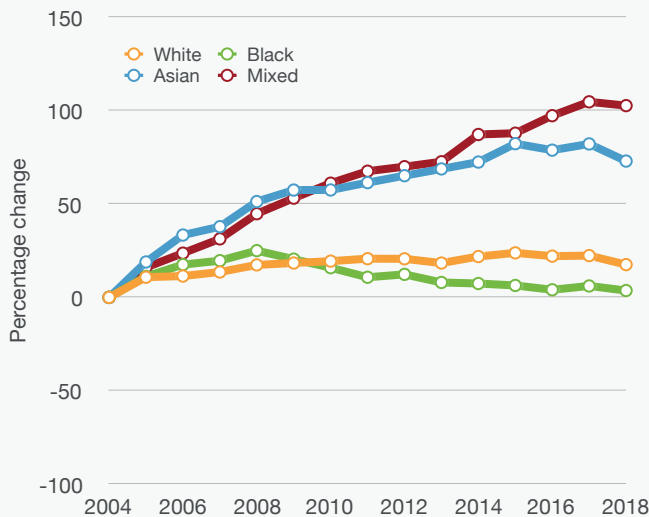
³⁸ Table 5.3, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice

³⁹ Table 1.11, Ministry of Justice (2019) Safety in custody statistics quarterly update to September 2018, London: Ministry of Justice

⁴⁰ Table A1.1, Ministry of Justice (2019) Offender management statistics: Annual prison population 2018, London: Ministry of Justice

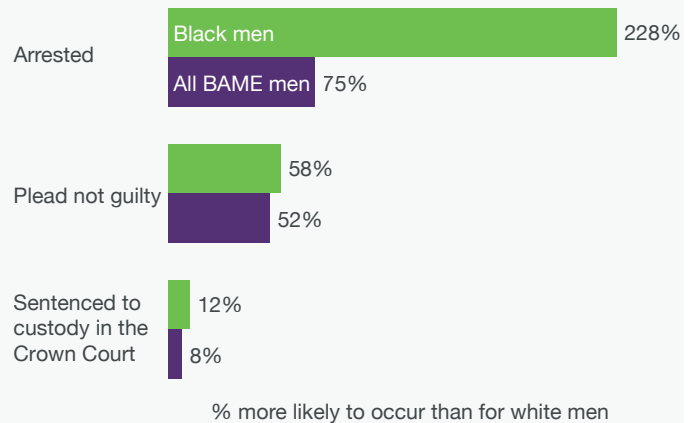
Black, Asian and minority ethnic people in prison

The number of Asian and mixed ethnicity prisoners has risen sharply since 2004



Source: Offender management statistics: Annual prison population 2018

BAME men are more likely to be arrested, plead not guilty and be sent to prison by the Crown Court than their white counterparts



Source: Ministry of Justice (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

Over a quarter (27%) of the prison population, 22,227 people, are from a minority ethnic group. The largest minority ethnic groups are Black or Black British (13%), Asian or Asian British (8%), Mixed (5%) and other ethnic groups (2%).⁴¹

If our prison population reflected the make-up of England and Wales, we would have over 9,000 fewer people in prison—the equivalent of 12 average-sized prisons.⁴²

The economic cost of black, Asian and minority ethnic (BAME) over-representation in our prison system is estimated to be £234 million a year.⁴³

Research has found a clear direct association between ethnic group and the odds of receiving a custodial sentence. Black people are 53%, Asian 55%, and other ethnic groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.⁴⁴

The number of Muslim prisoners has more than doubled over the past 16 years. In 2002 there were 5,502 Muslims in prison, by 2018 this had risen to 12,894.⁴⁵ They now account for 16% of the prison population but just 5% of the general population.⁴⁶

Muslims in prison are far from being a homogeneous group. Some were born into Muslim families and others have converted. 40% are Asian, 29% are black, 16% are white and 9% are of mixed ethnicity.⁴⁷

Only one per cent of Muslims in prison are currently there for terrorism-related offences.⁴⁸

Despite this, they make up half of all people held in close supervision centres (CSCs)—25 of 50 people. CSCs are designed to manage highly disruptive and high risk people in prison.⁴⁹

4% of people in prison said that they are Gypsy, Roma or Traveller, compared to an estimated 0.1% of the general population in England. Inspectors found that most prisons they visited were still not aware of their existence or needs.⁵⁰

Only one in 100 prisoners who made an allegation of discrimination against prison staff had their case upheld by the prison. By contrast, three in four staff reports (76%) of alleged discrimination by a prisoner were upheld.⁵¹

41 Table 1.4, Ministry of Justice (2019) Offender management statistics quarterly: October to December 2018, London: Ministry of Justice

42 Table 11, Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice and Lammy, D. (2017) The Lammy Review, London: Ministry of Justice

43 Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice

44 Hopkins, K., et al. (2016) Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015, London: Ministry of Justice

45 Table A1.10, Ministry of Justice (2018) Offender management statistics: Annual prison population 2018, London: Ministry of Justice

46 Lammy, D. (2017) The Lammy Review, London: Ministry of Justice

47 House of Lords written question HL3275, 5 January 2017

48 Table P.04, Home Office (2018) Operation of police powers under the Terrorism Act 2000: quarterly update to December 2018, London: Home Office and Table 1.5, Ministry of Justice (2018) Offender Management Statistics quarterly: October to December 2018, London: Ministry of Justice

49 Shalev, S. and Edgar, K. (2015) Deep custody: Segregation units and close supervision centres in England and Wales, London: Prison Reform Trust

50 HM Chief Inspector of Prisons (2018) Annual Report 2017–18, London: HM Stationery Office and Irish Traveller Movement in Britain (2013) Gypsy and Traveller population in England and the 2011 Census, London: ITMB and Office for National Statistics (2013) Annual Mid-year Population Estimates, 2011 and 2012, London: ONS

51 Edgar, K. and Tsintsadze, K. (2017) Tackling discrimination in prisons: still not a fair response, London: Prison Reform Trust

Older people in prison

With prison sentences getting longer, more people are growing old behind bars. People aged 60 and over are the fastest growing age group in the prison estate. There are now more than triple the number there were 16 years ago.⁵²

One in six people (16%) in prison are aged 50 or over—13,620 people. Of these, 3,311 are in their 60s and a further 1,747 people are 70 or older.⁵³

The number of over 50s in prison is projected to rise to 14,100 by 2022—an increase of 3%. The most significant change is anticipated in the over 70s, projected to rise by 19%.⁵⁴

45% of men in prison aged over 50 have been convicted of sex offences. The next highest offence category is violence against the person (23%) followed by drug offences (9%).⁵⁵

234 people in prison were aged 80 or over as of 31 December 2016. 219 were in their 80s, 14 were in their 90s, and one was over 100 years old—87% were in prison for sexual offences.⁵⁶

Life and indeterminate sentences

Many people in prison don't know if, or when, they might be released. Indeterminate sentences account for 13% of the sentenced prison population, up from 9% in 1993.⁵⁷

England and Wales have more people serving indeterminate sentences than Germany, Russia, Italy, Poland, the Netherlands and Scandinavia combined—the highest in Europe by a significant margin.⁵⁸

9,441 people are currently in prison serving an indeterminate sentence who have yet to be released. 7,038 people are serving a life sentence and a further 2,403 people are serving sentences of Imprisonment for Public Protection (IPP).⁵⁹

Despite its abolition in 2012, over nine in 10 people (91%) serving an IPP sentence are still in prison having passed their tariff expiry date—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.⁶⁰

375 people are still in prison despite being given a tariff of less than two years—nearly half of these (168 people) are still in prison over a decade after their original tariff expired.⁶¹

The rate of release for IPP prisoners has increased sharply in the last four years, but has stalled in the last year. In 2018, for every 1,000 people serving an IPP sentence, 184 were released.⁶²

But the number of people in prison who have been recalled from the community is rising. There are a further 1,063 people serving an IPP sentence who are back in prison having been previously released—a 26% increase in only a year.⁶³

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 replaced IPP sentences with new Extended Determinate Sentences (EDS). While technically not indeterminate, they both extend the period of custody that offenders serve, and revoke automatic release at a fixed point in their sentence.

As of March 2019, there are 5,262 people serving EDS sentences—6% of the prison population. This figure is 17% higher than the previous year, and is set to become an increasingly large portion of the population.⁶⁴

Lifers continue to serve their sentence on release from prison for the rest of their lives. They are subject to monitoring and restrictions and can be returned to custody at any point if they break the terms of their licence.

There are currently 63 people serving a whole life sentence—they are unlikely to ever be released.⁶⁵

⁵² Table A1.7, Ministry of Justice (2018) Offender management statistics: Annual prison population 2018, London: Ministry of Justice

⁵³ Table 1.3, Ministry of Justice (2019) Offender management statistics quarterly: October to December 2018, London: Ministry of Justice

⁵⁴ Table 4.1, Ministry of Justice (2018) Prison population projections 2018 to 2023, London: Ministry of Justice

⁵⁵ House of Lords written question HL3278, 5 January 2017

⁵⁶ Table 1, Ministry of Justice (2017) Further breakdown of the prison population by age and offence group as at 31 December 2016, London: Ministry of Justice

⁵⁷ Table 1.1, Ministry of Justice (2019) Offender management statistics quarterly: October to December 2018, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

⁵⁸ Table 10, Aebi, M., et al. (2018) Council of Europe Annual Penal Statistics, Survey 2018, Strasbourg: Council of Europe

⁵⁹ Table 1.9a, Ministry of Justice (2019) Offender management statistics quarterly: October to December 2018, London: Ministry of Justice

⁶⁰ Ibid.

⁶¹ Table 1.9b, Ibid.

⁶² Table A3.3, Ministry of Justice (2019) Offender management statistics: Prison releases 2018, London: Ministry of Justice and Table A1.15, Ministry of Justice (2018) Offender management statistics: Annual prison population 2018, London: Ministry of Justice

⁶³ Table 1.9a, Ministry of Justice (2019) Offender management statistics quarterly: October to December 2018, London: Ministry of Justice

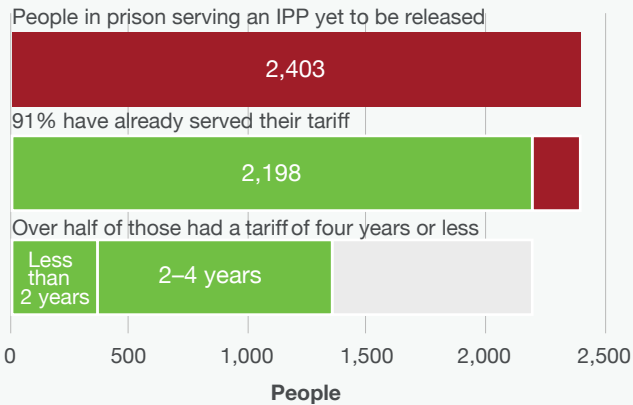
⁶⁴ Table 1.1, Ibid.

⁶⁵ Table 1.9a, Ibid.

Life and indeterminate sentences

The legacy of the IPP

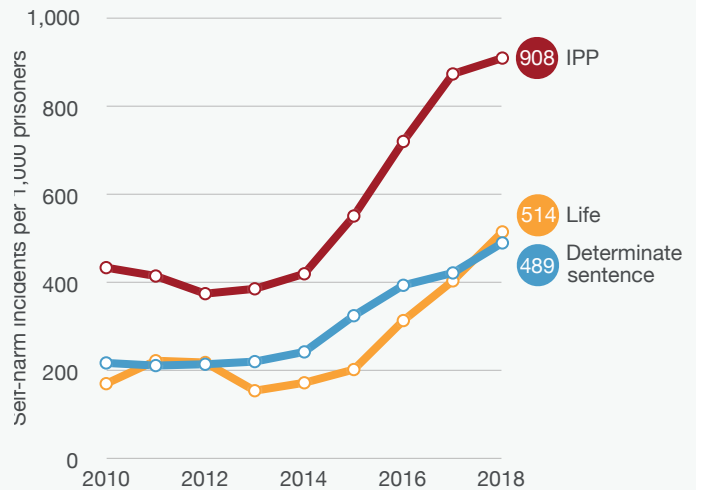
Over nine in 10 are stuck in prison beyond tariff



Source: Offender management statistics quarterly, October to December 2018

Risk of harm?

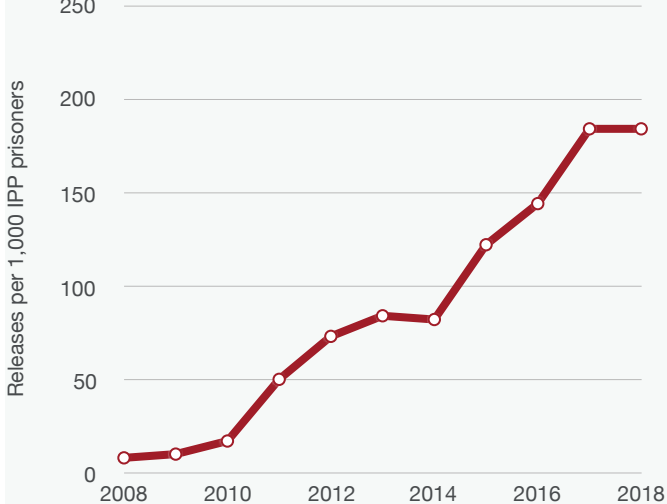
IPP prisoners are more likely to self-harm



Source: Safety in custody statistics quarterly update to December 2018 and Offender management statistics: Annual prison population 2018

Successful release

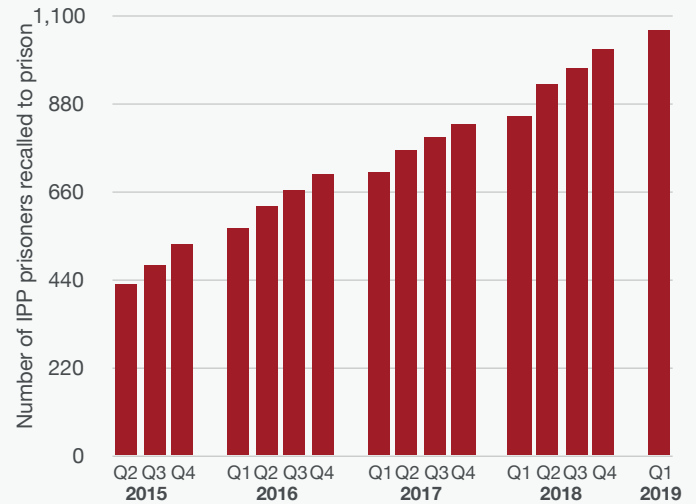
Release rates for IPPs have risen sharply over the last four years, but progress has stalled in the last year



Source: Offender management statistics: Prison releases 2018 and Offender management statistics: Annual prison population 2018

But success is short-lived for some

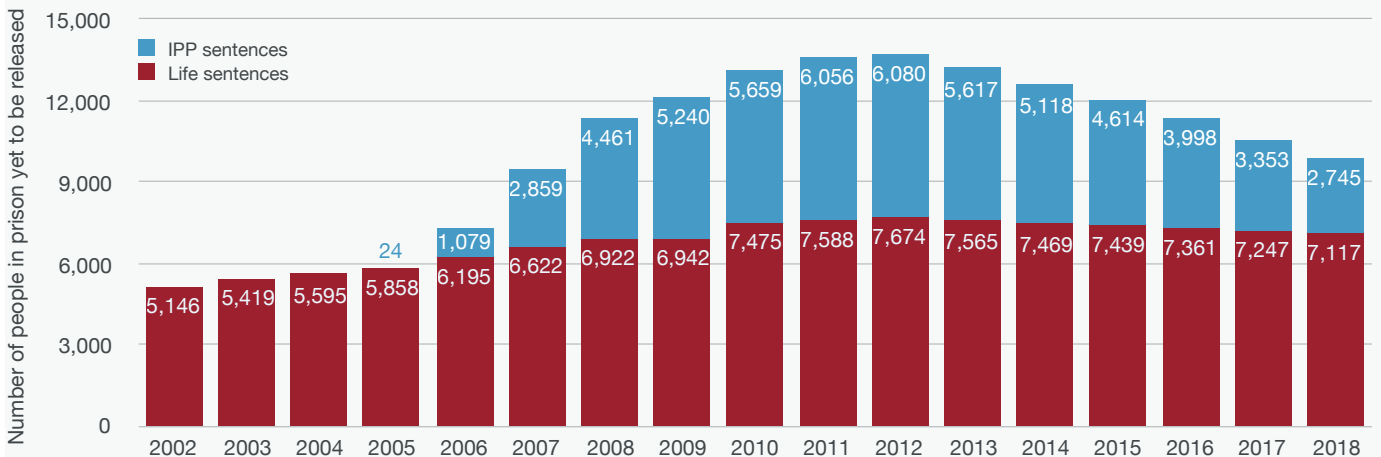
Growing numbers are ending up back in prison



Source: Offender management statistics quarterly, October to December 2018 and previous editions

The growth of indeterminate sentences

Use of indeterminate sentences has risen dramatically in the last decade—but is slowly starting to fall



Source: Offender management statistics: Annual prison population 2018

People with learning disabilities and difficulties

A third of people (34%) assessed in prison in 2017–18 reported that they had a learning disability or difficulty.⁶⁶ This is consistent with previous research.⁶⁷

7% of people in contact with the criminal justice system have a learning disability—this compares with only 2% of the general population.⁶⁸

Inspectors have found that “little thought was given to the need to adapt regimes to meet the needs of prisoners with learning disabilities who may find understanding and following prison routines very difficult”.⁶⁹

However, more than half of prisons inspected in 2016–17 were actively identifying and supporting prisoners with learning disabilities—a marked improvement on previous years.⁷⁰

Four-fifths of prisoners with learning disabilities or difficulties report having problems reading prison information. They also had difficulties expressing themselves and understanding certain words.⁷¹

Prisoners with learning disabilities or difficulties are more likely than other prisoners to have broken a prison rule, they are five times as likely to have been subject to control and restraint, and around three times as likely to report having spent time in segregation.⁷²

The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.⁷³

There is currently 92% population coverage of liaison and diversion services across England—full rollout is expected by 2020–21.⁷⁴

Foreign nationals in prison

The term ‘foreign national prisoner’ encompasses many different people. They may have come to the UK as children with parents, or be second generation immigrants; they may be asylum seekers or been given indefinite leave to remain as a refugee; they could be European nationals; they may have entered the UK illegally or have been in the UK as students, visitors or workers who have got involved in the criminal justice system.

Foreign nationals (non-UK passport holders) currently make up 11% of the prison population in England and Wales. On 31 March 2019 there were 9,079 foreign nationals in prison.⁷⁵

Foreign national prisoners come from 161 countries—but over half are from nine countries (Albania, Poland, Romania, Ireland, Jamaica, Lithuania, Somalia, Pakistan and Portugal).⁷⁶

More than eight in 10 (81%) foreign nationals entering prison to serve a sentence in 2017 were sent there for non-violent offences.⁷⁷

10% of women in prison are foreign nationals.⁷⁸ Some are known to have been coerced or trafficked into offending.⁷⁹

Almost 50,000 foreign national offenders have been removed from the UK since 2010. 5,391 of these were removed in 2018.⁸⁰

355 people were still held in prison at the end of March 2019 under immigration powers, despite having completed their custodial sentence.⁸¹

⁶⁶ Skills Funding Agency (2018) OLASS English and maths assessments by ethnicity and learners with learning difficulties or disabilities: participation 2014/15 to 2017/18 London: SFA

⁶⁷ Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust

⁶⁸ NHS England (2016) Strategic direction for health services in the justice system: 2016–2020, London: NHS England

⁶⁹ Criminal Justice Joint Inspection (2015) A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system – phase two in custody and the community, London: HM Inspectorate of Prisons

⁷⁰ HM Chief Inspector of Prisons (2017) Annual Report 2016–17, London: HM Stationery Office

⁷¹ Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

⁷² Ibid.

⁷³ Department of Health website, accessed on 19 July 2018, available at

<https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country>

⁷⁴ Ibid. and House of Commons written question 249321, 9 May 2019

⁷⁵ Table 1.7, Ministry of Justice (2019) Offender management statistics quarterly, October to December 2018, London: Ministry of Justice

⁷⁶ Ibid.

⁷⁷ House of Commons written question 141741, 16 May 2018

⁷⁸ Table 1.7, Ministry of Justice (2019) Offender management statistics quarterly, October to December 2018, London: Ministry of Justice

⁷⁹ Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women, Cambridge: University of Cambridge

⁸⁰ Table rt_06_q, Home Office (2019) Immigration statistics year ending March 2018, London: Home Office

⁸¹ Table dt_12_q, Ibid.

Women in prison

Women make up only

5%

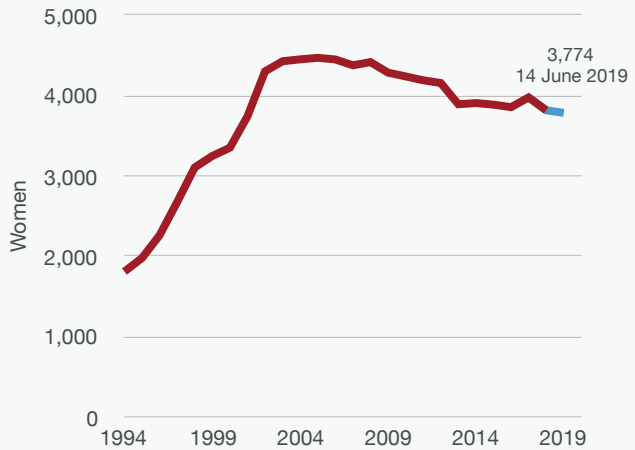
of the total prison population

In 2018

7,745

women were sent to prison—either on remand or to serve a sentence

The number of women in prison has more than doubled since 1993. There are now around 2,200 more women in prison today than there were in 1993.

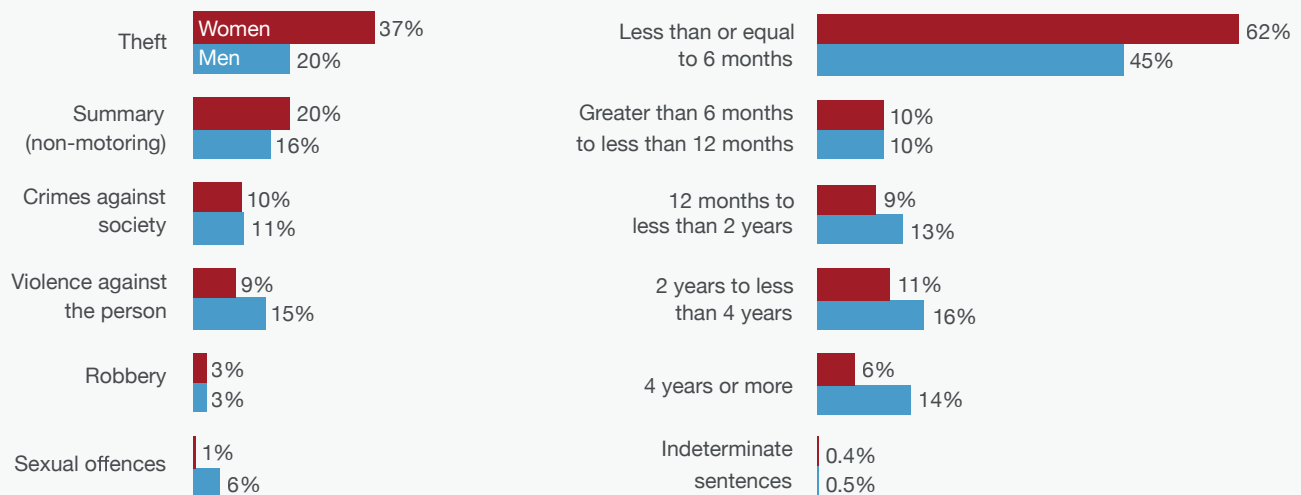


Source: Population and capacity briefing for 14 June 2019 and Offender management statistics: Prison receptions 2018

Source: Offender management statistics and Population and capacity briefing for 14 June 2019

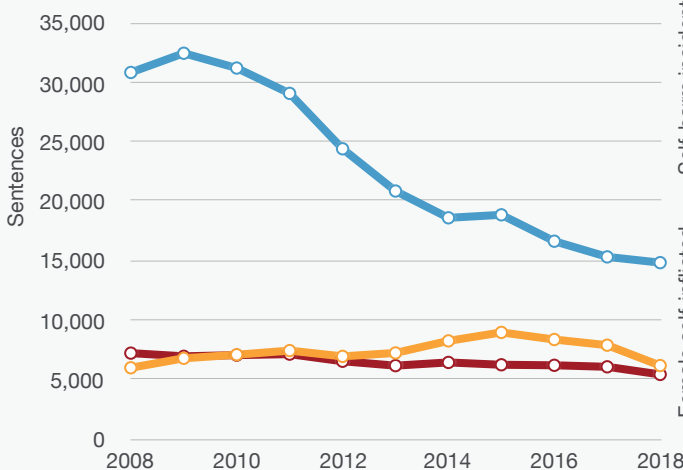
Women tend to commit less serious offences—many serve prison sentences of less than 12 months.

In 2018, people entered prison for committing the following offences and to serve the following sentences



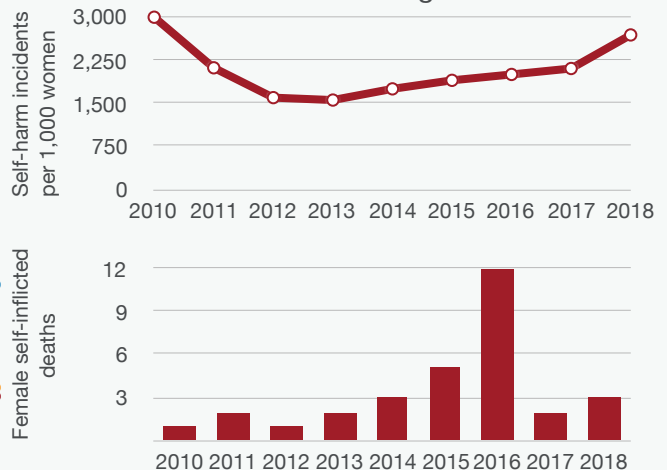
Source: Offender management statistics, October to December 2018

Community sentences for women have halved in a decade—use of suspended sentences has fluctuated, they now account for only 3% of all sentences. Use of short prison sentences has slightly declined



Source: Criminal justice statistics quarterly December 2018, Sentencing data tool

Many women in prison have high levels of mental health need and histories of abuse. Rates of self-harm and self-inflicted deaths have been rising



Source: Safety in custody statistics: Self-harm in prison custody 2004-18

Many women remanded into custody don't go on to receive a custodial sentence—in 2016, 60% of women remanded by the magistrates' court and 41% by the Crown Court didn't receive a custodial sentence.⁸²

Most women entering prison under sentence (82%) have committed a non-violent offence.⁸³

More women were sent to prison to serve a sentence for theft than for violence against the person, robbery, sexual offences, fraud, drugs, and motoring offences combined.⁸⁴

The proportion of women serving very short prison sentences has risen sharply. In 1993 only a third of custodial sentences given to women were for less than six months—in 2018 it was double this (62%).⁸⁵

Eight in 10 women in prison (79%) reported that they had mental health issues compared with seven in 10 men (71%).⁸⁶

Rates of self-harm amongst women are at the highest level for eight years. Women account for a disproportionate level of self-harm in prison—last year 19% of all self-harm incidents in prison were by women, despite making up only 5% of the total prison population.⁸⁷

Nearly two in five women (37%) left prison without settled accommodation—around one in seven (14%) were homeless and nearly one in 20 (4%) were sleeping rough on release in 2017–18.⁸⁸

Children and young adults in prison

The number of children (under-18s) in custody in England and Wales has fallen by 70% in the last decade.⁸⁹ They are also committing fewer crimes—with proven offences down by 75% since 2008.⁹⁰

At the end of March 2019 there were 835 children in custody—38 children were aged 14 or younger.⁹¹

Three in 10 children in custody in 2017–18 were there for non-violent crimes.⁹²

Fewer than 1% of all children in England are in care,⁹³ but around two-fifths of children in secure training centres (44%) and young offender institutions (39%) have been in care.⁹⁴

Nearly half of all children in custody (48%) are from a black, Asian or minority ethnic background. The drop in youth custody has not been as significant for BAME children—a decade ago they accounted for a quarter.⁹⁵

Only three of the nine children's establishments inspected in 2017–18 were rated as 'reasonably good' for safety and none were rated 'good'—a sharp decline from 2013–14 when nine out of 12 establishments received these ratings.⁹⁶

Assault rates amongst children in custody remain high, with an average of 294 assaults a month. There were 25 assaults per 100 children in custody in the year to March 2018.⁹⁷

Restraint of children in custody remains high, with an average of 451 restraint incidents a month. In the year to March 2018, there were 38 incidents of restraint per 100 children in custody, up from 18 in 2010.⁹⁸

The number of incidents of self-harm by children in custody is increasing. There were 1,779 self-harm incidents in the year to March 2018, an increase of 40% in a single year. Self-harm incidents which required medical treatment also increased to 535, up from 168 in 2015.⁹⁹

82 House of Commons written question 119151, 20 December 2017

83 Table 2.5b, Ministry of Justice (2019) Offender management statistics quarterly, October to December 2018, London: Ministry of Justice

84 Ministry of Justice (2018) Criminal justice statistics quarterly December 2017, Sentencing data tool, London: Ministry of Justice

85 Hedderman, C. (2012) Empty cells or empty words, government policy on reducing the number of women going to prison, London: Criminal Justice Alliance and

Table A2.7, Ministry of Justice (2018) Offender management statistics: Prison receptions 2018, London: Ministry of Justice

86 HM Chief Inspector of Prisons (2018) Annual Report 2017–18, London: The Stationery Office

87 Table 2.1, Ministry of Justice (2019) Safety in custody quarterly update to December 2018, London: Ministry of Justice

88 Table A11B, Ministry of Justice (2018) Community performance quarterly MI, update to March 2018, London: Ministry of Justice

89 Table 7.5, Ministry of Justice (2019) Youth Justice Statistics 2017–18, London: Ministry of Justice

90 Table 4.1, Ibid.

91 Tables 1 and 8, Youth Justice Board (2019) Monthly youth custody report—March 2019, London: Youth Justice Board

92 Table 7.6, Ministry of Justice (2019) Youth Justice Statistics 2017–18, London: Ministry of Justice

93 Department for Education (2017) Children looked after in England including adoption: 2016 to 2017, London: DfE and

Table MYE2 – All, Office for National Statistics (2019) Population Estimates for UK, England and Wales, Scotland and Northern Ireland, mid-2017, London: ONS

94 HM Inspectorate of Prisons (2019) Children in custody 2017–18, London: HM Stationery Office

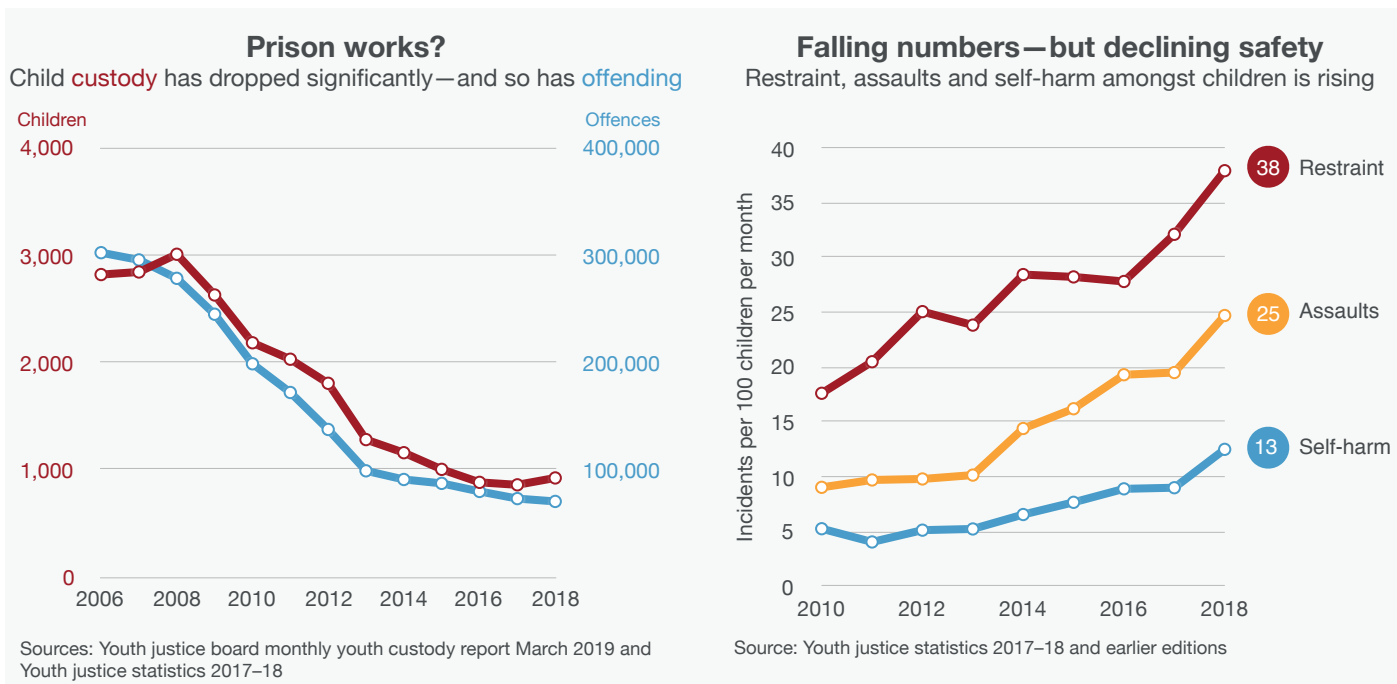
95 Table 1 and 6, Youth Justice Board (2019) Monthly youth custody report—March 2019, London: Youth Justice Board

96 HM Chief Inspector of Prisons (2018) Annual report 2017–18 and Annual Report 2016–17, London: HM Stationery Office

97 Table 8.3, Ministry of Justice (2019) Youth Justice Statistics 2017–18, London: Ministry of Justice and Youth justice statistics 2014 to 2015

98 Ibid.

99 Table 8.12, Ministry of Justice (2019) Youth Justice Statistics 2017–18, London: Ministry of Justice



13,496 young adults (aged 18–24) are currently in prison in England and Wales—they account for 16% of the total prison population.¹⁰⁰

There are now over a third (37%) fewer young adults in prison in England and Wales than in 2011.¹⁰¹

Despite this welcome reduction, the prisons inspectorate has cautioned that those who remain in custody are “some of the most vulnerable, troubled young adults”.¹⁰²

Mental health

26% of women and 16% of men said they had received treatment for a mental health problem in the year before custody.¹⁰³

25% of women and 15% of men in prison reported symptoms indicative of psychosis.¹⁰⁴ The rate among the general public is about 4%.¹⁰⁵

Self-inflicted deaths are 6.2 times more likely in prison than in the general population.¹⁰⁶

70% of people who died from self-inflicted means whilst in prison had already been identified with mental health needs. However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.¹⁰⁷

The PPO’s investigation found that nearly one in five of those diagnosed with a mental health problem received no care from a mental health professional in prison.¹⁰⁸

958 people were transferred from prison to a secure hospital in 2018.¹⁰⁹

Reoffending rates are lower for people given a community sentence subject to a mental health treatment requirement. Rates were 3.5 and 5 percentage points lower, respectively, for people on a community order or a suspended order, than those without such a requirement.¹¹⁰

Men waited too long to be transferred to mental health care in seven in 10 prisons in 2017–18 according to inspectors—this was mostly due to external issues, including the national shortage of secure mental health beds. NHS England introduced a national plan in 2018 to address these issues.¹¹¹

¹⁰⁰ Table 1.3, Ministry of Justice (2019) Offender management statistics quarterly, October to December 2018, London: Ministry of Justice

¹⁰¹ Ibid. and Table A1.7, Ministry of Justice (2017) Offender management statistics: Annual prison population 2018, London: Ministry of Justice

¹⁰² HM Chief Inspector of Prisons (2016) Annual Report 2015–16, London: The Stationery Office

¹⁰³ Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

¹⁰⁴ Ibid.

¹⁰⁵ Wiles, N., et al. (2006) Self-reported psychotic symptoms in the general population, The British Journal of Psychiatry, 188: 519–526

¹⁰⁶ Ministry of Justice (2018) Safety in custody quarterly update to September 2018, London: Ministry of Justice

¹⁰⁷ Prisons and Probation Ombudsman (2016) Prisoner mental health, London: PPO

¹⁰⁸ Ibid.

¹⁰⁹ Table 7, Ministry of Justice (2019) Offender management statistics: Restricted patients 2018, London: Ministry of Justice

¹¹⁰ Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice

¹¹¹ HM Chief Inspector of Prisons (2018) Annual Report 2017–18, London: The Stationery Office

Rehabilitation and resettlement

Reoffending rates within a year of release are high—for those serving short sentences of **less than 12 months** the rates are even higher

Short prison sentences have been shown to be **less effective** at reducing reoffending than community orders for matched offenders



For offenders with **more than 50 previous offences**, the odds of reoffending

↑ 36%

when a short prison sentence is used rather than a community sentence.

Sources: Proven reoffending statistics: April to June 2017; 2013 Compendium of re-offending statistics and analysis and Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffend

Purposeful activity

Purposeful activity includes education, work and other activities to aid rehabilitation whilst in prison. The government published an education and employment strategy this year, with proposals on increasing the use of release on temporary licence; giving governors powers to commission education in their prisons; expanding vocational training opportunities; and improving employment outcomes on release.¹¹²

Just two in five prisons (43%) received a positive rating from inspectors in 2017–18 for purposeful activity work—down from the already low base of half of prisons inspected the year before.¹¹³

An average of 10,200 prisoners are working in the public prison estate, and a further 2,100 are working in private prisons. They worked for a total of 17 million hours in 2017–18.¹¹⁴

Inspectors found that in too many prisons, work remains mundane, repetitive and is rarely linked to resettlement objectives. The skills that people had developed whilst in prison often went unrecorded and therefore failed to help their employment prospects on release.¹¹⁵

Even in training prisons, where people serve most of their sentence and work to reduce their risk of reoffending, one in five people (20%) said they were locked up for more than 22 hours a day.¹¹⁶

People who attend vocational training in prison are more likely to secure employment shortly after release¹¹⁷—a view endorsed by Ofsted.¹¹⁸

Release on temporary licence (ROTL) can play an important part in helping people to prepare for release—particularly those who are serving long sentences. Following a full risk assessment, it allows people to take responsibility and reconnect with the world they will be released to.

In 99.9% of cases ROTL was completed successfully in 2018.¹¹⁹ In 2017, there were just 11 failures as a result of alleged further offending out of more than 350,000 instances of ROTL.¹²⁰

People who are given ROTL have lower rates of reoffending. The more that ROTL is used, the greater the impact on reoffending and the number of offences people commit.¹²¹

¹¹² Ministry of Justice (2018) Education and employment strategy, London: HM Stationery Office

¹¹³ HM Chief Inspector of Prisons (2018) Annual Report 2017–18, London: HM Stationery Office

¹¹⁴ Table 4.1 and 4.2, Ministry of Justice (2018) Annual National Offender Management Service digest: 2017 to 2018, London: Ministry of Justice

¹¹⁵ HM Chief Inspector of Prisons (2017) Annual Report 2016–17, London: HM Stationery Office

¹¹⁶ HM Chief Inspector of Prisons (2018) Annual Report 2017–18, London: HM Stationery Office

¹¹⁷ Brunton-Smith, I. and Hopkins, K. (2014) The impact of experience in prison on the employment status of longer-sentenced prisoners after release, London: Ministry of Justice

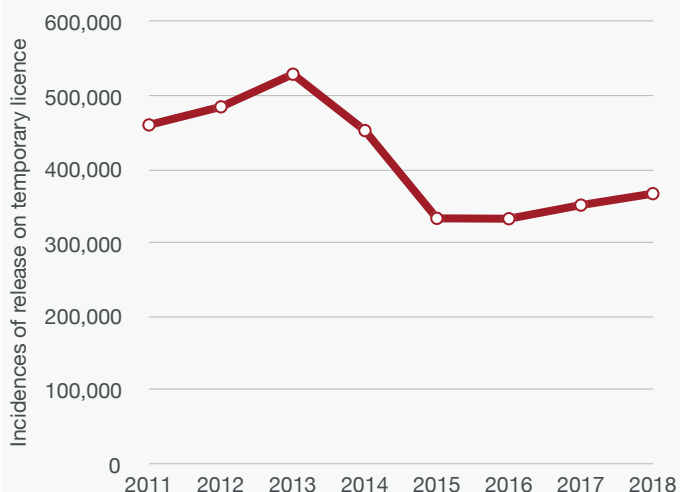
¹¹⁸ Ofsted (2014) The report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2013/14: Further education and skills, London: The Stationery Office

¹¹⁹ Table A3.7, Ministry of Justice (2018) Offender management statistics: Prison releases 2018

¹²⁰ House of Lords written question HL10936, 6 November 2018

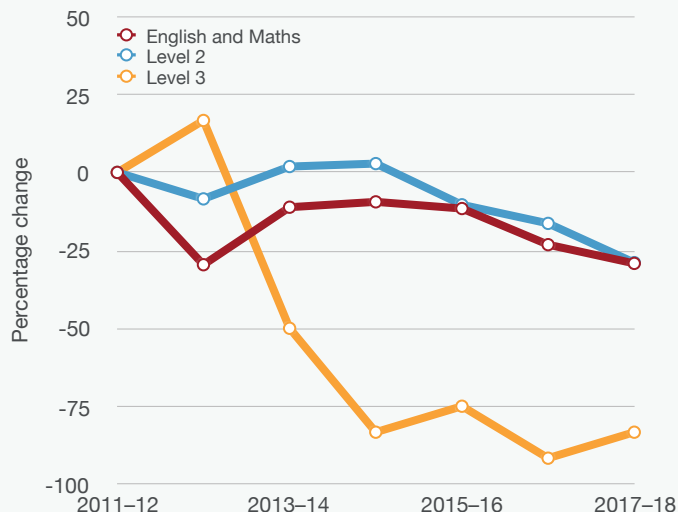
¹²¹ Hillier, J. and Mews, A. (2018) The reoffending impact of increased release of prisoners on temporary licence, London: Ministry of Justice

Restrictions on the use of ROTL have seen a **drop of a third** despite the success rate of 99.9%



Source: Offender management statistics: Prison releases 2018

The number of qualifications achieved has declined across the board



Source: Skills Funding Agency, Further education and skills: November 2018

Engagement with education can significantly reduce reoffending. The proven one year re-offending rate is 34% for prisoner learners, compared to 43% for people who don't engage in any form of learning activity.¹²²

The overall quality of teaching and learning in prisons in England has declined. Just two-fifths (42%) of prisons were rated as 'good' or better by inspectors in 2017-18, down from half the year before.¹²³

More than three in five (62%) of people entering prison were assessed as having a reading age of 11 or lower¹²⁴—over three times higher than in the general adult population (15%).¹²⁵

The Ministry of Justice found that one year reoffending rates were a quarter lower (six to eight percentage points) for people who received support from Prisoners' Education Trust for educational courses or learning materials, compared to those in a matched group who did not.¹²⁶

Changes to the Offender Learning and Skills Service (OLASS) contract in 2016-17 now allow greater flexibility to fund opportunities, such as arts and informal learning to allow people to engage and progress during their sentence.¹²⁷

However, there have been declines in the number of people participating in learning whilst in prison, and in achieving qualifications in recent years.¹²⁸

78,000 adults in the prison system participated in education in the 2017-18 academic year—a drop of 12% in the last year.¹²⁹

There have been similar declines in the number of people achieving qualifications overall—falling by 13%.¹³⁰

The number of English and maths qualifications achieved at level 1 or 2 (GCSE equivalent) has declined—numbers have fallen by 29% between the 2011-12 and 2017-18 academic years.¹³¹

Just 200 people achieved a level 3 qualification (AS and A Level equivalent) in the 2017-18 academic year via mainstream prison learning—a tenth of the number in 2011-12.¹³²

¹²² Ministry of Justice and Department for Education (2017) Exploring the outcomes of prisoner learners: analysis of linked offender records from the Police National Computer and Individualised Learner Records, London: Ministry of Justice

¹²³ HM Chief Inspector of Prisons (2018) Annual Report 2017-18, London: HM Stationery Office

¹²⁴ Department for Education (2018) FE Data Library—OLASS English and maths assessments: participation 2017/18, London: SFA

¹²⁵ Figure 1.1, Department for Business Innovation and Skills (2012) The 2011 Skills for Life Survey: A Survey of Literacy, Numeracy and ICT Levels in England, London: BIS

¹²⁶ Ministry of Justice (2015) Justice Data Lab Re-offending Analysis: Prisoners' Education Trust, London: Ministry of Justice

¹²⁷ Prisoners' Education Trust website, 'OLASS shakeup: a quiet victory for the PLA', accessed on 1 June 2018, available at <http://www.prisonerseducation.org.uk/news/olass-shakeup-a-quiet-victory-for-the-pla>

¹²⁸ Tables 10.1 and 10.2, Skills Funding Agency (2017) Further education and skills: November 2017, London: SFA

¹²⁹ Department for Education (2019) FE Data Library—OLASS: participation and achievement by equality and diversity and England and maths level: 2010/11 to 2017/18, London: DFE

¹³⁰ Table 10.2, Ibid.

¹³¹ Ibid.

¹³² Ibid.

Resettlement

Nearly everyone in prison will be released at some point. 69,622 people were released in 2018.¹³³

For many, having a criminal conviction is a barrier to leading a law-abiding life on release. The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs.

Only 17% of people are in PAYE employment a year after leaving prison.¹³⁴

Half of respondents to a 2016 YouGov survey said that they would not consider employing an offender or ex-offender.¹³⁵

In 2016, Just one in five people (22%) leaving prison and referred to the Work Programme have found a job which they have held for six months or more.¹³⁶ Of these, two in five (42%) have subsequently gone back to Jobcentre Plus.¹³⁷

However, more than 125 employers so far, including the entire Civil Service, have signed up to Ban the Box—removing the need to disclose convictions at the initial job application stage as a first step towards creating fairer employment opportunities for ex-offenders.¹³⁸

People cannot make a claim for Universal Credit until they have been released from prison. Concerns have been raised that this is placing people into unnecessary hardship on release.¹³⁹

Entitlement to housing benefit stops for all sentenced prisoners expected to be in prison for more than 13 weeks. This means that many prisoners have very little chance of keeping their tenancy open until the end of their sentence and risk lose their housing.

One in seven people who left prison in the year to March 2018 were homeless. This increases to more than one in five people serving a prison sentence of less than six months.¹⁴⁰

The Homelessness Reduction Act 2017 means that prisons and probation providers are subject to a new duty to refer people who might be at risk of becoming homeless to the local housing authority.¹⁴¹

Many people in prison are released with debts which have built up during their sentence—adding to the problems they face on release. These include outstanding fines, rent or mobile phone contracts. Inspectors found that in many cases no action was taken before release, despite problems being apparent at the start of a sentence.¹⁴²

More than four in five former prisoners surveyed said their conviction made it harder to get insurance and four-fifths said that when they did get insurance, they were charged more. The inability to obtain insurance can prevent access to many forms of employment or self-employment.¹⁴³

¹³³ Table A3.1. Ministry of Justice (2019) Offender management statistics: Prison releases 2018, London: Ministry of Justice

¹³⁴ Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

¹³⁵ YouGov and Department for Work and Pensions (2016) Survey Results, Fieldwork 26 June–14 December, London: YouGov, available at <http://bit.ly/YouGovDWP>

¹³⁶ Table 2.8, Department for Work and Pensions (2018) Work programme official statistics to December 2017, London: DWP

¹³⁷ Department for Work and Pensions, Stat-Xplore website, accessed on 24 May 2019, available at <https://stat-xplore.dwp.gov.uk/>

¹³⁸ Business in the Community website, accessed on 24 May 2019, available at <https://www.bitc.org.uk/programmes/ban-box/why-should-we-ban-box>

¹³⁹ Day, A. (2018) Huffington Post, 'Universal Credit: Prisoners "Lured Back into Crime" By Benefit Delays' available at https://www.huffingtonpost.co.uk/entry/universal-credit-prisoners-being-set-up-to-fail-and-lured-back-into-crime-by-benefit-delays_uk_5be595aae4b0dbe871aa26f2

¹⁴⁰ Ministry of Justice (2018) Freedom of Information request 180915001 by Vicki Cardwell available at https://www.whatdotheyknow.com/request/homelessness_on_release_from_pri#incoming-1240602

¹⁴¹ House of Commons written question 7749, 12 September 2017

¹⁴² Criminal Justice Joint Inspection (2017) An inspection of through the gate resettlement services for prisoners serving 12 months or more, London: HMIP

¹⁴³ Bath, C., and Edgar, K. (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

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