

## Bromley Briefings Prison Factfile

*November 2012*

These 'Bromley Briefings' are produced in memory of Keith Bromley, a valued friend of the Prison Reform Trust and allied groups concerned with prisons and human rights. His support for refugees from oppression, victims of torture and the falsely imprisoned made a difference to many people's lives. The Prison Reform Trust is grateful to the Bromley Trust for supporting the production of this briefing.

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## Introduction

*'Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Its duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release'.*

On behalf of everyone in society, prison staff do an extraordinary, responsible job. They do so under increasing pressure as prisons, and those who live and work in them, are facing an unprecedented level of change. Value for money notwithstanding, massive budget cuts and market forces are leading to reduced regimes and more time in cell just when there is a welcome policy emphasis on, and ambitious plans for, rehabilitation and reform.

Prisons are arguably our most beleaguered, least visible, public service. Few staff want merely to act as custodians of a prison warehouse but staffing ratios have not kept pace with rising prison numbers.

With now just six weeks of basic training, we expect prison staff to undertake one of the most difficult jobs in our society. Unlike teachers or nurses, or indeed prison officers in many other European countries, they do not have anything like equivalent qualifying training or a body of professional literature and research that informs and supports what they do. Yet governors, directors and staff must create and maintain a disciplined, secure and safe environment for some of the most challenging and vulnerable people in our society. People who, as page after page of this briefing reveals, are far more likely than the general population to have been taken into care as a child, have mental health needs or a learning difficulty and struggle with addictions to drugs and drink.

At the same time prisons are rarely out of the news. And talk of more punishment and shaming of offenders appeals to some in the press. Politicians are wary of anything that could lay them open to accusations of going soft on crime. It is not unusual to find sensible, humane policies presented in an 'acid wrap' of punitive language by whichever party is in power.

But does all the political talk of punishment matter if behind the scenes those responsible for the system are drawing on evidence of what works to reduce

offending rather than following a vacuous, populist line? Well yes it does if scaremongering by some politicians or the press increases the erosive and damaging fear of crime. And, of course, punitive language matters if it leads to harsher, rather than more effective, regimes for people in prison. Just as the new language of the market and people as commodities within it, the 'stock and flow' of prisoners, or 'creaming and parking' of offenders - whereby a provider 'creams off' the easiest to work with offenders to meet reoffending targets but 'parks' or ignores those who are harder to work with but may need the most support - is almost bound to have a demeaning, undermining effect on managers and staff responsible for developing and maintaining a fair, humane and effective penal system.

Penal policy is beset with contradictions. The debate on prisoners voting indicates that many are not prepared to regard prisoners as people with rights and responsibilities while they are behind bars. And yet a 19th-century penalty of civic death makes no sense in a 21st-century prison system whose focus is on rehabilitation, resettlement and the prevention of reoffending.

A damaging confusion between toughness and effectiveness on crime has led to overcrowding and high reoffending rates becoming facts of life in today's prison system. Eighty one out of 131 prisons in England and Wales are overcrowded and almost half of all adults are reconvicted within one year of release. This rises to 57% for those serving sentences of less than 12 months and almost 70% for children and young people.

It's important not to lose sight of conclusions drawn by the Justice Select Committee following its enquiry on justice reinvestment: "Prison is a relatively ineffective way of reducing crime for other than serious offenders who need to be physically contained for the protection of the public. For others, prison is a very expensive way of dispensing justice and seeking reform."

The indications are that we are asking too much of our prisons and those that work in them. The barometers to go by are HM Prisons Inspectorate healthy prisons test and any rise in levels of violence, self-harm and suicide. For everyone's sake it's time to define, not only what prison is, but what it is not.

## Prison overview

### Trends

On 2 November 2012, the prison population in England and Wales was 85,450.<sup>1</sup> In 1992-93, the average prison population was 44,628.<sup>2</sup>

England and Wales has an imprisonment rate of 153 per 100,000 of the population. France has an imprisonment rate of 102 per 100,000 and Germany has a rate of 83 per 100,000.<sup>3</sup>

Between 2001 and 2011, the prison population in England and Wales grew by 19,650 or 30%. A rise in the number of people sentenced to immediate custody accounts for 65% of the increase.<sup>4</sup>

26,386 new prison places were provided between 1997-98 and 2011-12.<sup>5</sup>

1,279,553 people were sentenced by the courts in the 12 months ending March 2012, a decrease of 6% from the year before. 101,241 people were sentenced to immediate custody, a decrease of 1% from the previous year, but 8% lower than the peak of 109,841 people sentenced in 2003.<sup>6</sup>

Average sentence length has been increasing, it is now 2.8 months longer than in 2002. The average sentence length is 14.8 months.<sup>7</sup>

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 19% at the end of September 2012.<sup>8</sup>

At the end of September 2012 there were 6,020 prisoners serving an indeterminate sentence for public protection (IPP). 3,523 of these prisoners are held beyond their tariff expiry date.<sup>9</sup>

Since 2005 just 502 people serving IPP sentences have been released from custody.<sup>10</sup>

1 Ministry of Justice (2012) Population and Capacity briefing for 2 November 2012, London: Ministry of Justice

2 HMPS (1993) Prison Service Annual Report 1992-1993, London: HMSO

3 International Centre for Prison Studies (2012) World Prison Brief available at <http://www.prisonstudies.org/info/worldbrief/>

4 Table A1.2, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice and Table 8.1, Ministry of Justice (2007) Offender Management Caseload Statistics 2006, London: Ministry of Justice

5 Hansard, HC, 26 April 2012 c 1072W

6 Table Q5.1, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

7 Ibid

8 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice and Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

9 Table 1.4, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

10 Table A3.5, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

At the end of September 2012 there were 45 prisoners in England and Wales serving a 'whole life' tariff.<sup>11</sup>

The average time served for people serving mandatory life sentences for murder increased from 13 years in 2001 to 16 years in 2011.<sup>12</sup>

In 2011, 54,837 people were remanded into custody to await trial.<sup>13</sup> In the 12 months to March 2012, 12,300 people remanded in custody were subsequently acquitted.<sup>14</sup>

The recall population rose by 5,300 between 1995 and 2009, and accounted for 16% of the overall increase in prison numbers over the period.<sup>15</sup> On 30 September 2012 the recall population stood at 5,560.<sup>16</sup>

36,141 people were given custodial sentences of up to and including three months in the 12 months ending March 2012.<sup>17</sup>

In the 12 months ending March 2012, 55% of all custodial sentences were for six months or less.<sup>18</sup>

At the end of September 2012, 81 of the 131 prisons in England and Wales were overcrowded.<sup>19</sup>

In 2010-11 an average of 20,211 prisoners were held in overcrowded accommodation, accounting for 24% of the total prison population. Within this total the number of prisoners doubling up in cells designed for one occupant was 19,268 (22.7% of the total prison population) and there were on average 829 prisoners held three to a cell in cells designed for two (1% of population).<sup>20</sup>

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past 14 years. In 2011-12 the private prisons average was 30.2%, compared to an average of 23.3% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 39.8%, 58.6% and 69.8% of prisoners held in overcrowded accommodation respectively.<sup>21</sup>

11 Table 1.4, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

12 Hansard HC, 19 October 2012 c485W

13 Table 2.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice. NB, the same person can be remanded before and after trial, so counting twice

14 Table Q3a Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

15 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice

16 Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

17 Table Q5.6 Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

18 Ibid

19 Ministry of Justice (2012) Prison Population Monthly Bulletin September 2012, London: Ministry of Justice

20 Hansard HL, 3 October 2011, cWA135

21 Ministry of Justice (2012) National Offender Management Service Annual Report 2011-12: Prison performance digest 2011-12, London: Ministry of Justice

**The rate of overcrowding in male local establishments is almost twice the national rate.<sup>22</sup>**

**A prison with a population of 400 prisoners or under is four times more likely to perform 'well' than a prison with a population of over 800.<sup>23</sup>** Public prisons are over five times more likely to perform well for safety than private prisons.<sup>24</sup>

**At the end of September 2012, 14% of men and 16% of women in prison were serving sentences for drug offences.<sup>25</sup>** There is a much wider group of prisoners whose offence is in some way drug related. Shoplifting, burglary, vehicle crime and theft can be linked to drug misuse. In 2003 over half of prisoners (55%) reported committing offences connected to their drug taking, with the need for money to buy drugs the most commonly cited factor.<sup>26</sup>

**In 44% of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.<sup>27</sup>**

**The number of women in prison has increased by 85% over the past 15 years (1996-2011).<sup>28</sup>** On 2 November 2012, the women's prison population stood at 4,141.<sup>29</sup> In the year ending June 2012, 7,279 women entered prison under sentence, 58% of whom were to serve six months or less.<sup>30</sup>

**There are 1,348 fewer children in custody than there were five years ago - a drop of 45%.<sup>31</sup>** Numbers of children (under-18s) peaked at an average of just over 3,000 in custody in 2007-08. At the end of August 2012 there were 1,643 children in prison.<sup>32</sup>

**There were 176,511 proven offences committed by children aged 10-17 in 2010-11. This is a decrease of 11% from 2009-10 and 37% from 2007-08. The number of offences is now at its lowest level since the Youth Justice Board began to collect this data.**

22 Table 17, Ministry of Justice (2012), National Offender Management Service Annual Report 2011/12: Management Information Addendum, London: Ministry of Justice

23 HM Inspectorate of Prisons (2009) The prison characteristics that predict prisons being assessed as performing 'well': A thematic review by HM Chief Inspector of Prisons, London: HM Inspectorate of Prisons

24 Ibid.

25 Table 1.3a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

26 Ramsay, M. (ed.) (2003) Prisoners' drug use and treatment: seven studies, Home Office Research Findings 186, London: Home Office

27 Table 7.10, Home Office (2011) Nature of Violent Crime, London: Home Office

28 Table A1.2, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

29 Ministry of Justice (2012) Population and capacity briefing for 2 November 2012, London: Ministry of Justice

30 Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

31 Figure 2.1 Ibid.

32 Figure 1.0 Youth Justice Board (2012) Monthly Youth Custody Report - August 2012, London: Youth Justice Board

The biggest falls since 2007-08 have been in motoring offences (56%), criminal damage (48%) and breach of statutory order (39%).<sup>33</sup>

**At the end of September 2012 there were 7,219 young people aged 18-20 in prison in England and Wales. This is 13% fewer than the previous year.<sup>34</sup>**

**People aged 60 and over are now the fastest growing age group in the prison estate. The number of sentenced prisoners aged 60 and over rose by 103% between 2002 and 2011.<sup>35</sup>**

**7% of the male population born in 1953 had been given at least one custodial sentence before the age of 46. 33% of men born in 1953 had at least one conviction for a 'standard list' offence before the age of 46.<sup>36</sup>**

**Approximately 200,000 children in England and Wales had a parent in prison at some point in 2009.<sup>37</sup>** This is over three times the number of children in care (65,831), and over five times the number of children on the Child Protection Register (36,610).<sup>38</sup>

**During their time at school 7% of children experience their father's imprisonment.<sup>39</sup>** In 2006, more children were affected by the imprisonment of a parent than by divorce in the family.<sup>40</sup>

## Costs

**The overall cost of public order and safety is 2.8% of GDP, this is higher than the US or any EU country.<sup>41</sup>** Spending on public order and safety has grown rapidly, at an average annual real rate of 4.6% between 2000-01 and 2008-09.<sup>42</sup>

**Following the 2010 spending review the Ministry of Justice has to make overall resource savings of 23% in real terms by 2014-15.<sup>43</sup>**

33 Ministry of Justice (2012) Youth Justice Statistics 2010/11, London: Ministry of Justice

34 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

35 Table A1.11, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

36 Home Office (2001) Criminal careers of those born between 1953 and 1978, London: Home Office

37 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

38 Table A1, Department for Education (2010) Children looked after by local authorities in England, London: Department for Education; Welsh Assembly Government (2011) 2011 Children and young people monitor for Wales, Cardiff: Welsh Assembly Government; NSPCC child protection register statistics, [http://www.nspcc.org.uk/Inform/research/statistics/child\\_protection\\_register\\_statistics\\_wda48723.html](http://www.nspcc.org.uk/Inform/research/statistics/child_protection_register_statistics_wda48723.html)

39 Department for Education and Skills (2003) Every Child Matters, London: The Stationery Office

40 Action for Prisoners' Families, CLINKS, Prison Advice & Care Trust, Prison Reform Trust (2007) The children and families of prisoners: recommendations for government, 5 December 2007

41 OECD (2011) OECD Factbook 2011-2012: Economic, Environmental and Social Statistics, Law, order and defence expenditure, Paris: OECD Publishing

42 Crawford, R. et al (2009) A Survey of Public Spending in the UK, London: Institute for Fiscal Studies

43 HM Treasury (2010) Spending Review 2010, London: HM Treasury

In the current spending review period the Ministry of Justice plans to spend £583 million on capital investment in the prison estate.<sup>44</sup>

Between 2003-04 and 2008-09 prison expenditure increased by nearly 40% in real terms, from £2.52bn to £3.98bn a year.<sup>45</sup>

The average annual overall cost of a prison place in England and Wales for financial year 2011-12 is £37,648. This includes prison related costs met by the National Offender Management Service, but excludes expenditure met by other government departments such as health and education.<sup>46</sup>

For the year 2012-13 the cost per place per year in a secure children's home is £212,000; in a secure training centre it is £178,000 and in an under-18 young offender institution it is £60,000.<sup>47</sup>

In 2008-09, the cost of looking after short-sentenced prisoners (sentences of less than 12 months), not including education and healthcare, was £286 million.<sup>48</sup>

The average construction cost for new prison places, including costs of providing ancillary facilities, and excluding running costs, is approximately £170,000 per place across the lifetime of the accommodation.<sup>49</sup>

The NOMS total budget for the financial year 2011-2012 for public prisons is £1,870 million and private prisons £311 million.<sup>50</sup>

In 2008-09 the prison service's capital expenditure was 18% over budget.<sup>51</sup>

The resource budget for the National Offender Management Service for 2011-12 is £3.679 billion, £2.181 billion of which relates directly to expenditure incurred in prisons.<sup>52</sup>

**To meet 3% year-on-year efficiency savings, the prison service decided, with ministerial support, to reduce the core week for prisoners as from April 2008.** Since then, prisoners have been locked up for half-a-day more per week thus reducing constructive activity and time outside cells.<sup>53</sup>

44 Hansard HC 15 March 2012 c366W

45 Grimshaw, R. et al (2010) Prison and probation expenditure, 1999-2009, London: Centre for Crime and Justice Studies

46 Table 1, Ministry of Justice (2012) Costs per place and costs per prisoner by individual prison, National Offender Management Service Annual Report and Accounts 2011-12: Management Information Addendum, London: Ministry of Justice

47 Hansard HC, 20 June 2012 c1008W

48 National Audit Office (2010) Managing offenders on short custodial sentences, London: The Stationery Office

49 Hansard HC, 13 September 2010, c847W

50 Hansard HC, 4 April 2011, c642W

51 Hansard HC, 9 September 2009, c2030W

52 Hansard HC, 29 March 2011, c156

53 Paul Tidball, Prison Governors' Association, Justice Select Committee,

**Imprisoning mothers for non-violent offences carries a cost to children and the state of more than £17 million over a 10 year period.**<sup>54</sup>

**In 2007-08, reoffending by all recent ex-prisoners cost the economy between £9.5 billion and £13 billion. As much as three quarters of this cost can be attributed to former short-sentenced prisoners: some £7-10 billion a year.**<sup>55</sup>

### People in prison: a snapshot

**Fewer than 1% of all children in England are in care,<sup>56</sup> but looked after children make up 27% of young men and 55% of young women in custody.**<sup>57</sup>

**71% of children in custody have been involved with, or in the care of, social services before entering custody.**<sup>58</sup>

**25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy.**<sup>59</sup> 38% of boys screened on admission to custody in 2000-01 were at the level expected of a seven-year-old in numeracy and 31% in literacy. 4% had levels lower than this in numeracy and literacy.<sup>60</sup>

**The educational background of young people in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education.**<sup>61</sup>

**38% of boys and 18% of girls said they usually received one or more visits a week.**<sup>62</sup> Half of the children interviewed who had been in care said that they did not know who would be collecting them on the day of their release.<sup>63</sup>

Oral evidence, Towards effective sentencing Vo. 2, 12 December 2007

54 new economics foundation (2008) Unlocking value: How we all benefit from investing in alternatives to prison for women offenders, London: new economics foundation

55 National Audit Office (2010) Managing offenders on short custodial sentences, London: The Stationery Office

56 Department for Education (2012) Children looked after by local authorities in England year ending 31 March 2012, London: DfE, and Office for National Statistics, 2011 Census for England and Wales

57 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

58 Youth Justice Board, Accommodation needs and experiences, 2007, as cited in Legal Action, February 2008

59 Table 3.2 Youth Justice Board (2006) Barriers to engaging in education, training and employment, London: YJB

60 HM Inspectorate of Prisons (2002) A second chance: a review of education and supporting arrangements within units for juveniles managed by HM Prison Service, a thematic review carried out jointly with the Office for Standards in Education

61 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

62 Ibid.

63 HM Inspectorate of Prisons (2011) The care of looked after children in custody, London: The Stationery Office

**Prison Reform Trust research found that one in eight children in prison had experienced the death of a parent or sibling.** 76% had an absent father, 33% an absent mother. 39% had been on the child protection register or had experienced neglect or abuse.<sup>64</sup>

**40% of children in custody in England and Wales have previously been homeless.**<sup>65</sup>

**The number of visitors arrested or apprehended who have been suspected of smuggling drugs into prisons has fallen by 40% in the last three years from 472 in 2008-09 to 282 in 2010-11.**<sup>66</sup>

**In 2006 the average age of people sentenced to custody was 27.** A quarter was aged 21 or under.<sup>67</sup>

**Of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life.**<sup>68</sup> 51% have severe and enduring mental illness, 47% a major depressive disorder, 6% psychosis and 3% schizophrenia.<sup>69</sup>

**Over half the women in prison report having suffered domestic violence and one in three has experienced sexual abuse.**<sup>70</sup>

**In the 12 months ending June 2012, there were a total of 23,435 incidents of self-harm in prisons, a decrease of 10% compared with the previous 12 months.** There were 7,004 individuals who were recorded as having injured themselves, an increase of 2% compared with the previous 12 months.<sup>71</sup>

**Women accounted for 31% of all incidents of self-harm despite representing just 5% of the total prison population.**<sup>72</sup>

**Men recently released from prison are eight times more likely and women are 36 times more likely than the general population to take their own lives.**<sup>73</sup>

**In 2011, 35% of self-inflicted deaths were by prisoners held on remand, despite comprising 15% of the prison population on average during the year.** In 2010, they accounted for half of all self-inflicted deaths, and made up 15% of the population.<sup>74</sup>

64 Jacobson J. et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust

65 Table 5.1, Youth Justice Board (2007) Accommodation needs and experiences of young people who offend, London: YJB

66 Hansard HC, 3 May 2011, c628W

67 Ministry of Justice (2007) Offender Management Caseload Statistics 2006, London: Ministry of Justice

68 Corston, J. (2007) The Corston Report, London: Home Office

69 Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office

70 Corston, J. (2007) The Corston Report, London: Home Office

71 Table 3, Ministry of Justice (2012) Safety in Custody Statistics, Quarterly Update to June 2012, London: Ministry of Justice

72 Ibid.

73 Pratt, D. Piper, M., Appleby, L. Webb, R. Shaw, J. Suicide in recently released prisoners: a population-based cohort study, The Lancet - Vol. 368, Issue 9530, 8 July 2006

74 Table 1.8 (2012) Safety in Custody 2011, London: Ministry of

**Nearly two-thirds of sentenced male prisoners (63%) and two-fifths of female sentenced prisoners (39%) admit to hazardous drinking which carries the risk of physical or mental harm.** Of these, about half have a severe alcohol dependency.<sup>75</sup>

**10% of men and 30% of women have had a previous psychiatric admission before they entered prison.**<sup>76</sup>

**At the end of September 2012 there were 10,951 foreign nationals (defined as non-UK passport holders) held in prisons in England and Wales, 13% of the overall prison population.**<sup>77</sup>

**20-30% of all offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.**<sup>78</sup>

**23% of young offenders have learning difficulties (IQs of below 70) and a further 36% have borderline learning difficulties (IQ 70-80).**<sup>79</sup>

**47% of prisoners say they have no qualifications.**<sup>80</sup>

**Over half of prison staff believe that prisoners with learning disabilities or difficulties are more likely to be victimised and bullied than other prisoners.** Over half of such prisoners say they had been scared while in prison and almost half say they had been bullied or that people had been nasty to them.<sup>81</sup>

**On 30 September 2012, 25% of the prison population, 21,747 prisoners, was from a minority ethnic group.**<sup>82</sup> This compares to around one in 10 of the general population.<sup>83</sup>

**50% of the total prison population are Christian (of whom 46% are Anglican, 35% Roman Catholic, 16% other Christian, 3% Free Church), 13% are Muslim, 2% Buddhist and 31% report having no religion.**<sup>84</sup>

Justice, and Table A1.1, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

75 Prison Reform Trust (2004) Alcohol and reoffending: who cares? London: Prison Reform Trust

76 Department of Health, Conference Report, Sharing Good Practice in Prison Health, 4/5 June 2007

77 Table 1.6, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

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

79 Harrington, R., and Bailey, S. (2005) Mental health needs and effectiveness of provision for young offenders in custody and in the community. London: YJB

80 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

81 Talbot, J. (2007) No One Knows: Identifying and supporting prisoners with learning disabilities and learning difficulties: the views of prison staff, London: Prison Reform Trust and Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

82 Table A1.7, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

83 Table A3.5.2, Equality and Human Rights Commission (2010) How fair is Britain? Equality, Human Rights and Good Relations in 2010, London: Equality and Human Rights Commission

84 Table A1.24, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

## Outcomes

**Prison has a poor record for reducing reoffending – 47.5% of adults are reconvicted within one year of being released. For those serving sentences of less than 12 months this increases to 57.6% – an increase of 3.3 percentage points from 2000. For those who have served more than 11 previous custodial sentences the rate of reoffending rises to 68%.<sup>85</sup>**

**51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%.<sup>86</sup>**

**71% of children (10-17) released from custody in the 12 months ending December 2010 reoffended within a year.<sup>87</sup>**

**Prisoners who have problems with both employment and accommodation on release from prison have a reoffending rate of 74% during the year after custody, compared to 43% for those with no such problems.<sup>88</sup>**

**In 2011-12, 27% of prisoners entered employment on release from prison.<sup>89</sup>**

**The majority of offenders (97%) expressed a desire to stop offending. When asked which factors would be important in stopping them from reoffending in the future, most stressed the importance of ‘having a job’ (68%) and ‘having a place to live’ (60%).<sup>90</sup>**

**40% of prisoners and 64% of former prisoners feel that their debts had worsened during their sentence. Over half of prisoners’ families have had to borrow money since their relatives’ imprisonment.<sup>91</sup>**

**Court ordered community sentences are more effective (by over eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.<sup>92</sup>**

**An impact assessment of the Prolific and other Priority Offender Programme (PPO) shows that conviction rates for 7,800 offenders who had been through an intensive programme of supervision fell by 62% after 17 months of the scheme. The PPO**

<sup>85</sup> Table 18a, 19a and 7a, Ministry of Justice (2012) Proven re-offending quarterly January - December 2010, London: Ministry of Justice

<sup>86</sup> Table A5(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice

<sup>87</sup> Table 18b, Ministry of Justice (2012) Proven re-offending quarterly July 2009 to June 2010, London: Ministry of Justice

<sup>88</sup> Table 7 Ministry of Justice (2008) Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004, London: Ministry of Justice

<sup>89</sup> Table 19, Ministry of Justice (2011) National Offender Management Service Annual Report 2011-12: Management Information Addendum, London: Ministry of Justice

<sup>90</sup> Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice

<sup>91</sup> Bath, C. and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

<sup>92</sup> Table 1, Ministry of Justice (2011) 2011 Compendium of reoffending statistics and analysis, London: Ministry of Justice

programme, which was launched in September 2004, aims to prevent prolific offenders from reoffending through monitoring, training, accommodation and drug treatment over a period of two years.<sup>93</sup>

**Since 1997 Crime Survey England and Wales crime rates have fallen by 42%. There has been no statistically significant change in the number of crimes estimated from the 2011-12 survey (9.5 million offences) compared to the previous year (9.6 million offences).<sup>94</sup>**

**The British Crime Survey shows there is a gap between people’s judgment on the likelihood of becoming a victim of crime and the actual risk to them. 13% of respondents thought they were very likely or fairly likely to be a victim of violent crime in the next 12 months, compared with 3% who reported having been a victim of such a crime in the year before interview.<sup>95</sup>**

**45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.<sup>96</sup>**

**Research by the Prime Minister’s Strategy Unit showed that a 25% increase in the prison population between 1997 and 2003 is estimated to have reduced crime by around 5% during a period when overall crime fell by 30%. It stated: “there is no convincing evidence that further increases in the use of custody would significantly reduce crime”.<sup>97</sup>**

**In an ICM survey on behalf of the Prison Reform Trust conducted one month after the riots in August 2011 a majority of the public (94%) supported opportunities for offenders who have committed offences such as theft or vandalism to do unpaid work in the community, as part of their sentence, to pay back for what they have done.<sup>98</sup>**

**In a poll only 11% of people surveyed believe that increasing the number of offenders in prisons would ‘do most’ to reduce crime in Britain. 55% thought that better parenting, and 42% that more constructive activities for young people would have most effect.<sup>99</sup>**

**An ICM poll of 1,000 victims of crime commissioned by SmartJustice in partnership with Victim Support, shows that almost two thirds of victims of crime do not believe that prison works to reduce non-violent crime.<sup>100</sup>**

<sup>93</sup> Home Office Press Release, 20 February 2007

<sup>94</sup> Office for National Statistics (2012) Trends in Crime - a short story, December 2011, London: Office for National Statistics

<sup>95</sup> Tables 2.03 and 5.02, Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

<sup>96</sup> Duffy, B., Wake, R., Burrows, T., and Bremner, P., (2007) Closing the Gaps, Crime and Public Perceptions, London: Ipsos MORI

<sup>97</sup> Carter, P. (2003) Managing Offenders, Reducing Crime, London: Strategy Unit

<sup>98</sup> Prison Reform Trust (2011) Public want offenders to make amends briefing paper, London: Prison Reform Trust

<sup>99</sup> Gottschalk, E. (2009) Public perceptions of organized crime - results from an opinion poll, London: Home Office

<sup>100</sup> SmartJustice (2006) Briefing: Crime victims say jail doesn’t work,

## Scottish prison overview

On 2 November 2012 the total population of prisoners in custody in Scotland stood at 7,921.<sup>101</sup> The imprisonment rate for Scotland stands at 150 per 100,000.<sup>102</sup>

The official capacity for all 15 Scottish prisons is 7,816.<sup>103</sup>

The Scottish government has paid out over £8.5 million in overcrowding compensation payments since 2007 for “the expenditure associated with holding prisoners in addition to the number they are resourced to hold”.<sup>104</sup>

In 2011, 44% of prisoners in Scotland reported that high prisoner numbers have had an impact on their safety, privacy in their cell (50%), access to medical services (64%), opportunities for training and education (64%), and quality of life generally (57%).<sup>105</sup>

After the slight dip observed last year, the prison population has increased by 4% to an annual daily average of 8,178 for 2011-12. This represents a return to the overall rate of growth observed over the past decade, and population levels remain very high in relation to the current design capacity.<sup>106</sup>

The current increase is driven by a rise of 11% in the adult remand population and a somewhat smaller increase of 4% for the adult direct sentenced population.<sup>107</sup>

The total sentenced population (including recalls) has increased by 3%, primarily due to increases in sentences between three months and two years (9% overall), and more modest increases for the life sentence and recall populations which have increased by 5% and 3% respectively.<sup>108</sup>

During 2011-12, the average daily population increased by 4% to 7,710 for men, while the female population increased by 8% to 468. The young offender sentenced population showed a drop of 8% to 556.<sup>109</sup>

Receptions tend to show some year on year variation: the overall trend has been downward since 2006-07, although the most recent figures show an increase of 3% for both remand and sentenced receptions.<sup>110</sup>

46% of offenders released from custody are reconvicted within one year, compared to 24% of those on a Community Sentence Order. For those who have served more than 10 previous custodial sentences the rate of reoffending rises to 68%.<sup>111</sup>

The number of convictions resulting in a custodial sentence increased 4% in 2011-12 to 15,880. The proportion of people sentenced to custody increased by 2% to 15%.<sup>112</sup>

The proportion of prisoners on remand is higher for women than men (23% compared to 19%).<sup>113</sup> Only around 30% of women on remand go on to receive a custodial sentence.<sup>114</sup>

Scotland has witnessed a significant increase in female imprisonment in the last 10 years. Since 2002-03 the average daily women’s prison population in Scotland has increased by 66%. The 2011-12 average daily women’s prison population was 468.<sup>115</sup>

In 2011-12, 1,979 women were received into custody on remand, 5% higher than the previous year.<sup>116</sup> The number of women remanded to custody almost doubled between 1999-2000 and 2008-09 (from 1,176 to 2,338).<sup>117</sup>

A report produced by The Scottish Centre for Crime and Justice Research (SCCJR) has considered possible explanations for this increasing trend in women’s imprisonment. There is evidence that women are being imprisoned for longer periods of time. The average length of custodial sentences imposed on women has increased from 228 days in 1999-2000 to 271 in 2008-09. This difference is largely explained by the significant increase in the number of women sentenced to between six months and two years.<sup>118</sup>

110 Table A.9 Ibid.

111 Table 6 and Table 10, The Scottish Government (2011) Reconviction rates in Scotland: 2009-10 offender cohorts

112 Table 7, The Scottish Government (2012) Criminal Proceedings in Scotland 2011-12, Edinburgh: The Scottish Government

113 Table A.1 The Scottish Government (2012) Prison Statistics Scotland: 2011-12, Edinburgh: The Scottish Government.

114 Commission on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh, The Scottish Government

115 Table A.1, The Scottish Government (2012) Prison statistics Scotland: 2011-12, Edinburgh: The Scottish Government

116 Table A.9, Ibid

117 Mclvor, G. and Burman, M. (2011)

Understanding the Drivers of Female Imprisonment in Scotland, Glasgow: The Scottish Centre for Crime and Justice Research

118 Ibid.

<http://www.smartjustice.org/pr16jan06.html>

101 Scottish Prison Service website at <http://www.sps.gov.uk/Publications/ScottishPrisonPopulation.aspx>

102 International Centre for Prison Studies website at [http://www.prisonstudies.org/info/worldbrief/wpb\\_country.php?country=171](http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=171)

103 Ibid.

104 <http://www.scotlibdems.org.uk/news/2011/02/lib-dems-reveal-%C2%A385-million-compensation-bill-overcrowded-scottish-prisons>

105 Table 6 Scottish Prison Service, (2011) Prisoner Survey 2011, Edinburgh, Scottish Prison Service

106 Table 1, The Scottish Government (2012) Prison Statistics Scotland: 2011-12, Edinburgh: The Scottish Government

107 Table A.1 Ibid.

108 Table A.3 Ibid.

109 Table A.1 and A.3 Ibid.

**The SCCJR has found no evidence of increasing participation of women in crime.** Data from five police forces showed that the number of recorded crimes involving females has remained relatively stable between 1999-2000 and 2009-10, with some fluctuations in the Strathclyde and Fife area.<sup>119</sup>

**Women continue to commit relatively minor crimes. The total number of recorded crimes of violence involving females has remained stable since 2001.** There have been some changes in the pattern of offences committed by women, with increases in minor assaults and breaches of the peace over the last three years. This may reflect changes in policing rather than a change in female behaviour per se.<sup>120</sup>

**The SCCJR found no evidence of an increase in the number of women prosecuted. Results from the analysis of data provided by the Crown Office and Procurator Fiscal Service (COPFS) showed a decrease in the number and proportion of women whose cases were marked for court since 2002-03 onwards.** This downward trend has coincided with a steady increase in the use of direct measures since 2004-05.<sup>121</sup>

**The proportion of women over 21 years of age sentenced to custody for crimes against public justice, drug-related crimes, common assaults and breaches of the peace has increased steadily over the last 10 years.** By contrast, courts have become less likely to imprison young women under 21 years of age convicted of property offences.<sup>122</sup>

**SCCJR analyses suggest that the growth in the female prison population is more likely attributed to the increasing use of custodial sentences by courts than changes in the pattern of female offending.**<sup>123</sup>

**The average daily population on Home Detention Curfew (HDC) during 2011-12 was 365, slightly higher than the previous year.** The number of releases from prison on HDC was 1,942.<sup>124</sup>

**From July 2006 to March 2010, 7,292 people were released on HDC; 21% were recalled, which equates to an average of 34 people per month.**<sup>125</sup>

**The most common reason for being recalled is for failure to comply with the technical**

119 Ibid.

120 Ibid.

121 Ibid.

122 Ibid.

123 Ibid.

124 Table A.8, The Scottish Government (2012) Prison statistics Scotland: 2011-12, Edinburgh: The Scottish Government

125 Armstrong, S. et al. (2011) Evaluating the Effectiveness of Home Detention Curfew and Open Prison in Scotland, Research Findings No.32/2011, Edinburgh: The Scottish Government

**conditions of the curfew rather than committing crimes while on HDC.** Being out of curfew for more than six hours (38% of all recalls) and breach of licence conditions (24%) accounted for most recall activity. Offending while on licence appears only rarely to be the cause of recall (7% recalled for a new warrant served).<sup>126</sup>

**The average daily population of prisoners in Scotland recalled from supervision or licence has risen substantially, increasing by 36% to 701 in 2011-12, from 514 in 2006-07.**<sup>127</sup>

**It costs £126 per week to keep someone on HDC, compared to a notional cost of £610 per week to keep them in prison.**<sup>128</sup>

**The average length of custodial sentences in 2011-12 was over nine months (284 days).** This is the highest figure in the past decade.<sup>129</sup>

**The prison population serving sentences of three months or less has been falling steadily over the past five years.** This decrease has accelerated recently with a drop of about a third during 2011-12.<sup>130</sup>

**Justice Secretary Kenny MacAskill has said:** "Short sentences simply don't work. They are ineffective and of no practical benefit to communities. If we are serious about improving the safety of our communities, we need to ensure that our prisons focus on the most serious criminals for whom prison is the only option."<sup>131</sup>

**On 6 August 2010 a statutory presumption against short periods of imprisonment was decreed in the Scottish Parliament.** The Criminal Justice and Licensing (Scotland) Act 2010 states "a court must not pass a sentence of imprisonment for a term of three months or less on a person unless the court considers that no other method of dealing with the person is appropriate."<sup>132</sup>

126 Ibid.

127 Table 1, The Scottish Government (2012) Prison Statistics Scotland: 2011-12, Edinburgh: The Scottish Government.

128 Armstrong, S. et al. (2011) Evaluating the Effectiveness of Home Detention Curfew and Open Prison in Scotland, Research Findings No.32/2011, Edinburgh: The Scottish Government.

129 Table 10(c), The Scottish Government (2011) Criminal Proceedings in Scotland 2011-12, Edinburgh: The Scottish Government

130 Annex D, The Scottish Government (2012) Prison Statistics Scotland: 2011-12, Edinburgh: The Scottish Government. Note: While this has been accompanied by an increase of about 10 per cent in the population serving sentences over three months to six months, a similar pattern of change has also occurred during 2004-05 and 2008-09. Therefore it cannot be inferred from the most recent data alone that there has been a displacement from sentences of three months or less to slightly higher sentences as a result of the presumption against sentences of three months or less implemented in February 2011.

131 <http://www.dailyrecord.co.uk/news/politics-news/2009/09/01/fury-at-justice-secretary-kenny-macaskill-over-plans-to-release-short-term-prisoners-86908-21639184/>

132 [http://www.legislation.gov.uk/asp/2010/13/pdfs/asp\\_20100013\\_en.pdf](http://www.legislation.gov.uk/asp/2010/13/pdfs/asp_20100013_en.pdf)

**In 2009-10, 21 custodial sentences were imposed on children under the age of 16.**<sup>133</sup>

**In February 2008, Scottish Justice Secretary, Kenny MacAskill announced a decision to end the use of custodial remand for children under the age of 16.** In a statement he said, "I don't believe that in the long run Scotland will be well served by jailing children. Lock up a youth alongside hardened criminals, and there's a risk you'll lock them into a life of crime."<sup>134</sup>

**The former HM Chief Inspector of Prisons for Scotland has stated that "prison is no place for a child."**<sup>135</sup>

**1% of Scottish children have been in care, 50% of Scottish prisoners have been in care, for Scottish prisoners convicted of violence the proportion is 80%.**<sup>136</sup>

**The annual cost per prisoner place for 2011-12 was £32,371, excluding capital charges, exceptional compensation claims and the cost of the escort contract.**<sup>137</sup>

**Hugh Monro, Chief Inspector of Prisons for Scotland, has stated that "Securing children, young offenders or prisoners is not a cheap option...the cost of keeping a child in a Secure Unit can be as high as £250k per annum."**<sup>138</sup>

**Call charges from Scottish prisons have reduced from 1 April 2010.** Following the successful supercomplaint to Ofcom brought by the National Consumer Council and the Prison Reform Trust, calls to UK landlines have fallen by 23% to 8.4 pence per minute and calls to mobiles have dropped 63% to 23.5 pence per minute.<sup>139</sup>

**84% of prisoners in Scotland reported positively on access to family and friends and the ability to arrange visits.** However, 63% of prisoners reported that their visitors experienced problems when visiting them in prison. The problem most frequently reported was the distance of the prison from their home (64%); this was followed by the cost involved in getting to the prison (62%).<sup>140</sup>

133 Table 2, McCallum, F. (2011) Children and the Scottish Criminal Justice System, SPICe Briefing 11/53, Edinburgh: The Scottish Parliament

134 Scottish Government press release, 21 February 2008, <http://openscotland.gov.uk/News/Releases/2008/02/21081302>

135 HM Chief Inspector of Prisons for Scotland (2009) Annual Report 2008-09, Edinburgh: The Scottish Government

136 Ibid.

137 Scottish Prison Service (2012) Scottish Prison Service Annual Report and Accounts 2011-12, Edinburgh: Scottish Prison Service

138 HM Chief Inspector of Prisons for Scotland (2010) Annual Report 2009-2010, Edinburgh: The Scottish Government

139 Information from Consumer Focus, 10 May 2010: <http://www.consumerfocus.org.uk/news/bt-drops-price-of-prison-payphone-calls>

140 Scottish Prison Service, (2011) Prisoner Survey 2011, Edinburgh, Scottish Prison Service

**48% of those who responded to the Scottish prisoner survey reported having children.**<sup>141</sup>

**44% of Scottish prisoners reported being under the influence of drugs at the time of their offence, and 18% reported that they committed their offence to get money for drugs.**<sup>142</sup>

**An average of 56% of all offenders admitted to Scottish prisons test positive for drugs.**<sup>143</sup>

**20% of respondents to the 2011 prisoner survey reported use of illegal drugs in prison in the previous month.**<sup>144</sup>

**50% of Scottish prisoners reported being drunk at the time of their offence.** 25% reported that drinking affected their ability to hold down a job and 38% noted that their drinking affected their relationship with their family.<sup>145</sup>

**24% of respondents to the 2011 prisoner survey had been seen by mental health staff.**<sup>146</sup>

**Just over a third of respondents to a Prison Reform Trust survey of prisons in Scotland said their prison had a dedicated learning disability nurse.** Similarly, just under a third said that specific learning disability in-reach was available in their prison, though an additional fifth (19%) said they did not know whether it was available.<sup>147</sup>

**Almost three-quarters of prison staff responding described the support as 'low' or 'fairly low' quality.** None of the respondents described the support available as being of high quality. Just over a quarter described the quality of support for people with learning difficulties or learning disabilities as fairly high.<sup>148</sup>

**According to Justice Secretary Kenny MacAskill, two thirds of the women at Cornton Vale, Scotland's only all-women prison, were serving sentences of six months or less. Commenting on this MacAskill said they had "typically been jailed for low level offences".** "The statistics speak for themselves - four out of five women going to Cornton Vale have a mental health problem and seven out of 10 have a disclosed history of abuse or trauma." "So while the staff at Cornton

141 Ibid.

142 Ibid.

143 HM Chief Inspector of Prisons for Scotland (2010) Annual Report 2009-2010, Edinburgh: The Scottish Government

144 Scottish Prison Service, (2011) Prisoner Survey 2011, Edinburgh, Scottish Prison Service

145 Ibid.

146 Ibid.

147 Loucks, N. & Talbot, J. (2007) No One Knows: prisoners with learning difficulties and learning disabilities, Scotland, London: Prison Reform Trust

148 Ibid.

Vale are doing a fantastic job, a short-term prison environment is not always conducive to identifying root problems and dealing with them effectively.”<sup>149</sup>

**There was a 197% increase in incidents of self-harm by prisoners in Scotland from 2005 to 2010.** Most of this increase represents a rapid rise in self-harm amongst women in Cornton Vale, from 12 incidents to 105. There have also been substantial rises in Addiewell and Perth prisons.<sup>150</sup>

**HM Chief Inspector of Prisons for Scotland, Hugh Monro, stated in his 2010-11 annual report “perhaps the most depressing aspect of Cornton Vale is the sheer boredom experienced by most prisoners, with some 65% locked in their cells and only 35% at education or employability training or work during the working day.”**<sup>151</sup>

**A report by the Commission on Women Offenders, chaired by former Lord Advocate Elish Angiolini and published in April 2012, stated that “Cornton Vale is not fit for purpose” and recommended that it is replaced with a smaller specialist prison for those women offenders serving a statutory defined long-term sentence and those who present a significant risk to the public.**<sup>152</sup>

**The Commission visited the 218 Service in Glasgow and the Willow project in Edinburgh where the services had been specifically designed to meet the complex needs of women offenders.** Women who use the services at 218 identified significant decreases in drug and/or alcohol use (83%), improvements in their health and wellbeing (67%), access to stable accommodation and referrals to longer-term support services. Research suggests that the programmes offered by 218 may contribute to reductions in offending in the longer term.<sup>153</sup>

**On 29 October 2012 Justice Secretary Kenny MacAskill announced proposals to develop a planned new prison in Inverclyde as a ‘custom made’ national prison for women offenders and build a new specialist unit for women at HMP Edinburgh.** These would replace Cornton Vale, but could pose difficulties for maintaining family ties.<sup>154</sup>  
**There are two privately financed, designed,**

**built, and operating prisons in Scotland; Serco-run Kilmarnock and Sodexo-run Addiewell.** Combined they held some 1,408 prisoners in 2011-12, approximately 17.2% of Scotland’s prison population.<sup>155</sup>

**The Scottish prison population is predicted to rise to 9,500 by 2020-21.**<sup>156</sup>

**The Scottish Prison Service awarded a £116m contract to Carillion Construction Limited to design and construct a new prison in Bishopbriggs.** HMP Low Moss opened in March 2012 and replaced an old prison on the same site.<sup>157</sup>

**The 2009-10 Scottish Crime and Justice Survey found that 72% agreed (strongly or slightly) that community sentencing is a good idea for minor crimes and 67% agreed that drug users need treatment not prison.**<sup>158</sup>

**The same survey found that in 74% of crimes where the victim thought that the offender(s) should have been prosecuted, the victim thought the offender(s) should have been given a sentence other than custody.**<sup>159</sup>

**HMP Open Estate at Noranside closed on 31 October 2011, with all prisoners transferred to the remaining open estate at Castle Huntly.**

**The number of prisoners qualifying to move to open conditions has reduced as a result of stricter criteria for progression and the facility at Noranside was deemed “surplus to requirements.”**<sup>160</sup>

149 Kenny MacAskill argues against short prison sentences, STV, 30 July 2009, available at <http://news.stv.tv/scotland/112781-kenny-macaskill-argues-against-short-prison-sentences/>

150 Scottish Parliament, written answers 8 March 2011, S3W-38887 and 28 April 2009, S3W-23051

151 HM Chief Inspector of Prisons for Scotland (2011) Annual Report 2010-11, Edinburgh: The Scottish Government

152 Commission on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh, The Scottish Government

153 Ibid

154 <http://www.scotland.gov.uk/News/Releases/2012/10/women29102012>

155 Table A.2, The Scottish Government (2012) Prison statistics Scotland: 2011-12, Edinburgh: The Scottish Government

156 Table 4.2 Ibid.

157 [www.carillionplc.com/media-centre/news.aspx?id=783](http://www.carillionplc.com/media-centre/news.aspx?id=783)

158 Scottish Government (2011) 2010/11 Scottish Crime And Justice Survey

159 Ibid.

160 <http://www.sps.gov.uk/MediaCentre/News-3176.aspx>

## Northern Ireland prison overview

On 26 October 2012 the total prison population for Northern Ireland stood at 1,790, almost the same as the previous year.<sup>161</sup>

The imprisonment rate for Northern Ireland is 98 per 100,000.<sup>162</sup>

The current capacity for Northern Ireland prisons is 1,765, meaning the current occupancy level stands at 103.6%.<sup>163</sup>

On 12 April 2010 policing and criminal justice powers were devolved from Westminster to the Northern Ireland Assembly.<sup>164</sup>

A high proportion of people in prison in Northern Ireland are being held on remand and this has remained the case over the last 13 years. The total percentage for the remand population in 2009 was 34%, compared to 16% for England and Wales, and 19% for Scotland.<sup>165</sup>

The overall annual average prison population in Northern Ireland decreased by almost 2% from an average of 1,490 in 2008 to an average of 1,465 in 2009. The 2009 average remand population of 505 was almost unchanged from the 2008 level (507), whilst the average immediate custody population in 2009 (934) was 2% lower than in 2008 (955).<sup>166</sup>

The total number of receptions into prison decreased by almost 5%, from 6,185 in 2008 to 5,892 in 2009.<sup>167</sup>

The overall prison population was predominantly male (97% in 2009). Men also made up 96% of all receptions into prison during 2009.<sup>168</sup>

In 2009, 67% of the immediate custody prisoner population were serving sentences for violent offences (violence against the person, sexual offences or robbery).<sup>169</sup>

161 Northern Ireland Prison Service, situation report for 26 October 2012

162 International Centre for Prison Studies [http://www.prisonstudies.org/info/worldbrief/wpb\\_country.php?country=170](http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=170)

163 Ibid.

164 [http://www.opsi.gov.uk/si/si2010/ukxi\\_20100976\\_en\\_1](http://www.opsi.gov.uk/si/si2010/ukxi_20100976_en_1)

165 Table 1, Department of Justice (2010) The Northern Ireland Prison Population in 2009, Belfast: Department of Justice; Table A1.1, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice; and Table 1, The Scottish Government (2010) Prison statistics Scotland: 2009-10, Edinburgh: The Scottish Government

166 Department of Justice (2012) Digest of Information on the Northern Ireland Criminal Justice System, Belfast: Department of Justice

167 Ibid.

168 Ibid.

169 Ibid.

As at 26 October 2012 there were 59 women in prison in Northern Ireland.<sup>170</sup> This is more than double the number of women in prison 10 years ago.

72% of women sentenced to prison in 2009 were convicted of non-violent offences, and one in five women entering prison was imprisoned for fine default.<sup>171</sup>

Women prisoners in Northern Ireland are still held on the same site as young male prisoners, a situation described by the Criminal Justice Inspectorate as “fundamentally unsatisfactory”.<sup>172</sup>

Women in prison in Northern Ireland are in general an older population than men: the majority are aged between 30 and 50.<sup>173</sup>

Around 40% of women prisoners have no previous convictions.<sup>174</sup>

64% of women were receiving some form of social security benefit before entering prison.<sup>175</sup>

66% of women in prison in Ash House have children under the age of 18.<sup>176</sup>

A snapshot view of women prisoners in Northern Ireland early in 2008 shows that half had a history of alcohol misuse, with 40% misusing drugs.<sup>177</sup>

Experiences of physical abuse and sexual abuse were recorded in the majority of women’s pre-sentence reports (74.5% physical abuse, 10.5% sexual abuse).<sup>178</sup>

88% of women had experienced depression while in prison. 60% had been taking some form of medication prior to their imprisonment. 48% had experienced suicidal thoughts, 32% had experiences of self-harm, and 32% had attempted to take their own lives.<sup>180</sup>

170 Northern Ireland Prison Service, situation report for 26 October 2012

171 Table 12 and Table 7, Department of Justice (2010) The Northern Ireland Prison Population in 2009, Belfast: Department of Justice

172 Criminal Justice Inspection Northern Ireland (2011) An inspection of prisoner resettlement by the Northern Ireland Prison Service, Belfast: Criminal Justice Inspection Northern Ireland

173 Prison Review Team (2011) Review of the Northern Ireland Prison Service Conditions, Management and Oversight of all Prisons: Final Report, Belfast: Prison Review Team

174 Northern Ireland Office (2009) Addressing Offending by Women: a literature review, Belfast: Northern Ireland Office

175 Ibid.

176 Department of Justice (2010) Women’s Offending Behaviour in Northern Ireland: a strategy to manage women offenders and those vulnerable to offending behaviour 2010-2013, Belfast: Department of Justice

177 Ibid.

178 Northern Ireland Office (2009) Addressing Offending by Women: a literature review, Belfast: Northern Ireland Office

179 Ibid.

180 Ibid.

**33% of women were reconvicted within two years of release from prison, compared to 48% of men.**<sup>181</sup>

**The estimated cost of reoffending in Northern Ireland is approximately £80 million.**<sup>182</sup>

**In 2010-11 the average cost per prisoner place was £73,762, although a different and more realistic calculation (the cost per occupied place) by prison inspectors revealed it was some £16,000 higher than suggested.**<sup>183</sup> A total of £128.8m was spent in operating costs, of which £91.2m were staff costs.<sup>184</sup>

**24% (1,394) of people sent to prison in 2009 were imprisoned for failure to pay fines.**<sup>185</sup> They spend an average of only four days in custody making it almost impossible to do anything useful to address their resettlement needs during that time.<sup>186</sup>

**It has been estimated that it costs £3,000 for a four-day committal of a prisoner.**<sup>187</sup>

**The number of children and young people admitted into the Juvenile Justice Centre in 2011-12 decreased to 400 from 411 in the previous year.** Of these 59% (234) were admitted under the Police and Criminal Evidence Order 1989 (PACE), 36% (142) were admitted directly onto remand and 6% (24) were admitted after sentence.<sup>188</sup>

**The majority of those admitted into the Juvenile Justice Centre are male; in 2011-12, 87% of those admitted were boys and 13% were girls.**<sup>189</sup>

181 Table 1: Department of Justice (2011) Adult reconviction in Northern Ireland 2005, Belfast: Department of Justice

182 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

183 Department of Justice (2012) Digest of Information on the Northern Ireland Criminal Justice System - Volume Four, Belfast: Department of Justice, and Criminal Justice Inspection Northern Ireland (2011) An inspection of prisoner resettlement by the Northern Ireland Prison Service, Belfast: Criminal Justice Inspection Northern Ireland

184 Department of Justice (2012) Digest of Information on the Northern Ireland Criminal Justice System - Volume Four, Belfast: Department of Justice

185 Table 7, Department of Justice (2010) The Northern Ireland Prison Population in 2009, Belfast: Department of Justice

186 Criminal Justice Inspection Northern Ireland (2011) An inspection of prisoner resettlement by the Northern Ireland Prison Service, Belfast: Criminal Justice Inspection Northern Ireland

187 Torney, K. (2011) Thousands imprisoned every year for minor crimes, The Detail: <http://www.thedetail.tv/issues/51/finedefaulters/thousands-imprisoned-every-year-for-minor-crimes>

188 Table 4, Tate, S. and Lyness, D. (2012) Youth Justice Agency Annual Workload Statistics 2011/12, Statistical Bulletin 1/2012, Belfast: Youth Justice Agency

189 Ibid.

**The largest proportion of those admitted in 2011-12 were aged 17 (34%). A further 33% were aged 16 and 16% were aged 15.**<sup>190</sup>

**In 2008 the combined reoffending rate for youth conferencing, a restorative justice programme in Northern Ireland, was 42% – this compared to 50% for community sentences and 68% for custodial sentences.**<sup>191</sup>

**Victims were present in two-thirds of all restorative conferences held in 2008-09 – 89% expressed satisfaction with the conference outcome and 90% said they would recommend restorative justice to a friend.**<sup>192</sup>

**The number of children sentenced to immediate custody in Northern Ireland dropped from 139 in 2003 to 89 in 2006.**<sup>193</sup>

**Typically, in any one day, around three-quarters of the child custody population is on remand, many of whom come directly from residential care. Most are neither serious nor persistent offenders and most do not go on to serve a custodial sentence.**<sup>194</sup>

**In 2009-10, 190 incidents of self-harm were reported.**<sup>195</sup> There have been two reported deaths in custody in 2011, both were young people held in Hydebank Wood.<sup>196</sup>

**Since September 2005, 36 people have died in prisons in Northern Ireland. 35 were men and one was a woman.**<sup>197</sup>

**At 5 September 2011, 67% of all prisoners were on prescribed medication.** The levels of prescribing at the three Northern Ireland prison establishments were HMP Maghaberry, 80%; HMP Magilligan, 58%; and HMP Hydebank Wood, 38%.<sup>198</sup>

190 Ibid.

191 Table 1, Lyness, D. and Tate, S. (2011) Northern Ireland Youth Re-offending: Results from the 2008 Cohort, Belfast: Youth Justice Agency

192 Jacobson, J. and Gibbs, P. (2009) Making Amends: restorative justice in Northern Ireland, London: Prison Reform Trust

193 Ibid.

194 Youth Justice Review Team (2011) A Review of the Youth Justice System in Northern Ireland, Belfast: Department of Justice

195 Jacobson, J. and Gibbs, P. (2009) Making Amends: restorative justice in Northern Ireland, London: Prison Reform Trust

196 Northern Ireland Prison Service website at <http://www.niprisonservice.gov.uk/module.cfm/opt/10/area/Press%20Releases/page/pressrel/year/2011/month/05/pid/599>

**There was a considerable increase in the number of foreign national prisoners held in NI prisons, from 181 committals in 2006-07 to 547 in 2008-09 (a 202% increase).<sup>199</sup>**

**The national and ethnic mix in prisons in Northern Ireland has changed considerably in recent years.**

The majority of foreign nationals are from eastern Europe, primarily Lithuania and Poland, or from China. Only around 1% of the prison population is Black or South Asian. Irish Travellers also account for about 1% of the population.<sup>200</sup>

**The ratio of staff to prisoners in Northern Ireland is almost two and a half times that of England and Wales and prison officers are paid on average a third more.<sup>201</sup>**

**The most recent Inspection report highlights that “the history of the Northern Ireland Prison Service is inextricably linked to the ‘Troubles’ and the political and security situation in Northern Ireland since 1969. During that time 29 members of the Prison Service were murdered and many others were permanently or seriously injured. The effects of this, and the threat to prison officers and their families, cannot be under-estimated.”<sup>202</sup>**

**The report also states that “the context within which the Prison Service operates now is significantly different although the threat level against prison staff remains ‘substantial’. While a significant management issue, separated prisoners comprise only a relatively small (4%) proportion of the prisoner population.”<sup>203</sup>**

**The average absenteeism for each member of staff was 14.4 days in 2011-12, up from 13.5 in 2010-11.<sup>204</sup> The cost of sick absence was £4.6m per annum or 115 whole time equivalents (WTEs), and at Hydebank Wood alone is £1.33m per annum - equivalent to 5.5% of the entire operating budget.<sup>205</sup>**

**During inspection fieldwork it was found that on one day there were 70 staff on sick leave from Maghaberry, causing rolling lock-downs for prisoners.**

199 The Prisoner Ombudsman for Northern Ireland Annual Report 2008-2009, Belfast: The Prisoner Ombudsman

200 Prison Review Team (2011) Review of the Northern Ireland Prison Service Conditions, Management and Oversight of all Prisons: Final Report, Belfast: Prison Review Team

201 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

202 Ibid.

203 Ibid..

204 Northern Ireland Prison Service (2012) Annual Report and Accounts 2011-12, London: The Stationery Office

205 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

**The interim report by the independent Prison Review Team, chaired by Dame Anne Owers, found that “despite considerable expense, all three prisons, and Maghaberry in particular, have unacceptably poor regimes, which waste resources and do not allow prisoners access to the activities and interventions they need to support change and reduce reoffending.”<sup>206</sup>**

**The Northern Ireland Prison Service has been under considerable scrutiny in recent years and since 2005 there have been over 20 external reviews and inspection reports, most of which have identified the pressing need for reform. A Northern Ireland Prison Service internal report to the Prison Service Management Board in July 2009 put the number of outstanding recommendations from scrutiny bodies and internal reviews/reports in the region of 600. The total number of recommendations was nearly 1,200.<sup>207</sup>**

**Within the Northern Ireland Prison Service there are 1,883 uniformed grade officers supported by almost 400 civilian grades. The recent review of the Service’s corporate governance highlighted that “despite this complement of staff there are many occasions when there is insufficient staffing levels to deliver an effective service.”<sup>208</sup>**

**In addition “the practice, for example, of managing staff absences through a daily realignment of the prison regime is unproductive and meant substantial lockdowns with restrictions on time out of cell and the delivery of meaningful purposeful activity for prisoners such as workshops or education classes.”<sup>209</sup>**

**The percentage age breakdown for all Northern Ireland Prison Service staff shows a significant proportion of staff in the higher age groups; 52% of staff were in the 35-49 age group (35% male, 17% female) and 34% were 50-64 (28% male, 6% female).<sup>210</sup>**

206 Prison Review Team (2011) Review of the Northern Ireland Prison Service Conditions, Management and Oversight of all Prisons: Interim Report, Belfast: Prison Review Team

207 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

208 Ibid

209 Ibid.

210 Ibid.

## Prison overcrowding, pressure on resources and long term plans

Prison overcrowding is defined by the Prison Service as a prison containing more prisoners than the establishment's Certified Normal Accommodation (CNA). "CNA, or uncrowded capacity, is the Prison Service's own measure of accommodation. CNA represents the good, decent standard of accommodation that the service aspires to provide all prisoners."<sup>211</sup>

The limit to overcrowding in prison is called the Operational Capacity. The Prison Service defines it as: "the total number of prisoners that an establishment can hold without serious risk to good order, security and the proper running of the planned regime."<sup>212</sup> For the first time, recorded figures showed that on 22 February 2008, at 82,068 the prison population breached the Prison Service's own safe overcrowding limit.<sup>213</sup>

The prison population was 108% of the 'in use CNA' (79,066) at the end of October 2012.<sup>214</sup>

At the end of October 2012, 78 of the 131 prisons in England and Wales were overcrowded.<sup>215</sup>

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past 14 years. In 2011-12 the private prisons average was 30.2%, compared to an average of 23.3% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 39.8%, 58.6% and 69.8% of prisoners held in overcrowded accommodation respectively.<sup>216</sup>

HM Inspectorate of Prisons found that healthcare beds were often part of a prison's CNA when this should not be the case.

Admission to in-patient care should only be on assessment of clinical need.<sup>217</sup>

The end of custody licence (ECL) scheme was withdrawn on 12 March 2010. The withdrawal of the

End of Custody Licence (ECL) early release scheme added around 1,000 to the prison population.<sup>218</sup>

In 2011-12 an average of 21,027 prisoners were held in overcrowded accommodation, accounting for 24% of the total prison population. Within this total the average number of prisoners doubling up in cells designed for one occupant was 20,157 (23% of the total prison population) and there were on average 870 prisoners held three to a cell in cells designed for two (1% of population).<sup>219</sup>

The rate of overcrowding in male local establishments is almost twice the national rate.<sup>220</sup>

In 2011 there were 12,328 recorded prisoner on prisoner assaults, a rise of 41% since 2002. The prison population has risen 21% over the same period.<sup>221</sup> In 2008 in-cell assaults accounted for 18% of all prisoner-on-prisoner assaults.<sup>222</sup>

Approximately 70% of the increase in demand for prison places between 1995 and 2005 is estimated to have arisen owing to changes in custody rate and sentence length.<sup>223</sup>

In 2009-10, the average cost of transferring a prisoner was £98.16. During this time 82,521 prisoners were transferred, an average of 1,587 per week.<sup>224</sup>

The 10 most overcrowded prisons in England and Wales, September 2012:<sup>225</sup>

Prison	In use CNA	Operational Capacity	Population	% Overcrowded
Kennet	175	342	340	194%
Shrewsbury	170	340	329	194%
Swansea	240	435	423	176%
Lincoln	401	723	672	168%
Dorchester	148	271	245	166%
Leicester	200	400	331	166%
Wandsworth	730	1,284	1,188	163%
Northallerton	146	252	237	162%
Exeter	317	561	506	160%
Preston	455	842	718	158%

218 Ministry of Justice (2011) Monthly Population Bulletin May 2011, London: Ministry of Justice

219 Hansard HC, 20 November 2012, c428W and Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin January to March 2012, London: Ministry of Justice

220 Table 17, Ministry of Justice (2012) National Offender Management Service Annual Report 2011/12: Management Information Addendum, London: Ministry of Justice

221 Table 3.8, Ministry of Justice (2012) Safety in Custody Statistics Quarterly Update to June 2012, London: Ministry of Justice

222 NOMS, Safer Custody News, July/August 2009

223 Carter, P. (2007) Lord Carter's Review of Prisons, Securing the future, London: Ministry of Justice

224 Hansard HC, 7 December 2010, c202W

225 Ministry of Justice (2012) Monthly Population Bulletin September 2012, London: Ministry of Justice

211 The Prison Service, Prison Service Order 1900, Certified Prisoner Accommodation

212 Ibid.

213 [http://www.hmprisonservice.gov.uk/assets/documents/100035D522022008\\_web\\_report.doc](http://www.hmprisonservice.gov.uk/assets/documents/100035D522022008_web_report.doc)

214 Ministry of Justice (2012) Monthly Population Bulletin October 2012, London: Ministry of Justice

215 Ibid.

216 Ministry of Justice (2012) National Offender Management Service Annual Report 2011-12: Prison performance digest 2011-12, London: Ministry of Justice

217 HM Chief Inspector of Prisons (2010) Annual Report 2008-09, London: The Stationery Office

**The Prisons and Probation Ombudsman (PPO) has highlighted the damaging effects of prisoners being transferred on ‘overcrowding drafts’.** Prisoners are often moved from jails that they know and are known by to other busy prisons where they may feel less safe. A number of PPO investigations have drawn attention to the potentially tragic consequences of this.<sup>226</sup>

**HM Chief Inspector of Prisons found that the establishments they inspected in 2011-12 were less overcrowded than the year before. However, he emphasised that “the issue was whether there were the resources available to hold all detainees safely and securely and do anything useful with them when they were there. Resources are now stretched very thinly.”** His view overall is that their “inspection findings suggest that there is a risk of undermining the progress that has been made in recent years and threatening the delivery of the government’s rehabilitation revolution. If a rehabilitation is to be delivered [...] there is a pretty clear choice for politicians and policy makers - reduce prison populations or increase prison budgets.”<sup>227</sup>

**In 2011-12, 41% of prisoners who responded to the Prisons Inspectorate’s surveys reported feeling unsafe.** Feelings of safety were poorest at high security prisons, followed by local prisons. At both types of prisons, the proportion of prisons feeling unsafe was higher than at the same types last year.<sup>228</sup>

**The Prisons Inspectorate expect that prisoners spend at least 10 hours out of their cells on weekdays but over the course of 2011-12 this was rarely achieved, particularly among young adults: only 5% of young adults were unlocked for the expected length of time.** In local prisons, time out of cell was dramatically lower than those inspected last year, mostly due to a reduction of evening association from four to just two or three nights a week or an earlier lock up time in an effort to reduce costs. In high security, Category B trainers and open prisons, however, time out of cell had improved.<sup>229</sup>

**In spot checks, inspectors repeatedly found at least 25% of a prison’s population locked up during the day with nothing to do.**<sup>230</sup>

**In 2011-12 there was a reduction of 2,714 directly employed NOMS staff and a reduction of 655 staff employed by probation trusts.**<sup>231</sup>

**In an interview with The Times on 12 July 2007, Jack Straw, then incoming Secretary of State for Justice, stated that “we cannot just build our way out of overcrowding”.** He called for a “national conversation” on the use of prison and said that he would still want this to take place even if he could “magic an extra 10,000 places”.<sup>232</sup>

**On 13 January 2011 the then Secretary of State for Justice, Ken Clarke, announced the closure of HMP Lancaster Castle and HMP Ashwell prisons and the change of use of HMP Morton Hall to an Immigration Removal Centre.** Ken Clarke said that “closing outdated and expensive prisons is an important step in our strategy to provide a secure and modern, fit for purpose prison estate”.<sup>233</sup>

**Estimates of future prison numbers vary widely. By the end of June 2018 the demand for prison spaces is projected to be between 80,300 and 90,900.**<sup>234</sup>

226 Prisons and Probation Ombudsman (2009) Annual Report 2008-2009, London: COI

227 HM Chief Inspector of Prisons (2012) Annual Report 2011-12, London: The Stationery Office

228 Ibid.

229 Ibid.

230 Ibid.

231 Ministry of Justice (2012) National Offender Management Service Annual Report 2011/12, London: Ministry of Justice

232 Rt Hon Jack Straw, The Times, 12 July 2007

233 13 January 2011, BBC News, Prisons shutdown unveiled by government available at <http://www.bbc.co.uk/news/uk-12178498>

234 Table 1, Ministry of Justice (2012) Prison Population Projections 2012-2018, London: Ministry of Justice

## Sentencing trends and legislation

**1,279,553 people were sentenced by the courts in the 12 months ending March 2012, a decrease of 6% overall from the previous 12 months.**<sup>235</sup>

**101,241 people were sentenced to immediate custody in the 12 months ending March 2012, a decrease of 1% compared to the previous 12 months but 8% lower than the peak of 109,841 people sentenced in 2003.**<sup>236</sup>

**8% of defendants were sentenced to immediate custody in the 12 months ending March 2012, the highest proportion since 2002.**<sup>237</sup>

**Approximately 70% of the increase in demand for prison places between 1995 and 2005 is estimated to have arisen owing to changes in custody rate and sentence length.**<sup>238</sup>

**The trend in average sentence lengths has been increasing, they are now 2.8 months longer than in 2002.**<sup>239</sup>

**The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 19% at the end of September 2012. If these longer sentences were included, average time served would be higher.**<sup>240</sup>

**The average time served for people serving mandatory life sentences for murder increased from 13 years in 2001 to 16 years in 2011.**<sup>241</sup>

**There were 73,406 prisoners under sentence at 30 September 2012, up 1% from a year earlier.**<sup>242</sup>

This increase includes the impact of the public disorder in UK cities from 6 to 9 August 2011. As at 19 August 2012, 1,405 people had been sentenced to immediate custody for offences relating to the disorder with an average custodial sentence length of 17.1 months.<sup>243</sup>

<sup>235</sup> Table Q5.1, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

<sup>236</sup> Ibid.

<sup>237</sup> Table Q5.4, Ibid

<sup>238</sup> Carter, P. (2007) Lord Carter's Review of Prisons, Securing the future, London: Ministry of Justice

<sup>239</sup> Table Q5.1, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

<sup>240</sup> Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice and Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

<sup>241</sup> Hansard HC, 19 October 2012 c485W

<sup>242</sup> Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

<sup>243</sup> Table Q8.1b Ministry of Justice (2012) Criminal Justice Statistics and table Q8.6 Quarterly Update to March 2012, London: Ministry of Justice

**Magistrates' courts accounted for 45,270 sentences of immediate custody in the 12 months ending 2012, down 6% on the previous year.**<sup>244</sup>

**At magistrates' courts the average sentence length for immediate custody is 2.6 months.**<sup>245</sup> **55,971 people received an immediate custodial sentence at the crown court. This is a rise of 25% from 2002.**<sup>246</sup>

**The sentencing guidelines working group, when looking at sentences given for four different offences in the crown court, found that 71 out of these 222 sentences were above the guideline ranges for the relevant level of seriousness.**<sup>247</sup>

**In the 12 months ending March 2012, 55% of immediate custodial sentences given were for six months or less.**<sup>248</sup>

**36,141 people were given sentences up to and including three months in the 12 months ending March 2012 – 14% lower than in 2002.**<sup>249</sup>

**833 IPP sentences were handed down in the 12 months ending March 2012. This is down from 959 the previous year. 385 life sentences were handed down in the 12 months ending March 2012, almost the same as the previous year.**<sup>250</sup>

**The overall decrease in indeterminate sentences coincides with an increase in long determinate sentences (10 years or more) of 18% from the previous year. In the 12 months ending March 2012 there were 664 people sentenced to 10 years or more - the highest number in the last 11 years.**<sup>251</sup>

**In the 12 months ending June 2012, 58% of women entering prison under sentence were to serve sentences of up to and including six months, compared with 47% of men.**<sup>252</sup> Theft and handling accounted for 36% of sentenced women and 21% of sentenced men entering prison.<sup>253</sup>

**638 men and 74 women were imprisoned for breaching antisocial behaviour orders in 2011.**<sup>254</sup>

<sup>244</sup> Table Q5.2, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

<sup>245</sup> Ibid.

<sup>246</sup> Table Q5.3, Ibid.

<sup>247</sup> Hansard, WH 5 February 2009, c328WH

<sup>248</sup> Table Q5.6, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

<sup>249</sup> Ibid.

<sup>250</sup> Ibid

<sup>251</sup> Ibid

<sup>252</sup> Tables 2.1b and 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

<sup>253</sup> Table 2.2b, Ibid.

<sup>254</sup> Hansard HC 19 October 2012 c476W

Of those in prison on short sentences of six months or under, 50% have 15 or more previous convictions, 12% between 11 and 14, 14% between seven and 10, and only 5% have no previous convictions.<sup>255</sup>

29% of women serving sentences of under twelve months have no previous convictions compared to 12% of men.<sup>256</sup>

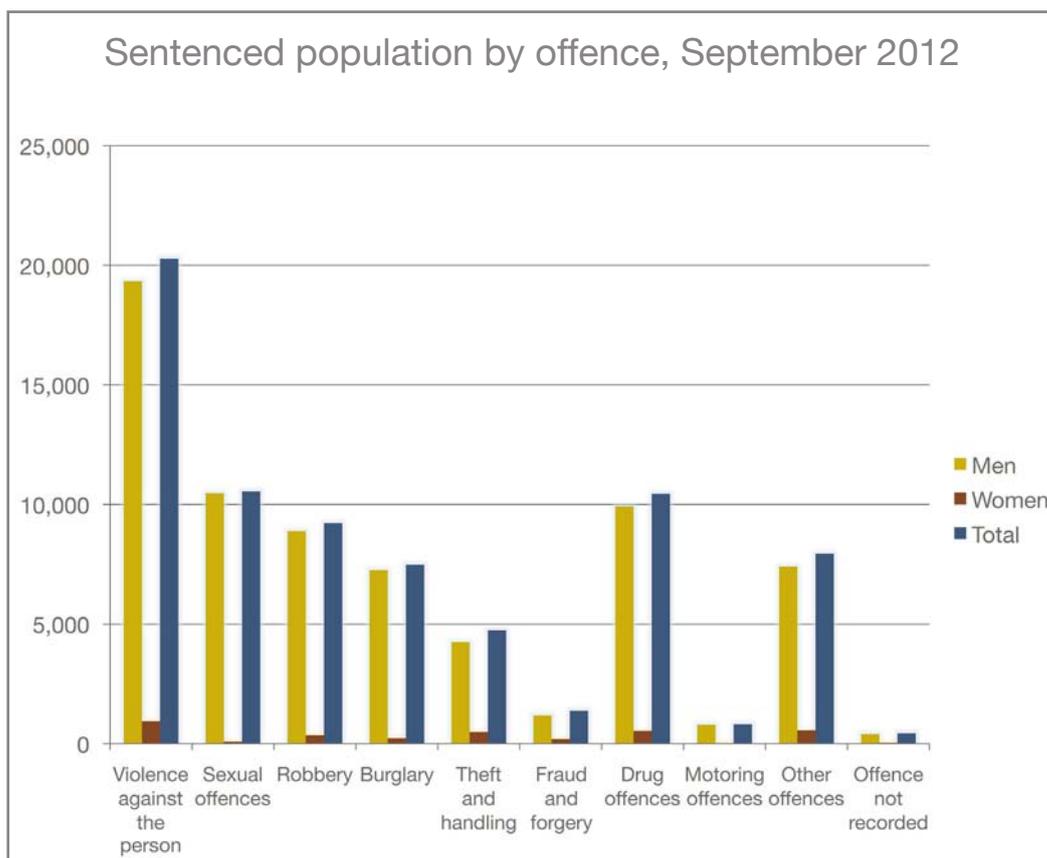
Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.<sup>257</sup>

The Ministry of Justice has signalled its intention to provide greater alternatives to short term custodial sentences. Speaking about short term sentences Ken Clarke, the then Justice Secretary, said: "It is virtually impossible to do anything productive with offenders on short sentences. And many of them end up losing their jobs, their homes and their families during their short time inside".<sup>258</sup>

**The Legal Aid, Sentencing and Punishment of Offenders Act became law on 1 May 2012.<sup>259</sup>**

Provision was made in the Act to abolish the indeterminate sentence for public protection (IPP), restrict the unnecessary use of custodial remand and increase discretion in response to technical breach of licence.

In October 2012, the Government published new legislation in the Crime and Courts Bill, that will mean all adult community sentences will now contain a punitive element.<sup>260</sup> This builds on the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to extend the length and duration of curfews, a new foreign travel prohibition, alcohol abstinence and monitoring requirements and discretion to sentencers to impose treatment requirements for offenders with mental health needs or problems with alcohol or substance misuse.<sup>261</sup>



Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

255 Table A1.29, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

256 Ibid

257 Table 1, Ministry of Justice (2011) 2011 Compendium of re-offending statistics and analysis, London: Ministry of Justice

258 <http://www.telegraph.co.uk/news/uknews/crime/7862003/Kenneth-Clarke-Fewer-criminals-will-go-to-prison.html>

259 <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

260 <http://www.justice.gov.uk/news/press-releases/moj/community-sentences-that-deliver-proper-punishment>

261 Prison Reform Trust (2012) Crime and Courts Bill, House of Lords Committee Stage briefing - October 2012, London: PRT

## Life and indeterminate sentences

The number of life and IPP sentenced prisoners has increased considerably in recent years. There were 13,685 people serving indeterminate sentences at the end of September 2012.<sup>262</sup> This compares with fewer than 4,000 in 1998 and 3,000 in 1992.<sup>263</sup>

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 19% at the end of September 2012.<sup>264</sup>

As of 1 September 2009, England and Wales had by far the highest number (12,521) of sentenced prisoners serving indeterminate sentences in Europe.<sup>265</sup>

In the 12 months ending March 2012, there were 1,218 indeterminate custodial sentences handed down, 9% less than in the previous year.<sup>266</sup>

As at 2 December 2011, there were 405 indeterminate sentenced prisoners who had passed their tariff expiry date and had been approved by the Secretary of State for transfer to open conditions but were located in closed conditions.<sup>267</sup>

In February 2012 the total backlog figure of Parole Board cases awaiting consideration involving prisoners serving indeterminate sentences was 1,493. 52% of these people were serving IPP sentences, and 48% were serving life sentences.<sup>268</sup>

### Life sentences

At the end of September 2012 there were 7,665 people serving life sentences in prison. 4,107 of these people had a tariff length of 10 to 20 years, 2,303 had a tariff length of less than 10 years and a further 996 had a tariff length of greater than 20 years.<sup>269</sup>

At the end of September 2012 there were 45 prisoners in England and Wales serving a 'whole life' tariff.<sup>270</sup>

262 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

263 Table 1.8, Home Office (2003) Prison Statistics England and Wales 2002, London: The Stationery Office

264 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice and Table A1.1, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

265 Table 8, Aebi, M. (2011) Council of Europe Annual Penal Statistics, Survey 2009

266 Table Q5.6, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

267 Hansard HC, 7 March 2012, c756W

268 Hansard HC, 27 February 2012, c84W

269 Table 1.4 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

270 Ibid

The average time served for people serving mandatory life sentences for murder increased from 13 years in 2001 to 16 years in 2011.<sup>271</sup>

Nine people serving life sentences took their own lives in 2010.<sup>272</sup>

### Indeterminate Sentences for Public Protection (IPP)

The government has abolished the current IPP sentence as part of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. It will be replaced by a 'two strikes' policy so that a mandatory life sentence will be given to anyone convicted of a second very serious sexual or violent crime. There will also be a new Extended Determinate Sentence (EDS) whereby all people convicted of serious sexual and violent crimes will be imprisoned for at least two-thirds of their sentence, with an extended period of licence on release of up to five years for violent offences, and eight for sexual offences.<sup>273</sup> It is as yet unclear what will happen to prisoners currently serving IPP sentences although the Act gives the Secretary of State power to change the release test.

833 IPP sentences were handed down in the 12 months ending March 2012. This is down from 959 the previous year and 52% fewer than in 2008.<sup>274</sup>

At the end of September 2012 there were 6,020 people serving an IPP sentence in prison.<sup>275</sup>

Changes were made to the legislation – which came into effect on 14 July 2008 – limiting the availability of IPP sentences to those with a minimum tariff of two years and over (equivalent to a determinate sentence of four years).

Initially a third of IPP prisoners had tariffs of two years or less. At the end of September 2012, 19% of prisoners (1,172) serving IPPs had a tariff of less than two years, and 46% (2,763) had a tariff of between two and four years.<sup>276</sup> On 31 December 2011 there were 189 people with a tariff of a year or less.<sup>277</sup>

**A total of 3,524 IPP prisoners (59%) had passed their tariff expiry date by the end of September 2012, 1,087 of whom have a tariff of less than two years.**<sup>278</sup> As at 31 December 2011, 2,667 had been

271 Hansard HC, 19 October 2012 c485W

272 Table 11, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice

273 <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

274 Table Q5.6, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

275 Table 1.4, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

276 Ibid.

277 Hansard HC, 28 February 2012, c182W

278 Table 1.4 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

held for over a year beyond tariff, 311 for four years beyond tariff.<sup>279</sup>

**Since 2005 just 502 people serving IPP sentences have been released from custody.**<sup>280</sup>

**On 19 January 2010, of the 2,468 people being held beyond tariff, 466 had completed no accredited offending behaviour programmes.**<sup>281</sup>

**HM Chief Inspectors of Prisons and Probation have stated that “the current situation is not sustainable. IPP prisoners now constitute around one in 15 of the total prison population “...even with the recent changes in legislation, these numbers far exceed the capacity of the probation service and the prison system (and the Parole Board for that matter) to deliver the necessary quality of service.”**<sup>282</sup>

**HM Chief Inspectors of Prisons and Probation have described those serving IPP sentences as “prisoners with many and complex needs, including mental health, learning disability and a risk of self-harm.”**<sup>283</sup>

**Nearly one in five IPP prisoners have previously received psychiatric treatment, while one in 10 is receiving mental health treatment in prison and one in five is on prescribed medication. One IPP prisoner in 20 is, or has been, a patient in a special hospital or regional secure unit.**<sup>284</sup>

**Data from the Prison Service’s Safer Custody Group also confirm that IPP prisoners have a raised incidence of self-harm.**<sup>285</sup>

**Nearly 30% of IPP sentences for women surveyed by the Chief Inspectors of Prisons and Probation were for offences of arson, which is often an indicator of serious mental illness or self-harm.**<sup>286</sup>

**A 2012 report by the Ministry of Justice shows that Parole Board members feel that access to suitable programmes, lack of approved premises places for prisoners on release, resource constraints and delays in the system continue to be barriers to the release of IPP prisoners on parole. Some Parole Board members expressed concerns that prisoners**

with mental health problems and learning disabilities or difficulties might not be able to gain full benefit from the traditional programme group-facilitation method, and instead would benefit from one-to-one work.<sup>287</sup>

**The latest Parole Board Annual review highlights the appointment of 57 additional judicial members and 48 new independent and specialist members during the last year. This has led to 40% more lifer and IPP oral hearings panels than before.**<sup>288</sup>

**On 5 July 2010, 2,120 people serving an IPP sentence “had not completed at least one course”.**<sup>289</sup>

**Research by the Prison Reform Trust has found that there are a significant number of prisoners who, because they have a learning disability or difficulty, are excluded from aspects of the prison regime including offending behaviour programmes.**<sup>290</sup> A report by HM Chief Inspectors of Prison and Probation described this predicament – prisoners being unable to access the interventions they needed to secure their release as “Kafka-esque”.<sup>291</sup>

**The Joint Committee on Human Rights found, in response to evidence submitted by the Prison Reform Trust, that “people with learning disabilities may serve longer custodial sentences than others convicted of comparable crimes.”** The report went on to say that “this clearly breaches Article 5 ECHR (right to liberty) and Article 14 ECHR (enjoyment of ECHR rights without discrimination)”<sup>292</sup>

**In October 2010 the president of the Prison Governors Association called for the release of the 2,500 prisoners who were jailed indefinitely for the public’s protection (IPP) and had served more than their minimum tariff.**<sup>293</sup>

279 Hansard HC 28 February 2012, c184W

280 Table A3.5, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

281 Hansard HC, 26 January 2010, c732W

282 Criminal Justice Joint Inspection (2010) Indeterminate sentences for public protection: A Joint Inspection by HMI Probation and HMI Prisons, London: CJJI

283 HM Chief Inspector of Prisons and HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

284 Sainsbury Centre for Mental Health (2008) In the dark: The mental health implications of Imprisonment for Public Protection, London: Sainsbury Centre for Mental Health

285 HM Chief Inspector of Prisons and HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

286 Ibid.

287 Ministry of Justice (2012) Research Summary 1/12 The decision making process at parole reviews (Indefinite Imprisonment for Public Protection sentences), London: Ministry of Justice

288 Parole Board (2011) Annual Report and Accounts 2010/11, London: The Stationery Office

289 Hansard HC, 26 July 2010, c691W

290 Talbot, J. Written evidence submitted by Prison Reform Trust to the Joint Committee on Human Rights: The Human Rights of Adults with Learning Disabilities, 2007

291 HM Chief Inspector of Prisons and HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

292 Joint Committee on Human Rights (2008) A life like any other? Human rights of adults with learning disabilities, London: The Stationery Office

293 <http://www.independent.co.uk/news/uk/crime/call-for-public-protection-prisoners-to-be-freed-2104311.html>

## People on remand

**In the 12 months ending June 2012, 53,580 people were remanded into custody to await trial.** In the same year 38,961 people were remanded into prison convicted but awaiting sentence. This represented a decrease of 8% and 6% respectively from the same time last year.<sup>294</sup>

**In the 12 months ending March 2012, 12,300 people remanded in custody were subsequently acquitted.**<sup>295</sup>

**In the 12 months ending March 2012, 17,700 people remanded into custody went on to be given a non-custodial sentence.**<sup>296</sup>

**The remand population in prison at the end of September 2012 was 11,749, down 13% from the previous year.** Within this total, the untried population decreased 12% to 7,993 and the convicted unsentenced population decreased 16% to 3,756.<sup>297</sup>

**On 30 September 2012, 279 children in prison (24% of the total child prison population) were on remand, 34% fewer than the previous year.**<sup>298</sup>

**In 2010/11 there were 3,485 remand episodes given by the courts to children.** 810 of these were subsequently acquitted and 992 were given a non-custodial sentence.<sup>299</sup>

**An acquitted defendant is not automatically entitled to compensation, and it has been the exception rather than the rule for any compensation to be payable.**<sup>300</sup>

**63% of people who entered prison on untried remand in the first quarter of 2009 spent less than three months on remand.** 28% spent between three and six months on remand and 8% spent between six months and a year on remand.<sup>301</sup>

**In the 12 months ending June 2012, 61% of people received into prison on remand awaiting trial were accused of non-violent offences.** 15%

294 Table 2.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice. NB, the same person can be remanded before and after trial, so counting twice

295 Table Q3a Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice

296 Ibid.

297 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

298 Ibid

299 Tables 6.1 and 6.5 Ministry of Justice (2012) Youth Justice Statistics 2010/11 England and Wales, London: Ministry of Justice

300 Sally Broadbridge (2009) Compensation for acquitted defendants, London: House of Commons Library

301 Hansard HC, 18 April 2012 c436W

were remanded into custody for theft and handling of stolen goods, and 8% for drug offences.<sup>302</sup>

### Untried remand receptions by offence type 12 months ending September 2012<sup>303</sup>

Offence Group	Total
Violence against the person	13,235
Other offences	11,318
Theft and handling	8,199
Burglary	6,497
Drug offences	4,529
Robbery	3,948
Sexual offences	2,099
Offence not recorded	1,600
Fraud and forgery	1,251
Motoring offences	904

**The number of women on remand has fallen by 12% in the year to 30 September 2012 to 695.**

Women on remand make up 17% of the female prison population.<sup>304</sup>

**4,069 women entered prison on remand awaiting trial in the 12 months ending June 2012 - a decrease of 10% from the previous year.**<sup>305</sup> This comes after an increase of 22% over the period between 2004 and 2008.<sup>306</sup>

**Use of the important alternative to custodial remand – remand to non-secure local authority accommodation – declined by 45% between 2003-4 and 2007-8.** In most areas of England and Wales there is no specialist accommodation for under-18 year olds on bail or remand to non-secure local authority accommodation.<sup>307</sup>

**As at 1 April 2009 the average cost of placing a child remanded to custody in a Secure Training Centre was £160,000 per annum (excluding VAT).**<sup>308</sup>

**In 2011, 35% of self-inflicted deaths were by prisoners held on remand, despite comprising 15% of the prison population on average during the year.** In 2010, they accounted for half of all self-inflicted deaths, and made up 15% of the population.<sup>309</sup>

302 Table 2.2a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

303 Ibid.

304 Table 1.1c, Ibid.

305 Table 2.2a, Ibid.

306 Table 6.1F, Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

307 Youth Justice Board (2009) Youth Justice Annual Workload Data 2007/08, London: YJB and earlier reports from the series.

308 Hansard HC, 18 January 2011, c690W

309 Table 8, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice, and Table 1.8 (2012) Safety in Custody 2011, London: Ministry of Justice

**Remand prisoners have a range of mental health problems.** According to the Office for National Statistics more than three-quarters of men on remand suffer from a personality disorder. One in 10 have a functional psychosis and more than half experience depression. For women on remand, nearly two-thirds suffer from depression. Once again these figures are higher than for sentenced prisoners. Research has found that 9% of remand prisoners require immediate transfer to the NHS.<sup>310</sup>

**In Prison Inspectorate surveys almost a third of all remand prisoners said they were from a black or other minority ethnic background (compared with just over a quarter in the prison population as a whole), which rose to just over two-fifths in the young adult estate.** Similarly, foreign nationals were over-represented, especially in the women's estate where over a quarter said they were foreign nationals.<sup>311</sup>

**Half of all remand prisoners reported to the Prisons Inspectorate that they had been in prison on two or more previous occasions, but 34% reported that this was their first time in prison.**<sup>312</sup>

**Over a third (35%) of remand prisoners reported a drug problem and over a quarter (27%) an alcohol problem. 66% of those who reported substance misuse problems said they had received an intervention, although only 48% said they knew who could help to put them in contact with services in the community.** Remanded young adults with a substance misuse problem were much less likely than those sentenced to say they had received an intervention - 65% compared with 81%.<sup>313</sup>

**In Prisons Inspectorate surveys, 47% of remand prisoners for whom bail was an issue said they had found it difficult to get bail information.**<sup>314</sup>

**Remand prisoners reported feeling less safe than sentenced prisoners.**<sup>315</sup>

**High rates of both unconvicted (40%) and convicted unsentenced (37%) prisoners reported they were not involved in any activities at the time of the survey.**<sup>316</sup>

**Information on the number of unconvicted prisoners who have received no social visits from family is not centrally collated.**<sup>317</sup>

**Research by the Prison Reform Trust found that prisons were failing to equip remand prisoners to prepare for trial.** The study found that only 48% of prison libraries in jails holding remand prisoners stocked the standard legal texts that under Prison Service regulations they must provide.<sup>318</sup>

**Remand prisoners are more likely than sentenced prisoners to have a history of living in unstable or unsuitable accommodation.** Research by the National Association for the Care and Resettlement of Offenders (nacro) shows they are five times more likely to have lived in a hostel prior to imprisonment.<sup>319</sup>

**Remand prisoners receive no financial help from the Prison Service at the point of release.** They are also not eligible for practical support with resettlement from the Probation Service, even though they can be held on remand for as long as 12 months.<sup>320</sup>

**A Ministry of Justice survey found that only 32% of prisoners reported being in paid employment in the four weeks prior to custody.**<sup>321</sup> But research by nacro has found that remand prisoners are less likely than sentenced prisoners to have had a job before prison. The minority of remand prisoners who do have jobs are very likely to lose them whilst in prison.<sup>322</sup>

**The Legal Aid, Sentencing and Punishment of Offenders Act 2012 establishes a test of a reasonable probability that an offence is imprisonable as a criterion of whether the court can deny bail.** The "no real prospect test" would mean that defendants should not be remanded to custody if the offence is such that they are unlikely to receive a custodial sentence.

310 Singleton, N et al (1998) Psychiatric Morbidity among Prisoners in England and Wales, London: Office for National Statistics

311 HM Inspectorate of Prisons (2012) Remand prisoners, a thematic review, London: The Stationery Office

312 Ibid.

313 Ibid.

314 Ibid.

315 Ibid.

316 Ibid.

317 Hansard HC, 7 December 2010, c201W

318 Ruthven, D and Seward, E (2002) Restricted Access: Legal Information for Remand Prisoners, London: Prison Reform Trust

319 nacro (2000) Prisoner Resettlement Surveys, unpublished  
320 Citizens Advice (2007) Locked Out: CAB evidence on prisoners and ex-offenders, London: Citizens Advice

321 Table 2.36, Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

322 nacro (2000) Prisoner Resettlement Surveys, unpublished

## Releases from and recalls to prison

In the 12 months ending June 2012, a total of 86,381 prisoners were released from determinate sentences, 4% higher than in 2001.<sup>323</sup>

In the 12 months ending June 2012, 16,607 people were recalled to custody, a rise of 5% on the previous year and 422% higher than in 2000-01.<sup>324</sup>

There were 5,560 recall prisoners in prison on 30 September 2012, down 3% compared to the previous year.<sup>325</sup>

The recall population rose by 5,300 between 1995 and 2009, and accounted for 16% of the overall increase in prison numbers over the period. Changes to the law have meant that more offenders are liable to be recalled, and to spend longer in custody having been recalled.<sup>326</sup>

Recalled prisoners currently make up 6% of the prison population.<sup>327</sup>

Between April and June 2005, 2,100 people were recalled for a breach of their licence. Of these the largest proportion, 30%, were 'out of touch', 18% were breached for problems with their behaviour, 8% for breaking their residency conditions and 18% for 'other reasons'. Only a quarter were recalled to face a further charge.<sup>328</sup>

In October 2012, the Government published new legislation in the Crime and Courts Bill, that will mean all adult community sentences will now contain a punitive element.<sup>329</sup> Extra punitive requirements on community orders, such as extended curfews or other complex, additional restrictions are likely to lead to an increase in breach of license requirements, particularly by young people. Data published for the calendar year 2009 show that 3,996 people were received into prison in England and Wales for breach of a community sentence.<sup>330</sup>

In the last two years 26 prisoners have been granted early release on compassionate grounds.<sup>331</sup>

In the 12 months ending June 2012, 13,092 people were released on Home Detention Curfew (HDC).<sup>332</sup> Whilst this is 3% higher than in the same period the year before, it is 36% lower than in 2002. In 2011 just 30% of those eligible were released.<sup>333</sup> On 30 November 2012, 2,748 people were on HDC.<sup>334</sup>

In 2011 there were 1,179 decisions to recall from HDC. Of those recalled, just 19% were for a new offence.<sup>335</sup>

Under the provisions of the Criminal Justice Act 2003, the time served under licence is increasing markedly. Those serving long sentences are under supervision for the whole sentence, instead of until the three-quarters point.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduces a new extended determinate sentence where prisoners will serve at least two-thirds of their custodial sentence, and be subject to an extended period of licence on release of up to five years for violent offences, and eight for sexual offences.

The Prisons and Probation Ombudsman reports seeing more complaints about delays or omissions in delivering sentence plans, and about the content of reports. Decisions about release on HDC or release on temporary licence also feature to a higher degree than at the beginning of the decade.<sup>336</sup>

The end of custody licence (ECL) scheme was withdrawn on 12 March 2010. The withdrawal of the scheme has added around 1,000 to the prison population.<sup>337</sup>

Over the lifetime of the scheme a total of 81,578 prisoners were released on ECL. 1,251 offenders have allegedly reoffended during their period on ECL, 2% of all prisoners released on the scheme.<sup>338</sup>

323 Table 3.1, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June, London: Ministry of Justice, and Table 9.1a, Offender Management Caseload Statistics 2009, London: Ministry of Justice

324 Table 5.4, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice, and Table 5.4, Ministry of Justice (2011) Offender Management Statistics Quarterly Bulletin April to June 2011, London: Ministry of Justice

325 Table 1.1a, Ibid

326 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice

327 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

328 NOMS Recall newsletter edition 7, annex A

329 <http://www.justice.gov.uk/news/press-releases/moj/community-sentences-that-deliver-proper-punishment>

330 Table 6.9, Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

331 Freedom of Information request 4 October 2011, available at [http://www.whatdotheyknow.com/request/elderly\\_prisoners\\_and\\_compassion](http://www.whatdotheyknow.com/request/elderly_prisoners_and_compassion)

332 Table 3.3, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

333 Table A3.4, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

334 Ministry of Justice (2012) Population and Capacity Briefing for Friday 30 November 2012, London: Ministry of Justice

335 Table A3.6, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

336 Prisons and Probation Ombudsman (2009) Annual Report 2008-2009, London: COI

337 PSI 15/2010 and Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin April to June 2010, London: Ministry of Justice

338 Table 1 and Table 3c, Ministry of Justice (2010) End of Custody Licence releases and recalls March and April 2010 England and Wales, London: Ministry of Justice

## Reoffending

**Prison has a poor record for reducing reoffending – 47.5% of adults are reconvicted within one year of being released. For those serving sentences of less than 12 months this increases to 57.6% - an increase of 3.3 percentage points from 2000.** For those who have served more than 11 previous custodial sentences the rate of reoffending rises to 68%.<sup>339</sup>

**51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%.** For those women who have served more than 10 previous custodial sentences the reoffending rate rises to 88%.<sup>340</sup>

**58% of young people (18-20) released from custody in the first quarter of 2008 reoffended within a year.**<sup>341</sup>

**71% of children (10-17) released from custody in the 12 months ending December 2010 reoffended within a year.**<sup>342</sup>

### Factors affecting reoffending<sup>343</sup>

**Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.** Offenders discharged from immediate custodial sentences also committed more reoffences than matched offenders given a Community Order, with a difference of 80.3 reoffences per 100 offenders in 2008.

**41% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study reported having observed violence in the home as a child.** These offenders had a higher one-year reconviction rate than those who did not (58% compared with 48%).

**29% of offenders reported experiencing emotional, sexual, or physical abuse as a child.** These offenders had a higher one-year reconviction rate than those who did not (58% compared with 50%).

**42% of prisoners had been expelled or permanently excluded from school.** 63% of offenders who had been expelled or permanently excluded from school were reconvicted for an offence within a year, compared with 44% of offenders who were not.

**Over a third (37%) said that someone in their family (other than themselves) had been found guilty of a non-motoring criminal offence.** Of these

339 Table 18a, 19a and 7a, Ministry of Justice (2012) Proven re-offending quarterly January - December 2010, London: Ministry of Justice

340 Table A5(F) and A9(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice

341 Hansard HC, 17 January 2011, c653W

342 Table 18b, Ministry of Justice (2012) Proven re-offending quarterly July 2009 to June 2010, London: Ministry of Justice

343 The following statistics are all taken from Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice

convicted family members, 84% had been in prison, a young offenders' institution or borstal. 59% of offenders with a family member convicted of a non-motoring criminal offence were reconvicted within a year after release compared with 48% who did not have a convicted family member.

**Just over half (53%) of the sample reported to have at least one qualification.** 60% of those with no qualifications were reconvicted within a year of leaving prison compared with 45% of those with qualifications.

**51% of prisoners had been in employment in the year before custody.** 40% of offenders who were in employment in the year before prison were reconvicted within a year of leaving prison compared with 65% of those who had not been in employment.

**Almost two thirds (64%) said they had claimed benefits during the 12 months before they went to prison.** Those who reported having claimed benefits were more likely to be reconvicted (58% compared with 41%) than those who did not report having claimed benefits.

**15% of offenders were homeless prior to custody.** 79% of offenders who had been homeless prior to custody were reconvicted within a year compared with 47% of those who had accommodation.

**71% reported using drugs in the year before custody and 64% reported using drugs in the four weeks prior to custody.**

**The highest reconviction rate was observed for the 33% of the sample who reported being poly-drug users in the four weeks before custody.** Of these prisoners, 71% were reconvicted compared with 48% of those who only used Class B and/or C drugs in the four weeks before custody.

**22% of the sample drank alcohol every day in the four weeks before custody.** These prisoners were more likely to be reconvicted compared with those who did not drink every day in the four weeks before custody (62% compared with 49%).

**The majority of offenders (97%) expressed a desire to stop offending.** When asked which factors would be important in stopping them from reoffending in the future, most stressed the importance of 'having a job' (68%) and 'having a place to live' (60%).

**Only 52% of prisoners who responded to Prisons Inspectorate surveys thought they had done something, or that something had happened to them while in prison, that would make them less likely to offend in future.**<sup>344</sup>

344 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

## Social characteristics of prisoners

Characteristic	Prison population
Taken into care as a child	24% (31% for women, 24% for men) this compares to 2% of the general population
Experienced abuse as a child	29% (53% for women, 27% for men)
Observed violence in the home as a child	41% (50% for women, 40% for men)
Regularly truanted from school	59%
Excluded from school	42% (32% for women, 43% for men)
No qualifications	47%, this compares to 15% of the general population of working age
Unemployed in the four weeks before custody	68% (81% for women, 67% for men)
Never had a job	13%
Homeless before entering custody	15%, this compares to 4% of the general population who had ever been homeless
Have children under the age of 18	54%
Identified as suffering from both anxiety and depression	25% (49% for women, 23% for men), this compares to 15% of the general population who are estimated to be suffering from different types of anxiety and depression
Have a physical disability	18%
Used drugs in the four weeks before custody	64%
Drank alcohol every day in the four weeks before custody	22%

Source: Results from the Ministry of Justice Surveying Prisoner Crime Reduction (SPCR) survey published in:

Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice

Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners, London: Ministry of Justice

Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice

Note: Self-report studies provide an important means of gathering evidence. The Crime Survey for England and Wales, for example, shows that much criminal activity is not captured by official crime rates. Along with this advantage, self-report methods depend on the understanding between the researcher and the respondent; data can depend on the mood of the respondent at the time the questions are administered, or their memory; and the social setting can promote or inhibit honest disclosure. It is important to compare findings from self-reported methods with other data in order to build a complete picture.

## Mothers and fathers in custody, prisoners' children

**No-one routinely monitors the parental status of prisoners in the UK or systematically identifies children of prisoners, where they live or which services they are accessing; where this information is collected, it is patchy and not always shared.**

**Approximately 200,000 children in England and Wales had a parent in prison at some point in 2009.**<sup>345</sup> This is over three times the number of children in care (64,400), and over five times the number of children on the Child Protection Register (36,610).<sup>346</sup>

**In 2006, more children were affected by the imprisonment of a parent than by divorce in the family.**<sup>347</sup>

**The Department of Education estimated in 2003 that, during their time at school, 7% of children experience their father's imprisonment.**<sup>348</sup>

**It is estimated that more than 17,240 children were separated from their mother in 2010 by imprisonment.**<sup>349</sup>

**Imprisonment carries costs to families and wider society.** The full cost per family over six months, including the cost to agencies and the cost of support provided by family and relatives, is estimated to average £5,860.<sup>350</sup>

**Prisoners' families are vulnerable to financial instability, poverty, debt and potential housing disruption, and it is estimated that the average personal cost to relatives of a prisoner is £175 per month, although these figures are conservative estimates and likely to be higher.**<sup>351</sup>

**Prison governors receive no specific funding to meet the costs of family support work, parenting courses, family visitor centres or supervised play areas.** This means any family provision must come from a governor's already stretched and shrinking general prison budget.<sup>352</sup>

<sup>345</sup> Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

<sup>346</sup> Table A1, Department for Education (2010) Children looked after by local authorities in England, London: Department for Education; Welsh Assembly Government (2011) 2011 Children and young people monitor for Wales, Cardiff: Welsh Assembly Government; NSPCC child protection register statistics, [http://www.nspcc.org.uk/Inform/research/statistics/child\\_protection\\_register\\_statistics\\_wda48723.html](http://www.nspcc.org.uk/Inform/research/statistics/child_protection_register_statistics_wda48723.html)

<sup>347</sup> Action for Prisoners' Families, CLINKS, Prison Advice & Care Trust, Prison Reform Trust (2007) The children and families of prisoners: recommendations for government, London: Prison Reform Trust

<sup>348</sup> Department for Education and Skills (2003) Every Child Matters, London: The Stationery Office

<sup>349</sup> Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform

<sup>350</sup> Smith, R et al (2007) Poverty and disadvantage among prisoners' families, York: Joseph Rowntree Foundation

<sup>351</sup> Ibid.

<sup>352</sup> Centre for Social Justice (2009) Locked up potential: A strategy for reforming prisons and rehabilitating prisoners, London: Centre for Social Justice

**Over half (54%) of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study had children under the age of 18 at the time they entered prison.** Nearly half of these respondents reported being single (43%). About three quarters of the whole sample (74%) strongly agreed or agreed that they were close to their family. The vast majority felt that they had let their family down by being sent to prison (82%).<sup>353</sup>

**Only 9% of children whose mothers are in prison are cared for by their fathers in their mothers' absence.**<sup>354</sup>

**At least a fifth of mothers are lone parents before imprisonment, compared to around 9% of the general population.**<sup>355</sup>

**Black and ethnic minority women in prison are particularly likely to be single mothers, as more than half of black African and black Caribbean families in the UK are headed by a lone parent, compared with less than a quarter of white families and just over a tenth of Asian families.**<sup>356</sup>

**61% of women interviewed at HMP Styal had partners; however a third of these partners were currently also in prison.** The same study showed that children had been taken away from 70% of the mothers, and that the remainder were with family.<sup>357</sup>

**Only half of the women who had lived, or were in contact with, their children prior to imprisonment had received a visit since going to prison.**<sup>358</sup>

**One in four men and half of all women on remand receive no visits from their family.**<sup>359</sup>

**Maintaining contact with children is made more difficult by the distance that many prisoners are held from their home area; in 2009 the average distance for men was 50 miles and 55 miles for women.**<sup>360</sup> This is particularly acute for women given the small number of women's prisons; in 2009 there were 753 women held over 100 miles from home.<sup>361</sup>

<sup>353</sup> Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

<sup>354</sup> Baroness Corston (2007) A Review of Women with Particular Vulnerabilities in the Criminal Justice System, London: Home Office

<sup>355</sup> Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

<sup>356</sup> HM Chief Inspector of Prisons (2009) Race relations in prisons: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

<sup>357</sup> Hamilton, S. and Fitzpatrick, R. (2006) Working with Complexity: Meeting the Resettlement Needs of Women at HMP Styal, London: Revolving Doors Agency

<sup>358</sup> Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

<sup>359</sup> HM Inspectorate of Prisons (2000) Unjust Deserts, London: The Stationery Office

<sup>360</sup> Hansard HC, 7 January 2010, c548W

<sup>361</sup> Hansard HC, 25 November 2009, c238W

**One Home Office study showed that for 85% of mothers, prison was the first time they had been separated from their children for any significant length of time. It also showed that 65% of mothers in prison were serving their first custodial sentence.**<sup>362</sup>

**An ICM public opinion poll, commissioned by SmartJustice in March 2007, found that, of 1,006 respondents across the UK, 73% thought that mothers of young children should not be sent to prison for non-violent crime.**<sup>363</sup>

**Imprisoning mothers for non-violent offences has a damaging impact on children and carries a cost to the state of more than £17 million over a 10 year period.**<sup>364</sup>

**The main social cost incurred by the children of imprisoned mothers – and by the state in relation to these children – results from the increased likelihood of their becoming ‘NEET’ (Not in Education, Employment or Training).**<sup>365</sup>

**Adult children of imprisoned mothers were more likely to be convicted than adult children from imprisoned fathers.**<sup>366</sup>

**Between April 2005 and December 2008, 382 children were born to women prisoners. This is a rate of almost two births a week in England and Wales.**<sup>367</sup> However, information on the number of women who have given birth in prison is now no longer collected centrally.<sup>368</sup>

**Between April 2006 and March 2009 seven girls aged 16 and 17 years old in secure training centres and one in a secure children’s home gave birth.**<sup>369</sup>

**The National Offender Management Service began to collect information centrally on how many mothers with babies were held in prisons in England and Wales from 2010. The average number of women in prison with babies on a Mother and Baby Unit from June 2010 to May 2012 was 49.**<sup>370</sup>

**Women with babies in prison may be unable to claim benefits for their children.**<sup>371</sup>

362 Home Office Research Study 162 (1997) *Imprisoned Women and Mothers*, Home Office: London

363 SmartJustice (2007) *Public say: stop locking up so many women*, London: Prison Reform Trust

364 new economic foundation (2008) *Unlocking value: How we all benefit from investing in alternatives to prison for women offenders*, London: new economics foundation

365 Ibid.

366 Ministry of Justice (2012) *Prisoners’ childhood and family backgrounds*, London: Ministry of Justice

367 Hansard HC, 26 January 2009, c202W

368 Hansard HC, 10 May 2011, c1072W

369 Hansard HC, 29 April 2009, c1332W

370 Hansard HC, 5 July 2012, c790W

371 Citizens Advice (2007) *Locked Out: CAB evidence on prisoners and ex-offenders*, London, Citizens Advice

**19% of prisoners between 18-20 years old interviewed for the *Surveying Prisoner Crime Reduction* study stated that they had children under 18 years old. This compares to 4% of the general population who are young fathers.**<sup>372</sup>

**According to a Prisons Inspectorate and Youth Justice Board survey, 10% of boys and 9% of girls, aged between 15 and 18 years old had children themselves.**<sup>373</sup>

**In 2004, for the first time the government announced that a record will be kept of prisoners’ children.**<sup>374</sup> The Prison-NOMIS case management system is now in place but this commitment to record details of prisoners’ children is not mandatory.

**A government review of the children of offenders carried out in 2007 stated that “children of offenders are an ‘invisible’ group: there is no shared, robust information on who they are, little awareness of their needs and no systematic support.”**<sup>375</sup>

**HM Chief Inspector of Prisons found “a greater awareness in women’s prisons of the need to ask about care for dependants, but little awareness in men’s prisons that men may have similar concerns.”**<sup>376</sup>

**35% of men and 28% of women described themselves as living with a partner before entering custody.**<sup>377</sup>

**Prisoners’ families, including their children, often experience increased financial, housing, emotional and health problems during a sentence. Children of prisoners have about three times the risk of mental health problems and/or anti-social/delinquent behaviour compared to other children.**<sup>378</sup>

**Parental imprisonment approximately trebles the risk for antisocial/delinquent behaviour of children.**<sup>379</sup>

372 Ministry of Justice (2012) *Prisoners’ childhood and family backgrounds*, London: Ministry of Justice

373 Parke, S. (2009) *HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2006-2008, an analysis of the experiences of 15-18-year-olds in prison*, London: The Stationery Office

374 Hansard HC, 12 September 2004

375 Ministry of Justice and Department for Children, Schools and Families, *Children of Offenders Review*, June 2007

376 HM Chief Inspector of Prisons for England and Wales (2010) *Annual Report 2008-09*, London: The Stationery Office

377 Stewart, D. (2008) *The problems and needs of newly sentenced prisoners: results from a national survey*, London: Ministry of Justice

378 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit, and Murray, J., & Farrington, D. P. (2008) ‘The effects of parental imprisonment on children’. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 37, pp. 133-206). Chicago: University of Chicago Press.

379 Murray, J., & Farrington, D. P. (2008) ‘The effects of parental imprisonment on children’. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 37, pp. 133-206). Chicago: University of Chicago Press.

**Over a third (37%) of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study said that someone in their family (other than themselves) had been found guilty of a non-motoring criminal offence.** Of these convicted family members, 84% had been in prison, a young offender institution or borstal.<sup>380</sup>

**15% of prisoners stated that they needed help concerning problems related to family or children, with 8% requiring a lot of help.** Women (27%) were more likely than men (13%) to report being in need of help with a problem concerning family or children.<sup>381</sup>

**Research indicates that the odds of reoffending were 39% higher for prisoners who had not received visits whilst in prison compared to those who had.**<sup>382</sup>

**40% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study stated that support from their family, and 36% that seeing their children, would help them stop reoffending in the future.** Women (51%) were more likely than men (39%) to say that getting support from their family would help them stop reoffending.<sup>383</sup>

**A recent study looked at the risk and protective factors in the resettlement of imprisoned fathers with their families.** The study demonstrated the importance of frequent contact between imprisoned fathers and their families during imprisonment.<sup>384</sup>

**30% of boys and 47% of girls in custody reported having had no visits in the last month or never having had visits.** There were poorer responses from black and ethnic minority young men to all the questions on keeping in touch with family and friends. Only 49% said that they could use the telephone daily compared with 60% of white boys.<sup>385</sup>

**Just under a half of children said that it was easy or very easy for a loved one to visit them.**<sup>386</sup>

**21 prisoners with dependent children took their own life in the 12 months ending 31 August**

380 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

381 Ibid

382 May, C. et al. (2008) Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004, London: Ministry of Justice

383 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

384 Losel, F. et al (2012) Risk and protective factors in the resettlement of imprisoned fathers with their families, Cambridge: University of Cambridge and Ormiston

385 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: The Stationery Office

386 Ibid.

**2009.**<sup>387</sup> Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.<sup>388</sup>

**In 2008-09 closed visiting conditions were imposed on 1,817 occasions.**<sup>389</sup> Closed visits are imposed when there is a risk drugs may be smuggled through visits.

**Black, minority ethnic and foreign national women were more likely to report that they had not had a visit within their first week in prison compared with white and British women.**<sup>390</sup>

**The HM Chief Inspector of Prisons 2010 annual report noted more children and family days in 40 prisons as opposed to only 27 the year before.** However, the Inspectorate has "learnt with concern that family days in some prisons (including women's prisons) may be among the victims of budget cuts".<sup>391</sup>

**The number of visitors arrested or apprehended who have been suspected of smuggling drugs into prisons has fallen by 35% in the last three years from 472 in 2008-09 to 282 in 2010-11.**<sup>392</sup>

**HM Inspectorate of Prisons has found that an average of 40% of prisoners reported difficulties with sending or receiving mail, and around a quarter of prisoners reported difficulty in accessing telephones.** Alterations to prison regimes have reduced the opportunity for prisoners to use the telephone. The inspectorate found instances where unemployed prisoners were not allowed to use the telephone in the evening and so were unable to contact children and working relatives and friends.<sup>393</sup>

**From May 2010 BT reduced the prohibitively high cost of calls from prison payphones in England and Wales.** This followed a successful super-complaint issued by the National Consumer Council, now Consumer Focus, and the Prison Reform Trust to the regulator Ofcom. Prison payphone calls to landlines have dropped from 11 pence to 10 pence per minute. Costs of calls to mobiles during the day on weekdays were reduced from 63 pence to 37.5 pence per minute, the existing rate for weekday evenings.<sup>394</sup>

387 Ryan-Mills, D. (2010) Review: Fatal Incidents Reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

388 NOMS, Safer Custody News, January/February 2010

389 Hansard HC, 22 March 2010, c21W

390 HM Chief Inspector of Prisons (2009) Race relations in prisons: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

391 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

392 Hansard HC, 3 May 2011, c628W

393 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

394 <http://www.prisonreformtrust.org.uk/PressPolicy/News/ItemId/13/vw/1>

## Women in prison

On 2 November 2012, the women's prison population stood at 4,141, that is 63 fewer than a year ago.<sup>395</sup> Between 2000 and 2010 the women's prison population increased by 26%. In 1995 the mid-year female prison population was 1,979. In 2000 it stood at 3,355 and in 2010 it was 4,267. A total of 10,181 women were received into prison in 2011, that is 153 fewer than 2010.<sup>396</sup>

Following the re-role of HMP Morton Hall to an Immigration Removal Centre there are now 13 women's prisons in England and none in Wales.

the previous year.<sup>399</sup> In 1993 only a third of women entering custody were serving sentences of six months or less.<sup>400</sup>

**1,052 women entered prison in 2009 for breaching a court order.** This represents 13% of all women entering prison under an immediate custodial sentence.<sup>401</sup> In many of these cases, the original offence or behaviour would have been unlikely to have resulted in a custodial sentence.<sup>402</sup>

**The number of women in prison on remand has fallen by 12% in the year to 30 September 2012 to 695.** Women on remand make up 17% of the female prison population.<sup>403</sup>

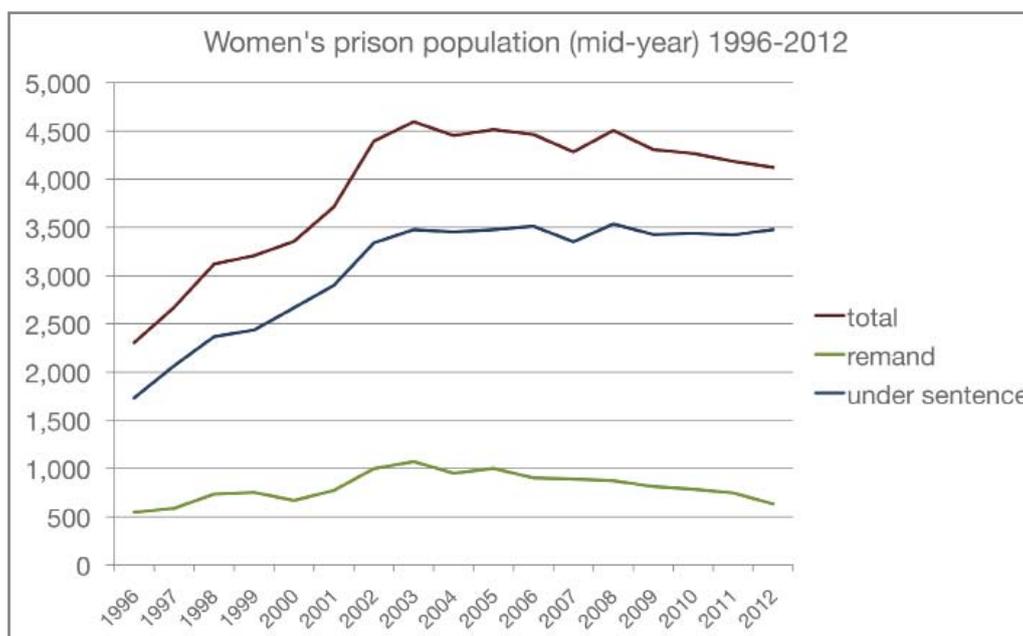


Table 1.1c Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice, and Table 8.1 Offender Management Caseload Statistics 2006, London: Ministry of Justice

**Women represent 4.8% of the overall prison population, compared to 4.3% in 1997 and a high of 6% in 2003.**<sup>397</sup> However, these percentage figures need to be viewed in the context of the rapid increase in the male prison population over the same period of time. Women continue to account for 9% of prison receptions as, since their average length of sentence is shorter than that of men, both from magistrates' courts and the Crown Court, their turnover is higher.<sup>398</sup>

**Most women entering prison serve very short sentences.** In the year ending June 2012, 58% of women entering prison under sentence were to serve six months or less. This is a rise of 8% from

**4,069 women entered prison on remand awaiting trial in the 12 months ending June 2012 - a decrease of 10% from the previous year.**<sup>404</sup> This comes after an increase of 43% over the period between 2000 and 2008.<sup>405</sup> These women spend an average of four to six weeks in prison.<sup>406</sup>

**Less than half of women remanded by magistrates' courts and subsequently found guilty are given a prison sentence.** Two-thirds of women

399 Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

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

401 Table 6.9, Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

402 Criminal Justice Joint Inspection (2011) Equal but Different? An inspection of the use of alternatives to custody for women offenders, A Joint Inspection by HMI Probation, HMCPSP and HMI Prisons, London: Criminal Justice Joint Inspection

403 Table 1.1c, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

404 Table 2.2a, Ibid

405 Table 6.2 Ministry of Justice (2009) Offender Management Caseload Statistics 2008, London: Ministry of Justice

406 Department of Health (2009) The Bradley Report, Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system, London: Department of Health

395 Ministry of Justice (2012) Population and capacity briefing for 2 November 2012, London: Ministry of Justice

396 Table 2.1c Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

397 Ministry of Justice (2012) Population and capacity briefing for 2 November 2012, London: Ministry of Justice

398 Criminal Justice Joint Inspection (2011) Equal but Different? An inspection of the use of alternatives to custody for women offenders, A Joint Inspection by HMI Probation, HMCPSP and HMI Prisons, London: Criminal Justice Joint Inspection

remanded into custody received an immediate custodial sentence at the Crown Court, compared to three-quarters of men.<sup>407</sup>

**In the 12 months ending June 2012, 81% of women entering custody under sentence had committed a non-violent offence, compared with 71% of men.**<sup>408</sup>

**The offence of theft and handling accounted for 37% of all women entering prison under sentence in the 12 months ending June 2012 - the most common offence.**<sup>409</sup>

**A Cabinet Office study found that 28% of women offenders' crimes were financially motivated, compared to 20% of men.**<sup>410</sup>

**26% of women in prison had no previous convictions, compared to 12% of men. 28% of women serving sentences of under 12 months had no previous convictions, compared with only 12% of men.**<sup>411</sup>

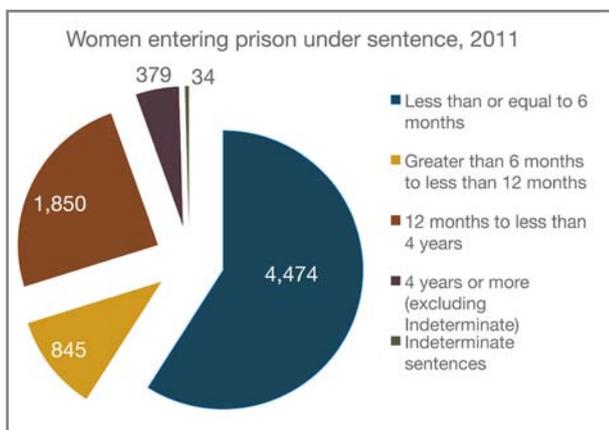


Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

**The rise in the female prison population can partly be explained by an increase in the severity of sentences.** In 1996, 10% of women sentenced for an indictable offence were sent to prison; in the 12 months ending March 2012, 14% were.<sup>412</sup>

**Currently 15% of women in prison, 616, are foreign nationals, some of whom are known to have been coerced or trafficked into offending.**<sup>413</sup>

407 Tables S4.77 and S4.81 Ministry of Justice (2010) Statistics on Women and the Criminal Justice System, London: Ministry of Justice, and Criminal Justice Joint Inspection (2011) Equal but Different? An inspection of the use of alternatives to custody for women offenders, A Joint Inspection by HMI Probation, HMCPSP and HMI Prisons, London: Criminal Justice Joint Inspection

408 Table 2.2b, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

409 Ibid.

410 Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office. Note: evidence from analysis of Offender Assessment System data

411 Tables A1.28 and A1.29, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

412 Table A5.19, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012, London: Ministry of Justice and Table 1.8, Ministry of Justice (2007) Sentencing Statistics 2006, London: Ministry of Justice

413 Table 1.6, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

**51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%.** For those women who have served more than 10 previous custodial sentences the reoffending rate rises to 88%.<sup>414</sup>

**The government's strategy for diverting women away from crime made a commitment to reduce the women's prison estate by 300 places by March 2011 and 400 places by March 2012.** The re-role of HMP Morton Hall to an Immigration Removal Centre has reduced the operational capacity of the female estate by 392 places.<sup>415</sup>

**The average distance adult women in prison are held from their home or committal court address is 55 miles.**<sup>416</sup> In 2009 753 women were held over 100 miles away.<sup>417</sup>

**It is estimated that more than 17,240 children were separated from their mother in 2010 by imprisonment.**<sup>418</sup>

**A University of Oxford report on the health of 500 women prisoners, showed that women in custody are five times more likely to have a mental health concern than women in the general population, with "78% exhibiting some level of psychological disturbance when measured on reception to prison, compared with a figure of 15% for the general adult female population".**

**Researchers also found that women entering prison had very poor physical, psychological and social health, worse than that of women in social class V, the group within the general population who have the poorest health.**<sup>419</sup>

**52% of women surveyed said that they had used heroin, crack, or cocaine powder in the four weeks prior to custody, compared to 40% of men.** However, practitioners report that women may hide or underplay substance misuse through fear of losing their children.<sup>420</sup>

**44% of women on remand have attempted suicide in their lifetimes.**<sup>421</sup>

414 Table A5(F) and A9(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice

415 Ministry of Justice (2009) A Report on the Government's Strategy for Diverting Women Away from Crime, London: Ministry of Justice

416 Hansard HC, 7 January 2010, c548W

417 Hansard HC, 25 November 2009, c238W

418 Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform

419 Plugge, E. et al. (2006) The Health of Women in Prison, Oxford: Department of Public Health, University of Oxford

420 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

421 Corston, J. (2007) The Corston Report, London: Home Office

**There were 95 self-inflicted deaths of women prisoners between 1990 and 2011.**<sup>422</sup>

**Women accounted for 31% of all incidents of self-harm despite representing just 5% of the total prison population.** The rates of women self-harming continue to be much higher than for men but the gap has decreased.<sup>423</sup>

**Nearly 80% of IPP sentences for women surveyed by the Chief Inspectors of Prisons and Probation were for offences of arson, which is often an indicator of serious mental illness or self-harm.**<sup>424</sup>

**As of 30 June 2011 there were 132 women in prison serving IPP sentences, just over 2% of the total IPP population.**<sup>425</sup>

**31% of women interviewed for the *Surveying Prisoner Crime Reduction* study reported having spent time in local authority care.** This compares to 24% of men in prison.<sup>426</sup>

**53% of women reported having experienced emotional, physical or sexual abuse as a child, compared to 27% of men.**<sup>427</sup>

**In 2002, over half the women in prison reported having suffered domestic violence and one in three had experienced sexual abuse.**<sup>428</sup>

**Women prisoners are subject to higher rates of disciplinary proceedings than men.** In 2009 there were 150 proven breaches against discipline per 100 women in prison compared to 124 per 100 men. According to the Ministry of Justice, “women may be less able (due for example to mental health issues) to conform to prison rules.”<sup>429</sup>

**31% of women in prison at the end of September 2012 were aged 40 and over.**<sup>430</sup>

**Around one-third of women prisoners lose their homes, and often their possessions, whilst in prison.**<sup>431</sup>

**Women prisoners are often inadequately**

422 INQUEST casework and monitoring

423 Table 2.1, Ministry of Justice (2011) Safety in Custody Statistics, Quarterly Update to June 2012, London: Ministry of Justice.

424 HM Chief Inspector of Prisons and HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

425 Table A1.13, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

426 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

427 Ibid

428 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

429 Ministry of Justice (2010) Statistics on Women and the Criminal Justice System, London: Ministry of Justice

430 Table 1.8 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

431 Wedderburn, D. (2000) Justice for Women: The Need for Reform, London: Prison Reform Trust

**prepared for release.** Only 24% of women with a prior skill had the chance to put their skills into practice through prison work.<sup>432</sup> Just 11% of women received help with housing matters.<sup>433</sup>

**A Prisons Inspectorate survey found that 38% of women in prison did not have accommodation arranged on release.**<sup>434</sup> Only a third of women prisoners who wanted help and advice about benefits and debt received it.<sup>435</sup>

**In 2010 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders (67%) and suspended sentence orders (73%) versus 63% on both orders for men.**<sup>436</sup>

**In March 2007, the Corston review of vulnerable women in the criminal justice system, commissioned following the deaths of six women at Styal prison, stated: “Community solutions for non-violent women offenders should be the norm”.** The report concluded that “There must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.”<sup>437</sup>

**An ICM public opinion poll commissioned by SmartJustice in March 2007 found that, of 1,006 respondents across the UK, 86% supported the development of local centres for women to address the causes of their offending.** Over two thirds (67%) said that prison was not likely to reduce offending.<sup>438</sup>

**The new economics foundation has found that for every pound invested in support-focused alternatives to prison, £14 worth of social value is generated to women and their children, victims and society generally over 10 years.**<sup>439</sup>

**If alternatives to prison were to achieve an additional reduction of just 6% in reoffending, the state would recoup the investment required to achieve this in just one year.**<sup>440</sup> The long-run value of these benefits is in excess of £100 million over 10 years.<sup>441</sup>

432 Hamlyn, B. and Lewis, D. (2000) Women Prisoners: A Survey of their Work and Training Experiences in Custody and on Release, Home Office Research Study 208, London: Home Office

433 HM Inspectorate of Prisons and HM Inspectorate of Probation (2001) Through the Prison Gate, London: Home Office

434 Ibid.

435 Ibid.

436 Ministry of Justice (2010) Statistics on Women and the Criminal Justice System, London: Ministry of Justice

437 Corston, J. (2007) The Corston Report, London: Home Office

438 SmartJustice (2007) Public say: stop locking up so many women, London: Prison Reform Trust

439 new economics foundation (2008) Unlocking value: How we all benefit from investing in alternatives to prison for women offenders, London: new economics foundation

440 Ibid.

441 Ibid.

**On 21 December 2010 the UN General Assembly took an important step towards meeting the needs and characteristics of women in the criminal justice system.** By adopting Resolution A/RES/65/229, it approved the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (known as the ‘Bangkok Rules’). The Rules supplement but do not replace the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Standard Minimum Rules for Non-custodial Measures (the ‘Tokyo Rules’).<sup>442</sup>

**The new Bangkok Rules include an annex that addresses such issues as gender-sensitive prisoner classification and security risk assessments, gender-specific healthcare services, treatment of children living with their mothers in prison, the specific safety concerns of women prisoners, and the development of pre- and post-release programmes that take into account the stigmatisation and discrimination that women face once released from prison.**<sup>443</sup>

**In July 2011 the final report of the Women’s Justice Taskforce recommended a cross-government strategy to be developed to divert women from crime and reduce the women’s prison population, which includes measures of success and a clear monitoring framework.**

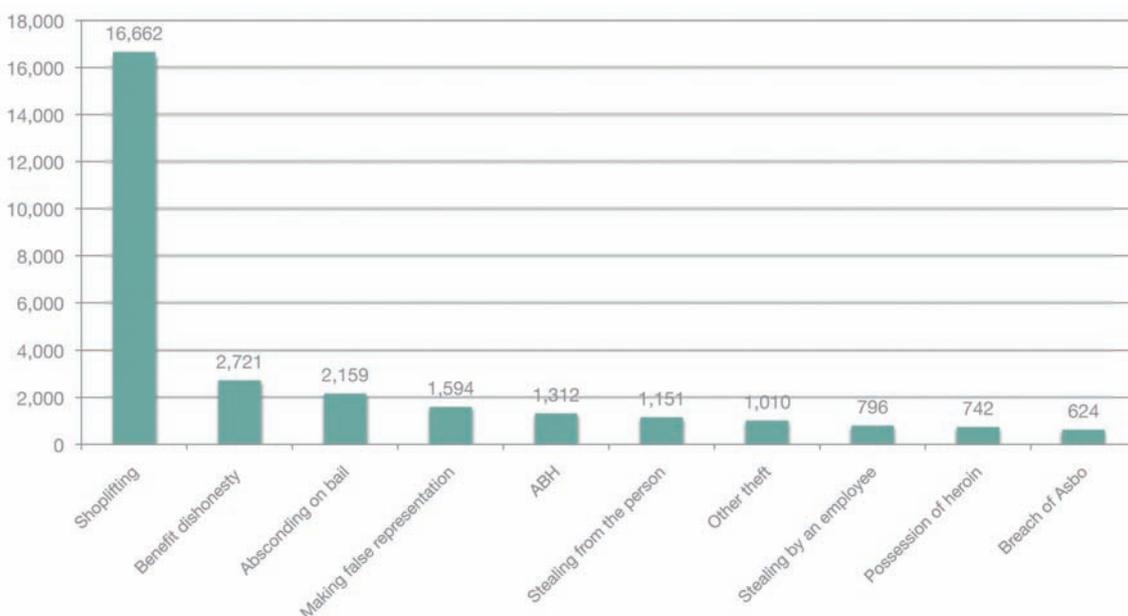
Responsibility for implementation to lie with a designated minister and accountability for the strategy to be built into relevant roles within government departments and local authorities.<sup>444</sup>

**On 16 October 2011 the National Council of Women (NCW) unanimously adopted a resolution to reduce women’s imprisonment.** They are calling on the government to prioritise the sustained and determined implementation of measures to divert women from crime, reduce offending and reoffending by women, and stop sending so many women to prison.<sup>445</sup>

**In December 2011 the Soroptimist International UK Programme Action Committee took the decision to mount a campaign in partnership with the Prison Reform Trust to reduce women’s imprisonment.** The Soroptimists will work with local authorities, police, probation, magistrates and crown courts, and voluntary groups to gather information on effective options for women in trouble with the law and press for reform.<sup>446</sup>

**The Prison Reform Trust, supported by the Pilgrim Trust, has developed a three year strategy to work with national and local government and allied agencies to reduce women’s imprisonment.**<sup>447</sup>

Number of women, aged 18+, sentenced in all courts in 2009 for indictable offences\*, 10 most common offences



Sentencing Council (2011), unpublished statistics from the Ministry of Justice Court Proceedings Database 2009

442 Penal Reform International (2011) Briefing on the UN rules for the treatment of women prisoners and non-custodial measures for women offenders (‘Bangkok rules’), London: Penal Reform International  
 443 <http://www.un.org/News/Press/docs/2010/gashc3980.doc.htm>

444 Prison Reform Trust (2011) Reforming Women’s Justice, Final report of the Women’s Justice Taskforce, London: Prison Reform Trust  
 445 National Council of Women website, available at <http://www.ncwgb.org/news.php>  
 446 <http://www.soroptimist-ukpac.org/>  
 447 <http://www.prisonreformtrust.org.uk/ProjectsResearch/Women>

## Minority ethnic prisoners

On 30 September, 25% of the prison population, 21,747 prisoners, was from a minority ethnic group - slightly fewer than in the previous year.<sup>448</sup> This compares to around one in 10 of the general population.<sup>449</sup>

Out of the British national prison population, 10% are black and 6% are Asian.<sup>450</sup> For black Britons this is significantly higher than the 2.8% of the general population they represent.<sup>451</sup>

Overall black prisoners account for the largest number of minority ethnic prisoners (51%).<sup>452</sup>

At the end of June 2011, 30% of minority ethnic prisoners were foreign nationals.<sup>453</sup>

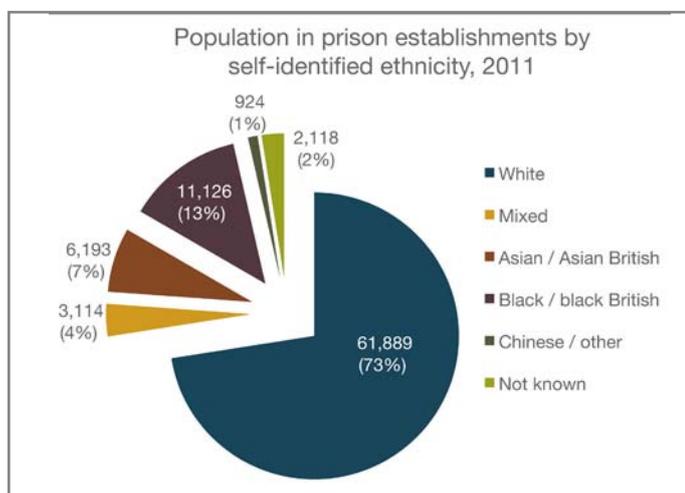


Table A1.19, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

A higher percentage of those in BAME groups were sentenced to immediate custody for indictable offences than in the white group in 2010 (white 23%, black 27%, Asian 29% and other 42%). This may in part be due to differences in plea between ethnic groups.<sup>454</sup>

In 2010, the highest average custodial sentence length (ACSL) for those given determinate sentences for indictable offences was recorded for the black ethnic group, at 20.8 months, followed by the Asian and Other groups with

448 Table 1.7, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

449 Table A3.5.2, Equality and Human Rights Commission (2010) How fair is Britain? Equality, Human Rights and Good Relations in 2010, London: Equality and Human Rights Commission

450 Table A1.19, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

451 Table 4, Office for National Statistics (2011) Population Estimates by Ethnic Group 2002 – 2009, London: Office for National Statistics

452 Table 1.7, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

453 Table A1.19, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

454 Table 4.07, Ministry of Justice (2011) Race and the Criminal Justice System 2010, London: Ministry of Justice

averages of 19.9 months and 19.7 months respectively. The lowest ACSL was recorded for the white group at 14.9 months.<sup>455</sup>

At the end of June 2011, 31% of mixed, 29% of white, 28% of Asian, 28% of black, and 21% of Chinese or other prisoners were serving a sentence for offences of violence against the person. 37% of Chinese or other prisoners, 26% of Asian, 23% of black, 16% of mixed, and 12% of white prisoners were serving sentences for drugs offences.<sup>456</sup>

There is now greater disproportionality in the number of black people in prisons in the UK than in the United States.<sup>457</sup>

In 2002 there were more African Caribbean entrants to prison (over 11,500) than there were to UK universities (around 8,000).<sup>458</sup>

Although a growing number of establishments have an overarching diversity policy covering all of the main protected characteristics under equalities legislation, almost half do not.<sup>459</sup>

The perceptions of black and minority ethnic prisoners in HM Inspectorate of Prisons' surveys are more negative than those of white prisoners in key areas such as safety and relationships with staff. Muslim prisoners in particular had consistently more negative perceptions than the prison population as a whole, responses were negative in 60% of the Inspectorate's questions, compared to 55% from black and minority ethnic prisoners, and 51% from foreign nationals.<sup>460</sup>

Black and minority ethnic prisoner perceptions of the complaints system remain more negative than those of their white counterparts. NOMS have accepted that this still remains a challenge.<sup>461</sup>

Black prisoners are consistently more likely than white British prisoners to be on basic regime, to be in the segregation unit for reasons of good order or discipline and to have force used against them.<sup>462</sup>

455 Table 4.08, Ibid.

456 Table A1.21, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

457 Equality and Human Rights Commission (2010) How fair is Britain? London: Equality and Human Rights Commission

458 HM Prison Service and Commission for Racial Equality (2003) Implementing Race Equality in Prisons - a shared agenda for change, London: HM Prison Service

459 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

460 Ibid.

461 Ministry of Justice (2008) Race Review 2008, Implementing Race Equality in Prisons - Five Years On, London: Ministry of Justice

462 Ibid.

**Black and minority ethnic prisoners are under-represented in those granted release on temporary licence.**<sup>463</sup>

**Research undertaken by the Prison Reform Trust found that 49 of 71 prisoners interviewed said that they had experienced racism in the previous six months in the prison.** Almost two-thirds of those prisoners said that they did not submit a complaint about it.<sup>464</sup>

**Survey findings by HM Inspectorate of Prisons indicate that prisoners from a black or minority ethnic background, foreign nationals, Muslim prisoners and those under the age of 21 are more likely to report having spent time in the segregation or care and separation unit in the last six months.**<sup>465</sup>

**The HM Inspectorate of Prisons' annual report for 2011-12 said that "one issue not sufficiently addressed was the strikingly high proportion of prisoners who described themselves in our surveys as being of Gypsy, Romany or Traveller background - almost one in 10 in Wormwood Scrubs and frequently as high as 5% elsewhere. Not enough is understood about how best to meet their needs and address their offending behaviour."**<sup>466</sup>

**Since September 2011 Gypsy, Roma and Travellers were identified as an ethnic category recorded by the Prison-NOMIS case management system.** This information is not yet publicly available.

**A study of Irish Travellers in prison found that Irish Travellers represent between 0.6% and 1% of the entire prison population and between 2.5% and 4% of the minority ethnic population in prison.** The survey report notes that this number 'must be seen as a minimum.'<sup>467</sup>

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463 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

464 Edgar, K. (2010) A Fair Response: developing responses to racist incidents that earn the confidence of black and minority ethnic prisoners, London: Prison Reform Trust

465 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

466 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

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467 Conn MacGabhann (2011) Voices Unheard: A study of Irish travellers in prison, London: Irish Chaplaincy in Britain

## Foreign national prisoners

Foreign national prisoners are a diverse group. The term encompasses people not only of different nationalities, but also differing statuses, some may have travelled to Britain as economic migrants seeking a better life, others may be fleeing persecution from their homeland.

Asylum seekers who may have fallen foul of the law, for example, may have little in common with those incarcerated for drug importation, whilst those held in prison for transgressing immigration laws may feel aggrieved at being housed with those they view as 'criminals' but who incidentally happen also to be of foreign national origin.<sup>468</sup>

At the end of September 2012 there were 10,951 foreign nationals (defined as non-UK passport holders) held in prisons in England and Wales, 13% of the overall prison population.<sup>469</sup>

These prisoners come from 157 countries, but over half are from 10 countries (Jamaica, Poland, Republic of Ireland, Romania, Nigeria, Pakistan, Lithuania, India, Somalia and Vietnam).<sup>470</sup>

In 2009, 11,268 untried foreign national people were received into custody. The number of untried foreign national receptions has increased 136% since 1999. In comparison, untried receptions of British nationals have decreased 28% between 1999 and 2009.<sup>471</sup>

The total number of foreign nationals in prison nearly doubled (99%) between 2000 and 2010. This compares to a 20% increase in British nationals.<sup>472</sup>

Currently 15% of women in prison, 616, are foreign nationals, some of whom are known to have been coerced or trafficked into offending.<sup>473</sup>

39% of foreign national women in prison are serving a custodial sentence for drug offences, compared to 18% of women of British nationality. 22% of foreign national men are serving a custodial sentence for drug offences, while the most common offence for British men is violence against the person at 29%.<sup>474</sup>

468 Nacro (2010) Foreign national offenders, mental health and the criminal justice system, London: Nacro

469 Table 1.6, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

470 Ibid.

471 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

472 Table A6.4, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

473 Table 1.6, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

474 Table A1.21, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

Women imprisoned for drugs importation are largely from Nigeria, Jamaica and South Africa.<sup>475</sup>

14% of foreign national women imprisoned are there for fraud and forgery offences (usually possession of false documents).<sup>476</sup>

41% of women within the current Hibiscus, Female Prisoners Welfare Project, caseload were charged with offences such as deception and fraud, in relation to their immigration status and related paperwork. The average sentences for false documents were 8.5 months and for deception 12 months.<sup>477</sup>

Hibiscus has seen a dramatic rise in numbers of women from Eastern European countries, representing 20% of all new cases. This group account for the majority of those charged with theft. The other growth is in relation to women from China and Vietnam who have been charged with false documents and employment in illegal activities.<sup>478</sup>

In 10 prisons, foreign national prisoners made up a quarter or more of the population in September 2012.<sup>479</sup> In 2006, two prisons, Canterbury and Bullwood Hall were reserved for a foreign national population; and in 2009 six additional prisons were designated as 'hubs' where foreign national prisoners might be concentrated - HMP Risle, Hewell, Morton Hall (since re-roled as an Immigration Removal Centre), The Mount, The Verne, and Wormwood Scrubs.

4,649 foreign national offenders were removed or deported in 2011.<sup>480</sup>

The government has said it is "committed to exploring ways of removing [foreign national prisoners] even earlier".<sup>481</sup>

The average number of days taken to remove a foreign national offender following the completion of their custodial sentence has fallen from 131 days in 2008 to 77 in 2011.<sup>482</sup>

475 Prison Reform Trust and Hibiscus (2012) No Way Out: a briefing paper on foreign national women in prison in England and Wales, London: Prison Reform Trust

476 Table A1.21, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

477 Prison Reform Trust and Hibiscus (2012) No Way Out: a briefing paper on foreign national women in prison in England and Wales, London: Prison Reform Trust

478 Ibid.

479 Table 1.5, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

480 Hansard HC, 18 September 2012, c767

481 Hansard HC, 4 November 2010, c878W

482 Hansard HC, 24 October 2011, c41W

**It costs the UK Border Agency £102 per night to keep an individual in immigration detention.**<sup>483</sup>

**The United Kingdom has prisoner transfer arrangements with over 100 countries and territories.** The majority of these arrangements are voluntary agreements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place.<sup>484</sup>

**On 5 December 2011 the Council Framework Decision 2008/909/JHA came into force. This allows the transfer of convicted prisoners back to their EU country of nationality, habitual residence or another EU country with which they have close ties, without prior consent.** Poland will have a further three years for implementation.<sup>485</sup>

**In 2010, for an average month, approximately 635 foreign national prisoners were detained in prisons and 1,135 detained in immigration removal centres beyond the end of their custodial sentence while deportation was considered.**<sup>486</sup>

**In May 2010, there were 3,808 foreign national offenders who had not been removed at the end of their sentence and were not being detained for immigration purposes, an increase of 53% since 2009.**<sup>487</sup>

**As at 8 October 2012, there were 557 immigration detainees held in prison.**<sup>488</sup>

**Whilst healthcare in prisons is commissioned by the NHS, services in Immigration Removal Centres are still provided by private agencies under contract to the Home Office and are therefore not provided by the NHS nor regulated by the Care Quality Commission.**<sup>489</sup>

**The Legal Aid, Sentencing and Punishment of Offenders Act (2012) introduces a new Tariff Expired Removal Scheme for indeterminate foreign national prisoners.** The scheme allows indeterminate foreign national prisoners, who are confirmed by the United Kingdom Border Agency to be liable to removal from the UK, to be removed from prison and the country upon, or any date after, the expiry of their tariff without reference to the Parole Board. The Tariff Expired Removal Scheme is mandatory; all indeterminate foreign national prisoners who are liable to removal must be considered by the Public Protection Casework Section for removal under the scheme.<sup>490</sup>

483 Hansard HC, 5 December 2011, c26W

484 Hansard HC, 1 November 2010, c510W

485 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008F0909:20090328:en:PDF> and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:146:0021:0021:EN:PDF>

486 Hansard HL, 29 June 2011, WA441

487 Hansard HC, 2 November 2011, c644W

488 Hansard HL, 19 October 2012, WA492

489 Nacro (2010) Foreign national offenders, mental health and the criminal justice system, London: Nacro

490 Ministry of Justice (2012) Prison Service Instruction 18/2012 Tariff Expired Removal Scheme, London: Ministry of Justice

## Children in prison

At the end of August 2012 there were 1,643 children (under-18s) in custody – a decrease of 463 from the same point last year. There were 1,225 children held in young offender institutions (YOIs), 269 in secure training centres and 149 in secure children's homes.<sup>491</sup>

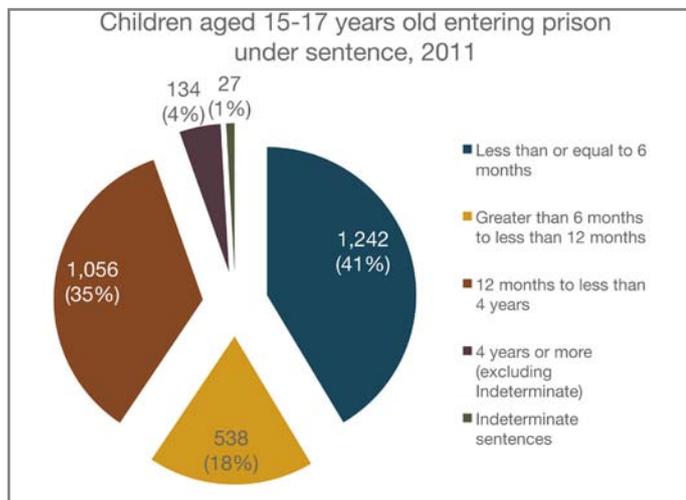


Table 2.1a, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

In August 2012, there were 64 children aged 14 and under in the secure estate in England and Wales. Eleven were aged 13 and two were aged 12.<sup>492</sup>

There are 1,348 fewer children in custody than there were five years ago - a drop of 45%.<sup>493</sup>

In August 2012, 960 of the children in custody were white and 571 were from black or minority ethnic backgrounds. 80 were girls and 1,563 were boys.<sup>494</sup>

The falling number of children and children in custody is partly attributable to the reduction in those serving Detention and Training Orders (DTOs): between 2007-08 and 2010-11 this fell by 37%.<sup>495</sup> The proportion of children in custody serving DTOs of between 12 and 24 months has fallen by 15% between March 2010 and March 2011.<sup>496</sup>

However, although the total population is falling, the average length of time spent in custody by each child increased by four days between 2007-08 and 2009-10.<sup>497</sup>

In 2003 there were 28 Secure Children's Homes in England. Since then no new homes have opened while 12 have closed.<sup>498</sup>

491 Figure 1.0 Youth Justice Board (2012) Monthly Youth Custody Report - August 2012, London: Youth Justice Board

492 Figure 1, Ibid.

493 Figure 2.1 Ibid.

494 Figure 1 Ibid.

495 Allen, R. (2011) Last Resort? Exploring the reduction in child imprisonment 2008-11, London: Prison Reform Trust

496 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

497 Ibid.

498 Hansard HC, 4 July 2012, c728W

The Youth Justice Board (YJB) decommissioned 598 places in the children's estate in 2010-11. One inevitable consequence however is that children may now be held further from home than before.<sup>499</sup>

In March 2010, 24% of children were held over 50 miles from their home, including 7% held over 100 miles away. In March 2011 this increased to 30% and 10% of children respectively.<sup>500</sup>

In 2011, 2,997 children aged between 15 and 17 entered prison under sentence. 1,242 of those entering prison were to serve sentences up to and including six months.<sup>501</sup>

Research from Barnardos found that 35% of 12-14 year olds in custody did not appear to meet the custody thresholds defined in the Powers of Criminal Courts (Sentencing) Act 2000.<sup>502</sup>

At the end of June 2011, 9% of children in prison (15-17) had no previous convictions.<sup>503</sup>

Between 2005-06 and 2009-10, 178 children (10-17) started an indeterminate sentence in custody, only 11 were released before their 18th birthday.<sup>504</sup>

In 2010-11, there were an average of 322 15-17 year olds in prison for breaching a court order. This equates to 16% of the total child custody population.<sup>505</sup>

30% of 10-14 year olds were in custody for having breached a statutory order and, for 18%, it was their primary offence.<sup>506</sup>

During the period 1 April 2009 to 31 March 2010, children under 18 were remanded into custody for a period of seven days or less on 974 occasions; and there were 147 cases where children were remanded for a period of seven days or less to the care of a local authority with a requirement that they be accommodated in secure conditions.<sup>507</sup>

£268.9 million was spent on the whole secure estate for children last year.<sup>508</sup>

499 Youth Justice Board (2011) Annual Report and Accounts 2010/11, London: Youth Justice Board

500 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

501 Table 2.1 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

502 Glover, J. and Hibbert, P. (2009) Locking up or giving up? Why custody thresholds for teenagers aged 12, 13 and 14 need to be raised. An analysis of the cases of 214 children sentenced to custody in England in 2007-08, Ilford: Barnardos

503 Table A1.28, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

504 Hansard HC, 26 October 2011, c240W

505 Tables Ch7 Ministry of Justice (2012) Youth Justice Statistics 2010/11 England and Wales, London: Ministry of Justice

506 Hart, D. (2011) Into the Breach, the enforcement of statutory orders in the youth justice system, London: Prison Reform Trust

507 Hansard HC, 6 September 2011 c387W

508 Ibid.

**Average cost of remand per bed per night by accommodation type<sup>509</sup>**

Accommodation type	Cost per night
Secure Training Centre	£760.50
Secure Children’s Home	£578.08
Young Offender Institution	£156.16

**Children were remanded in custody in 2010-11 on 3,485 occasions.** 810 of these were subsequently acquitted and 992 were given a non-custodial sentence.<sup>510</sup>

**In 2010-11 over half of boys (53%; an increase from 39% in 2009-10) and 48% of girls told HM Inspectorate of Prisons it was their first time in custody – a group more likely to report feeling unsafe.**<sup>511</sup>

**71% of children (10-17) released from custody in the 12 months ending December 2010 reoffended within a year.**<sup>512</sup>

**45% of children in prison in 2010-11 were in prison for non-violent crimes.** On 30 June 2011 there were 86 children aged 15-17 in prison for theft and handling.<sup>513</sup>

**27% of those brought before the courts for offences relating to the August 2011 public disorder were aged 10-17.**<sup>514</sup>

**The riots in August 2011 had more impact on young offender institutions for children and young people than on adult prisons.** The Prisons Inspectorate found that young people were moved from Feltham in the south-east to Hindley in the north-west to make room for new arrivals. This was inevitably disruptive. There was an increase in assaults and the use of restraint. Feltham saw a 200% increase in the number of young people placed on suicide and self-harm procedures.<sup>515</sup>

**20% of young people arrived at Hindley over a seven-day period in August 2011 without any**

509 <http://www.cypnow.co.uk/cyp/news/1049715/councils-stung-500m-youth-remand>

510 Tables Ch6.1 and Ch6.5 Ministry of Justice (2012) Youth Justice Statistics 2010/11 England and Wales, London: Ministry of Justice

511 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

512 Table 18b, Ministry of Justice (2012) Proven re-offending quarterly July 2009 to June 2010, London: Ministry of Justice

513 Table 7.5, Ministry of Justice (2012) Youth Justice Statistics 2010/11 England and Wales, London: Ministry of Justice and, Table A1.6, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

514 Ministry of Justice (2012) Statistical Bulletin on the public disorder of 6th-9th August 2011, London: Ministry of Justice

515 HM Chief Inspector of Prisons (2012) Annual Report 2011-12, London: The Stationery Office

**accompanying information and an even larger proportion arrived with no medical records.**<sup>516</sup>

**In 2010-11 the proportion of black and minority ethnic children in YOIs rose to 39% (from 33% in 2009-10), the number of foreign national young men increased to 6% (from 4% in 2009-10) and the number who identified themselves as Muslim rose to 16% (compared with 13% in 2009-10).**<sup>517</sup>

**Both black and minority ethnic and Muslim boys surveyed were less positive about their relationships with staff than their white and non-Muslim counterparts.** Almost a third of Muslim boys said they had been victimised by a member of staff, compared with 23% of non-Muslim boys.<sup>518</sup>

**Looked after children are over-represented in the youth justice system and are more than twice as likely to be cautioned or convicted of an offence as other children of the same age.**<sup>519</sup>

**A recent HM Inspectorate report found that 27% of boys and 55% of girls had spent some time in care.**<sup>520</sup> It is estimated that there are around 400 children in custody at any one time who have spent time in care.<sup>521</sup>

**Children who report that they have been in care are more likely to report problems with drugs (40%) and alcohol (18%) and to report having mental health issues (29%).**<sup>522</sup>

**Half of the children interviewed who had been in care said that they did not know who would be collecting them on the day of their release.**<sup>523</sup>

**Prison Reform Trust research found that one in eight children in prison had experienced the death of a parent or sibling.** 76% had an absent father and 33% an absent mother. 39% had been on the child protection register or had experienced neglect or abuse.<sup>524</sup>

**40% of children in custody in England and Wales have previously been homeless.**<sup>525</sup>

516 Ibid.

517 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

518 Ibid.

519 Department for Children, Schools and Families (2009) Children Looked After in England (including adoption and care leavers) year ending 31 March 2009, London: DCSF

520 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

521 HM Inspectorate of Prisons (2011) The Care of Looked After Children in Custody, a short thematic review, London: The Stationery Office

522 Ibid.

523 Ibid.

524 Jacobson J. et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust

525 Youth Justice Board (2007) Accommodation needs and experiences of young people who offend. London: YJB

**One in 10 girls in custody has been paid for sex.**<sup>526</sup>

**The number of children assessed as vulnerable in custody was 1,148 in 2007, a rise of 12% on 2006, which rose by 12% on 2005.**<sup>527</sup>

**The educational background of children in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and 42% said they were 14 years or younger when they were last in education.**<sup>528</sup>

**25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy.**<sup>529</sup> 38% of boys screened on admission to prison in 2000-01 had the level expected of a seven-year-old in numeracy and 31% in literacy. 4% had levels lower than this in numeracy and literacy.<sup>530</sup>

**23% of young offenders have learning difficulties (IQ below 70) and 36% borderline learning difficulties (IQ 70-80%).**<sup>531</sup> At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.<sup>532</sup>

**15-17 year-olds in prison service YOIs receive an average of 27.5 hours per person per week of education, training and personal development.** In private YOIs the equivalent figure is 33.9 hours per week.<sup>533</sup>

**Of children interviewed in prison, 13% reported being regular crack users, and 11% had used heroin daily.** Poly-drug use was also high.<sup>534</sup>

**A third of boys and girls in YOIs had a problem with drugs when they first arrived at their establishment.** For boys this marked an increase from 22% in 2008-09.<sup>535</sup>

**Research commissioned by the YJB in 2006 found that 18% of 13-18 year olds in custody had depression, 10% anxiety, 9% post-traumatic stress disorder and 5% psychotic symptoms.**<sup>536</sup>

526 Youth Justice Board, Female health needs in young offender institutions, 2006, as cited in Legal Action, February 2008

527 Hansard HC, 28 March 2007, c1652W

528 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

529 Youth Justice Board (2006) Barriers to engaging in education, training and employment, London: YJB

530 HM Inspectorate of Prisons (2002) A second chance: a review of education and supporting arrangements within units for juveniles managed by HM Prison Service, a thematic review carried out jointly with the Office for Standards in Education

531 Harrington, R., and Bailey, S. (2005) Mental health needs and effectiveness provision for young offenders in custody and in the community, London: YJB

532 Bryan, K., and Mackenzie, J. (2008) Meeting the speech, language and communication needs of vulnerable young children, London: RCSLT

533 Hansard HC, 18 January 2010, c27W

534 Youth Justice Board (2004) Substance misuse and juvenile offenders, London: YJB

535 Summerfield, A. (2011) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2010-2011, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

536 Chitsabesan et al (2006) Mental health needs of young offenders in custody and in the community, British Journal of Psychiatry Vol. 188, 534-540

**Research suggests that prevalence of mental health problems for children in contact with the criminal justice system ranges from 25 to 81%, being highest for those in custody.** A cautious estimate based on the figures in the literature would indicate that rates of mental health problems are at least three times as high for those within the criminal justice system as within the general population.<sup>537</sup>

**Only half of boys and 69% of girls who reported a mental health problem said that they were receiving help at their establishment.**<sup>538</sup>

**Prevalence of psycho-social and educational problems among a sample of 200 sentenced children.**<sup>539</sup>

Factor	% cases
Associated with predominantly criminal peers	70%
Substance use viewed as positive and essential to life	26%
Difficulties with literacy and/or numeracy	26%
Evidence of self-harm	20%
Attempted suicide	11%
Has been bullied at school	10%
Has statement of special educational needs	18%

**In 2010 there were 114 recorded incidents of self-harm by 15-17 year-old girls in custody, and 611 by 15-17 year-old boys in custody.**<sup>540</sup>

**Boys (15-17) in prison are 18 times more prone to take their own life than children of the same age in the community.**<sup>541</sup>

**11% of children in prison have attempted suicide.**<sup>542</sup>

**Thirty-three children have died in penal custody since 1990 most by self inflicted death but one following restraint and one homicide.**<sup>543</sup>

**In August 2004, 14 year old Adam Rickwood became the youngest child to die in penal custody in recent memory.**<sup>544</sup>

537 Hagell, A. (2002) The mental health needs of young offenders, London: Mental Health Foundation

538 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

539 Table 6.1, Jacobson, J., et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust

540 Table 3, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice

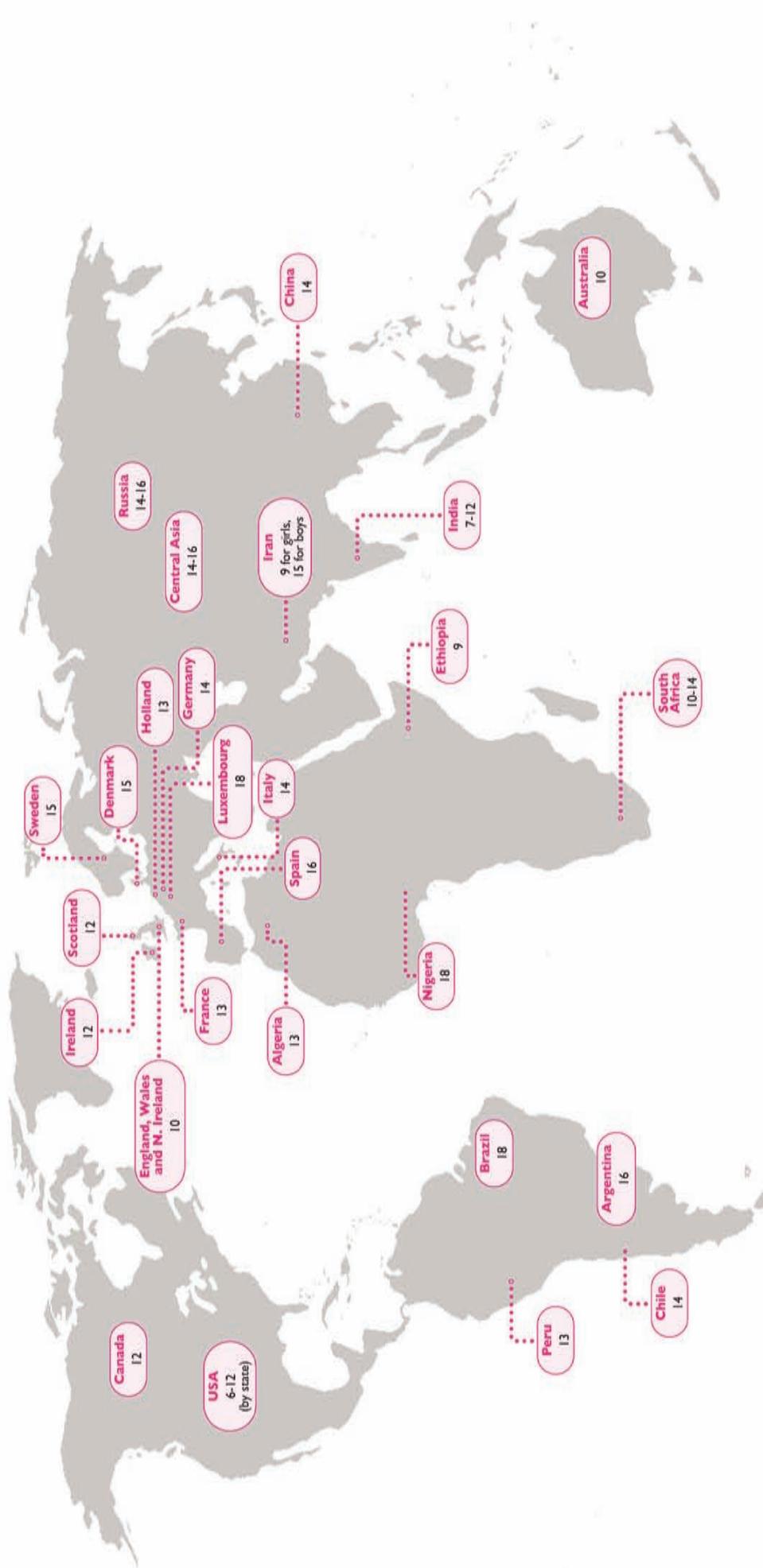
541 Fazel, S., Suicide in prison, The Lancet, vol 366, issue 9493, 8 October 2005

542 Jacobson J. et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust

543 <http://www.inquest.org.uk/>

544 Allison, E. (2011) 'Second inquest into death of youngest person to die in custody begins', The Guardian, 10 January 2011

## International ages of criminal responsibility



The UN Committee on the Rights of the Child has stated that an age of criminal responsibility below 12 is 'not acceptable'.

Source: Jacobson, J. and Talbot, J. (2009) Vulnerable Defendants in the Criminal Courts: a review of provision for adults and children, London: Prison Reform Trust; <http://www.scottish.parliament.uk/s3/bills/24-CrimJustLc/index.htm>; and The African Child Policy Forum available at [http://www.africanchildforum.org/site/index.php?option=com\\_content&view=article&id=175&Itemid=97](http://www.africanchildforum.org/site/index.php?option=com_content&view=article&id=175&Itemid=97)  
In Scotland the age of criminal responsibility is still 8 but the age of prosecution is now 12.

**In the first month of 2012 two children took their own lives in prison.**<sup>545</sup>

**Use of restrictive physical interventions (or restraint as it is more commonly known) on children are intended 'as a last resort, for example to prevent them causing harm to themselves or others.'** In 2010/11 there were 7,191 incidents of restraint involving children in custody, up 4% on the previous year. There were, on average, 599 incidents involving 416 children every month.<sup>546</sup>

**A third of boys and 16% of girls report they have been physically restrained.**<sup>547</sup> Over a two-year period, children and young people in Castington YOI sustained seven confirmed and three suspected fractures following the use of control and restraint techniques by staff.<sup>548</sup>

**More Muslim than non-Muslim boys report that they have been physically restrained: 40% compared with 32%.**<sup>549</sup>

**Giving evidence to Lord Carlile's five year follow up review on the use of force on children in custody, Nick Hardwick, HM Chief Inspector of Prisons, stated that "HMI Prisons does not accept that pain-compliance techniques should ever be used".**<sup>550</sup>

**There were 317 incidents of segregation in Ashfield YOI in 2011 - an increase of 101% from 2008.** There were 75 incidents of children spending periods of between 7-14 days in segregation, 56 incidents of 15-27 days and 24 incidents of over 28 days.<sup>551</sup>

**27% of boys and 20% of girls have felt unsafe at some point in custody.** 75% of black and minority ethnic boys report feeling safe on their first night, compared with 81% of white boys.<sup>552</sup>

**56% of boys in prison (a fall from 62% in 2009-10) said they would be able to tell someone if they were being victimised and just 31% (a fall from 40% in 2009-10) said that they believed a member of staff would take it seriously.** 82% of young women said they would be able to tell

someone, but less than half (46%) believed staff would take their reports of victimisation seriously.<sup>553</sup>

**63% of boys said that they had a member of staff to turn to if they had a problem and that most staff treated them with respect.** For girls these figures were 84% and 67% respectively.<sup>554</sup>

**The experiences of boys in dedicated sites, holding young people (15-18) only, was broadly more positive than those in split or mixed sites.** Notably, boys in dedicated sites were less likely to say that they had ever felt unsafe in their establishment. They also reported better experiences with health care and were more likely to be involved in purposeful activity.<sup>555</sup>

**Although two-thirds of boys said they could use the telephone every day – an improvement on 2009-10 – only 46% said it was easy for their friends and family to visit them.**<sup>556</sup> 41% of boys and 18% of girls usually had one or more visits per week from family or friends.<sup>557</sup>

**Fewer black and minority ethnic than white boys said that they usually had one or more visits per week (33% compared with 41%) and they were more negative about the timeliness of visits and their visitors' treatment by staff.**<sup>558</sup>

**In 2009-10, children in YOIs spent on average 14 hours each day locked in their cells.**<sup>559</sup>

**Around three-quarters of boys and almost all girls surveyed said that they were taking part in education.** Yet only 64% of boys felt that this would help them on release and 60%, a fall from 64% in 2009-10, said they planned to go into education once released.<sup>560</sup>

**92% of boys and 93% of girls surveyed in YOIs said that they wanted to stop offending.** 47% of sentenced boys and 56% of girls said that they had done something or something had happened to them while they had been in custody to make them less likely to offend in the future. Both boys and girls felt that getting a job would be the most likely thing to stop them reoffending in the future, yet fewer than half said they knew who to contact in the establishment for help with finding employment.<sup>561</sup>

545 Prison Reform Trust and INQUEST (2012) *Fatally Flawed: has the state learned lessons from the deaths of children and young people in prison?* London: Prison Reform Trust

546 Youth Justice Board (2012) *Youth Justice Statistics 2010/11 England and Wales*, London: Ministry of Justice

547 Summerfield, A. (2011) *Children and Young People in Custody 2010-11*, London: HM Inspectorate of Prisons and Youth Justice Board

548 [http://www.howardleague.org/fileadmin/howard\\_league/user/pdf/Press/Press\\_2009/YOI\\_audit\\_17\\_August\\_2009.pdf](http://www.howardleague.org/fileadmin/howard_league/user/pdf/Press/Press_2009/YOI_audit_17_August_2009.pdf)

549 Summerfield, A. (2011) *Children and Young People in Custody 2010-11*, London: HM Inspectorate of Prisons and Youth Justice Board

550 <http://www.independent.co.uk/news/uk/crime/restraint-used-on-young-offenders-is-too-harsh-2293213.html>

551 Hansard HC 12 March 2012 c102W

552 Summerfield, A. (2011) *Children and Young People in Custody 2010-11*, London: HM Inspectorate of Prisons and Youth Justice Board 42

553 Ibid.

554 Ibid.

555 Ibid.

556 Ibid.

557 Ibid.

558 Summerfield, A. (2011) *Children and Young People in Custody 2010-11*, London: HM Inspectorate of Prisons and Youth Justice Board

559 Hansard HC, 24 May 2011, c569W

560 Summerfield, A. (2011) *Children and Young People in Custody 2010-11*, London: HM Inspectorate of Prisons and Youth Justice Board

561 Ibid.

## Young adults in prison (18-20 year olds)

At the end of September 2012 there were 7,219 young adults aged 18-20 in prison in England and Wales. This is 13% less than the previous year.<sup>562</sup>

More young adults were in prison for the offence of violence against the person than any other offence.<sup>563</sup>

In the 12 months ending June 2012 there were 12,393 young adults sent to prison under sentence, a fall of 6% from the previous year. 7,027 young adults entered prison to await trial, a fall of 9% from the previous year.<sup>564</sup>

While people aged 18-24 account for one in 10 of the UK population, they account for a third of those sentenced to prison each year; a third of the probation service caseload and a third of the total economic and social costs of crime.<sup>565</sup>

26% of those brought before the courts for offences relating to the public disorder of August 2011 were 18-20.<sup>566</sup>

Between 2000 and 2010 the number of young adults sentenced to life imprisonment increased by 310%.<sup>567</sup>

58% of young adults released from custody in the first quarter of 2008 reoffended within a year.<sup>568</sup> HM Chief Inspector of Prisons has commented that “the high rate of reoffending among young adult men is unlikely to reduce without significant changes in approach, funding and focus.”<sup>569</sup>

964 young people aged 18-20 were received into custody for breach of a community sentence in 2008. 1,040 were received into custody for breach of a suspended sentence order in 2008.<sup>570</sup>

In May 2009 young adults between the ages of 18 and 20 were held an average of 50 miles away from their home or committal court address.<sup>571</sup>

HM Chief Inspector of Prisons has commented that: “resettlement and rehabilitation for young adults is

562 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

563 Table 1.3c, Ibid.

564 Table 2.1a, Ibid.

565 Transition to Adulthood (2010) Why is the criminal justice system failing young adults? London: Transition to Adulthood

566 Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to March 2012. London: Ministry of Justice

567 Table A5.14, Ministry of Justice (2011) Criminal Justice Statistics, England and Wales 2010, London: Ministry of Justice

568 Hansard HC, 17 January 2011, c653W

569 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

570 Hansard HC 11 July 2012 c268W, and Hansard HC 17 January 2011, c657W

571 Hansard HC, 7 January 2010, c548W

compromised by the considerable distances from home of the establishments where they are held.”<sup>572</sup>

Fewer than half of young adults surveyed said that they knew where to get help to find accommodation, drug treatment or continuing education when they left prison.<sup>573</sup>

HM Prisons Inspectorate has found that too many young adult establishments have high levels of unemployment and poor quality work placements which do not provide vocational qualifications.<sup>574</sup>

An average of 3.8 hours per week was spent on physical education in young offender institutions in 2009-10.<sup>575</sup> In 2006-07 an average of eight hours per week was spent on other educational activities.<sup>576</sup>

Only 5% of young adults surveyed spend 10 or more hours a day out of cell in purposeful activity and just over half said they have association five or more times a week.<sup>577</sup>

In 2010-11, 12% of young adults surveyed by HM Inspectorate of Prisons had experienced some form of physical abuse from other prisoners.<sup>578</sup>

On average, 38% of prisoners in young adult prisons report feeling unsafe at some point.<sup>579</sup>

In Prisons Inspectorate surveys, 18% of young adults said they had been physically restrained by staff in the last six months compared to no more than 7% in local, training, high security and open prisons.<sup>580</sup>

In Prisons Inspectorate surveys, only 69% of young adults said they could have a shower every day against an average of 82% across all prisons.<sup>581</sup>

65% of young adults think most staff treat them with respect, compared to 73% of over 21s.<sup>582</sup>

Mental health problems, and drug and alcohol abuse are common amongst young people aged 16-20 in prison. They are more likely than adults to

572 HM Chief Inspector of Prisons for England and Wales (2007) Annual Report 2005-06, London: The Stationery Office

573 Ibid.

574 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

575 Hansard HC, 7 December 2010, c207W

576 Hansard HC, 19 July 2007, c592W

577 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

578 Ibid.

579 Ibid.

580 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

581 Ibid.

582 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

suffer from mental health problems and are more likely to take, or try to take, their own life than both younger and older prisoners.<sup>583</sup>

**20% of young male remand and a third of young female sentenced prisoners had ever attempted suicide.**<sup>584</sup>

**27% of young adults reported arriving into prison with an alcohol problem and 23% believe they will leave with an alcohol problem.** These figures almost certainly underestimate the scale of the problem, as many of those with alcohol problems will fail to recognise or acknowledge them.<sup>585</sup>

**A quarter of the young adult population surveyed by HM Prisons Inspectorate thought they would leave prison with a drug problem.**<sup>586</sup>

**Young adults account for 18% of self-harm incidents although they represent 8% of the population in custody.**<sup>587</sup>

**There were seven self-inflicted deaths of young adult prisoners in 2011.**<sup>588</sup>

**Only 1 in 4 young adult prisons were assessed positively against all four healthy prison tests.**<sup>589</sup>

**19% of prisoners between 18-20 years old interviewed for the *Surveying Prisoner Crime Reduction* study stated that they had children themselves.** This compares to 4% of the general population who are young fathers.<sup>590</sup>

**According to the British Crime Survey, 16-24 year-olds are more likely than any other age group to become a victim of crime.**<sup>591</sup>

**29% of young women in custody report having been sexually abused in childhood.**<sup>592</sup>

**Young people who are not in education or employment are twenty times more likely to**

583 Singleton et al (2000) Psychiatric Morbidity among young offenders in England and Wales, London: Office for National Statistics  
584 Ibid

585 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

586 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

587 Table 2.3, Ministry of Justice (2012) Safety in Custody Statistics 2011, London: Ministry of Justice and Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

588 Table 1.6, Ministry of Justice (2012) Safety in Custody Statistics 2011, London: Ministry of Justice

589 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

590 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

591 Table 2.05, Chaplin, R. et al (2011) Crime in England and Wales 2010, London: Home Office

592 Farrant, F. (2001) Troubled Inside: Responding to the mental health needs of children and young people in prison, London: Prison Reform Trust

**commit a crime.** 47% of young people aged 17-24 were in education, training or employment at the time of their arrest.<sup>593</sup>

**“We’ve all been through social services, foster, children’s homes, getting kicked out of school, secure unit....I’m sure we’ve all been through that road. It’s like a journey and we’ve all collected our tickets along the way.”**<sup>594</sup>

**The Transition to Adulthood Alliance evidences and promotes ‘the need for a distinct and radically different approach to young adults [and young people] in the criminal justice system; an approach that is proportionate to their maturity and responsive to their specific needs.’**<sup>595</sup>

**An evaluation of three T2A pilot projects working with young offenders in the community and prior to release from prison found that, over a six month period, only 9% were reconvicted of a new offence (all non-violent); 9% breached the terms of their community order or licence; the number in employment trebled; and the number classified NEET halved.** In comparison with young adults who only received probation support, those from the T2A cohort had more positive outcomes.<sup>596</sup>

**The intensive alternative to custody (IAC) pilots in Greater Manchester and West Yorkshire have demonstrated the value of focussing these orders on young people aged 18-25.** While the Ministry of Justice has not yet completed the impact evaluation of the IACs, the early indications are that reoffending rates in these two areas are significantly lower and many of the young men engaged have been helped into education, training and employment, which is widely acknowledged as being crucial to successful rehabilitation.<sup>597</sup>

593 Young People in Focus (2009) Young Adults Today: Education, Training and Employment, London: Young People in Focus

594 Lyon J, Dennison C, Wilson A (2000) ‘Tell Them So They Listen. Messages from young people in custody,’ Research study 201 London: Home Office

595 Transition to Adulthood (2012) Pathways from Crime, London: Barrow Cadbury Trust

596 Ibid

597 Prison Reform Trust (2012) briefing on community sentences: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Crime%20and%20Courts%20Bill,%20House%20of%20Lords,%202nd%20reading,%2028May2012.pdf>

## Older people in prison (aged 50 and over)

**On 30 September, there were 9,913 prisoners aged 50 and over in England and Wales, including 3,333 aged 60 and over.** This group makes up 11% of the total prison population.<sup>598</sup>

**People aged 60 and over are now the fastest growing age group in the prison estate.** The number of sentenced prisoners aged 60 and over rose by 103% between 2002 and 2011.<sup>599</sup>

**On 31 March 2011 there were 42 people in prison aged 81 and over.** The oldest prisoner is 92 years of age.<sup>600</sup>

**More than one in 10 older prisoners belong to a minority ethnic group, far higher than the proportion of the general population.**<sup>601</sup>

**42% of men in prison aged over 50 have been convicted of sex offences.** The next highest offence is violence against the person (26%) followed by drug offences (12%). For women, the most common offence was also violence against the person (32%).<sup>602</sup>

**On 30 June 2011 there were 1,807 people aged 50 and over serving life sentences and 618 serving IPP sentences.**<sup>603</sup>

**The number and proportion of men aged over 60 sentenced to prison by the courts has increased significantly.** Between 1995 and 2000 the number of elderly males given custodial sentences increased by 55%. In 1995 fines accounted for the majority of sentences (31%). By 2000 imprisonment accounted for the majority of sentences (31%) and fines accounted for 24%.<sup>604</sup>

**The significant rise in the number of male prisoners aged over 60 is not matched by a corresponding rise in the number of men convicted by the courts for indictable offences.** Between 1995 and 2000 the number of convictions for this age group increased by only 8%.<sup>605</sup>

598 Table 1.8, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

599 Table A1.11, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

600 Hansard HC, 29 June 2011, c812W

601 Prison Reform Trust (2003) Growing Old in Prison, London: Prison Reform Trust

602 Table A1.7, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

603 Table A1.14, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

604 Frazer, L. (2003) Ageing Inside, Bristol: Bristol University

605 Ibid.

**The increase in the elderly prison population is not explained by demographic changes, nor can it be explained by a so-called ‘elderly crime wave’.** The increases are due to harsher sentencing policies which have resulted in the courts sending a larger proportion of criminals aged over 60 to prison to serve longer sentences. This has particularly been the case in relation to those convicted of sex offences and drug trafficking.<sup>606</sup>

**A report by the Prisons Inspectorate has indicated “little evidence of multidisciplinary working” and found it “disappointing that the social care needs of older and disabled prisoners were still considered the responsibility of health services only.”**<sup>607</sup>

**Over 90% of prison staff who responded to a survey conducted by the Prison Reform Trust said that social services had no involvement in their prisons.** Only five prisons reported that an occupational therapist came in to the prison when required and would provide daily living aids.<sup>608</sup>

**Some older prisoners will have a physical health status of 10 years older than their contemporaries in the community.**<sup>609</sup>

**Prison Reform Trust research found that services for older people in prison did not meet those that would be available for the elderly in the community.**<sup>610</sup>

**The report expresses concern that some older people entering prison had the medication they were receiving in the community stopped.**<sup>611</sup>

**In his 2010-11 annual report the Prisons and Probation Ombudsman called for a formal revision of restraints policy relating to seriously ill prisoners in order to promote less risk averse decisions and enable more prisoners to die with dignity.** Such a review has not taken place and in his 2011-12 annual report the Ombudsman says it continues to investigate deaths where elderly people with limited mobility have been restrained with handcuffs and chains, even when they had been assessed as a low escape risk and a low risk to the

606 Ibid.

607 HM Chief Inspector of Prisons for England and Wales (2008) Older Prisoners in England and Wales: A follow up to the 2004 thematic review, London: The Stationery Office

608 Cooney, F. with Braggins, J. (2010) Doing Time: Good practice with older people in prison – the views of prison staff, London: Prison Reform Trust. 92 responses to the survey conducted as part of this research were received – over three-quarters of eligible prisons.

609 Ibid.

610 Prison Reform Trust (2008) Doing Time: the experiences and needs of older people in prison, London: Prison Reform Trust

611 Ibid.

public. In some cases, restraints had restricted their access to appropriate healthcare intervention.<sup>612</sup>

**More than half of all elderly prisoners suffer from a mental disorder.** The most common disorder is depression which often emerges as a result of imprisonment.<sup>613</sup>

**HM Inspectorate of Prisons has identified ‘a complete lack of staff training in identifying the signs of mental health problems among the elderly.’**<sup>614</sup> Few prisons had a designated nurse for older prisoners.<sup>615</sup>

**In 2011, 79 people aged 50 and over died of natural causes whilst in prison.**<sup>616</sup>

**Lack of palliative care for the terminally ill is a major concern despite the opening of The Retreat - HMP Whatton’s specially designed palliative care suite for terminally ill prisoners - in 2011.**<sup>617</sup>

**Most older prisoners are held more than 50 miles from home, and a third are more than 100 miles away from home.** This causes particular problems for visitors, many of whom are themselves older people.<sup>618</sup>

**The likelihood of having accommodation on release from custody decreases the older a prisoner is.** In 2010-11 the proportion of positive accommodation outcomes on release from custody were lower for those aged 50-59 (81%) and 60 and over (79%) than the average of 86%.<sup>619</sup>

**40% of prisons responding to a recent Prison Reform Trust survey reported that no specific age related assessments or arrangements were in place.**<sup>620</sup>

**No specific arrangements for older prisoners were reported in relation to sentence planning, and no respondent mentioned offending behaviour courses specifically designed, or adapted, for older prisoners.**<sup>621</sup>

**However, PRT’s recent survey does indicate areas of good practice.** One quarter of respondents are working with Age UK local groups or other voluntary sector organisations to provide services.<sup>622</sup>

**Prison staff identified the availability or lack of funding and the age or design of prison buildings as the main barriers to change.**<sup>623</sup>

**Four years after a thematic review of older prisons, HM Chief Inspector of Prisons stated that “eight of [their] key recommendations have not been implemented.”** This is while “the issues older prisoners pose are likely to become more acute, as an increasing number of long-sentenced prisoners grow old and frail in prison.”<sup>624</sup>

**In 2010 HM Chief Inspector of Prisons noted that not all prisons had policies that reflected the specific needs of older men and women.**<sup>625</sup>

**Age is a protected characteristic under the Equality Act.** The prison service has issued PSI 32/2011 which describes the duties prison staff have under the act. This gives no guidance to staff about working with older people in their care.

**The Prison Reform Trust, along with HM Chief Inspectorate of Prisons, Age UK and other organisations has called for a national strategy for work with older people in prison.** NOMS and the Department of Health are assessing the possibility of a national allocations strategy for people with significant social care needs.

**The Association of Directors of Adult Social Services (ADASS) appointed Phil Lloyd to lead on social care for offenders and their families in 2010.**<sup>626</sup>

612 Prisons and Probation Ombudsman (2012) Annual Report 2011-12, London: Prisons and Probation Ombudsman

613 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006-07, London: The Stationery Office

614 HM Chief Inspector of Prisons for England and Wales (2008) Older Prisoners in England and Wales: A follow up to the 2004 thematic review, London: The Stationery Office

615 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office

616 Table 1.3, Ministry of Justice (2012) Safety in Custody Quarterly update to June 2012, London: Ministry of Justice

617 Prison Reform Trust (2008) Doing Time: the experiences and needs of older people in prison, London: Prison Reform Trust, and Independent Monitoring Boards (2011) HMP Whatton annual report 2010-11, London: Ministry of Justice

618 HM Inspectorate of Prisons (2004) ‘No problems – old and quiet’: Older prisoners in England and Wales A thematic review by HM Chief Inspector of Prisons, London: The Stationery Office

619 Prison Reform Trust, information from NOMS Equality Group, 9 November 2011

620 Cooney, F. with Braggins, J. (2010) Doing Time: Good practice with older people in prison – the views of prison staff, London: Prison Reform Trust.

621 Ibid

622 Ibid.

623 Ibid.

624 HM Chief Inspector of Prisons for England and Wales (2008) Older Prisoners in England and Wales: A follow up to the 2004 thematic review, London: The Stationery Office

625 HM Chief Inspector of Prisons for England and Wales (2010) HM Chief Inspector of Prisons for England and Wales Annual Report 2008-09, London: The Stationery Office

626 The National Children and Adult Services Conference, October 2010

## Prisoners with learning disabilities and difficulties<sup>627</sup>

**20 – 30% of offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.**<sup>628</sup> The term learning disabilities or difficulties includes people who: experience difficulties in communicating and expressing themselves and understanding ordinary social cues; have unseen or hidden disabilities such as dyslexia; experience difficulties with learning and/or have had disrupted learning experiences that have led them to function at a significantly lower level than the majority of their peers; are on the autistic spectrum, including people with Asperger syndrome.

**7% of prisoners have an IQ of less than 70 and a further 25% have an IQ between 70 - 79.**<sup>629</sup>

**23% of young offenders have very low IQs of below 70, and a further 36% have an IQ between 70-79.**<sup>630</sup> At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.<sup>631</sup>

**25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy.**<sup>632</sup>

**Youth justice screening tools often overlook the physical health problems and underestimate the rate of mental health problems of children who offend; further, they do not assess for learning disability, for speech, language and communication needs, or for conduct disorder.**<sup>633</sup>

<sup>627</sup> Unless stated otherwise, all the figures in this section are from Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust, and Talbot, J. (2007) No One Knows: Identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff, London: Prison Reform Trust. Research as part of the No One Knows programme was also conducted in prisons in Scotland and Northern Ireland.

<sup>628</sup> Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust

<sup>629</sup> Mottram, P. G. (2007) HMP Liverpool, Styal and Hindley Study Report. Liverpool: University of Liverpool

<sup>630</sup> Harrington, R., and Bailey, S. (2005) Mental health needs and effectiveness provision for young offenders in custody and in the community. London: YJB

<sup>631</sup> Bryan, K., and Mackenzie, J. (2008) Meeting the speech, language and communication needs of vulnerable young children, London: RCSLT

<sup>632</sup> Youth Justice Board (2006) Barriers to engaging in education, training and employment, London: YJB

<sup>633</sup> HM Government (2009) Healthy Children, Safer Communities, London: Department of Health

**Most youth offending teams do not use screening or assessment tools or procedures to identify children with learning disabilities, specific learning difficulties, communication difficulties, ADHD, or autistic spectrum disorder.**<sup>634</sup>

**Dyslexia is three to four times more common amongst prisoners than the general population.**<sup>635</sup>

**Most youth offending team staff believe that children who offend with learning disabilities, communication difficulties, mental health problems, ADHD, and low levels of literacy were more likely than children without such impairments to receive a custodial sentence.**<sup>636</sup>

**Over 80% of prison staff say that information accompanying people into prison is unlikely to show that the presence of learning disabilities or difficulties had been identified prior to their arrival.** Once in prison there is no routine or systematic procedure for identifying prisoners with learning disabilities or learning difficulties. Consequently the particular needs of such prisoners are rarely recognised or met.

**A learning disability screening tool, the LDSQ, was piloted in four prisons under the auspices of the Department of Health.** The results, reported in March 2010, established that it was an effective tool for use in prisons. However the tool has still not been made routinely available. Further work needs to be undertaken, as a matter of urgency, to ensure that the support needs of people with learning disabilities, and other impairments, are recognised and met at the point of arrest.

**HM Chief Inspector of Prisons has noted during inspections that a few prisons, including Rye Hill, had introduced the Learning Disability Screening Questionnaire which was good practice.**<sup>637</sup>

**On 30 April 2009, Lord Bradley, a former Minister of State at the Home Office, published the findings of his government commissioned review of diversion services for offenders with mental health problems or learning disabilities.** His report calls for all police custody suites and courts to have access to liaison and diversion services, including: screening for vulnerable people and assessing their needs; sharing information with

<sup>634</sup> Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust

<sup>635</sup> Rack, J. (2005) The Incidence of Hidden Disabilities in the Prison Population, Egham, Surrey: Dyslexia Institute

<sup>636</sup> Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust.

<sup>637</sup> HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

police to enable diversion; and signposting to local health and social care services.<sup>638</sup>

**Over half of prison staff believe that prisoners with learning disabilities or difficulties are more likely to be victimized and bullied than other prisoners.** Over half of such prisoners say they had been scared while in prison and almost half say they had been bullied or that people had been nasty to them.

**Youth offending team staff reported that children with impairments and difficulties had difficulty understanding, for example, the consequences of failing to comply with court orders and what they needed to do to successfully complete an intervention.**<sup>639</sup>

**Prisoners with learning disabilities or difficulties are routinely unable to access prison information; over two-thirds have problems reading prison information, which rises to four-fifths for those with learning disabilities.**

Over two-thirds have problems filling in prison forms, which rises to three-quarters for those with learning disabilities. Consequently many miss out on things such as family visits and going to the gym, or getting the wrong things delivered such as canteen goods. Over half say they have problems making themselves understood in prison, which rises to more than two-thirds for those with learning disabilities. Over two-thirds experience problems in verbal comprehension skills, including difficulties understanding certain words and in expressing themselves.

**Prisoners with learning disabilities are frequently excluded from elements of the prison regime including opportunities to address their offending behaviour.** “It’s hard, hard dealing with the sentence let alone dealing with the stresses of not being able to do the course. The pressure of just being here...and knowing that you’ll have to be here longer because you can’t read is hard.”<sup>640</sup>

638 Department of Health (2009) The Bradley Report, Lord Bradley’s report of people with mental health problems or learning disabilities in the criminal justice system, London: Department of Health

639 Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust

640 This interviewee was unable to progress through his sentence plan because the cognitive behaviour treatment programme he was required to complete demanded a level of literacy that he did not have; he was on an indeterminate public protection sentence, IPP, which means that until (and unless) he was able to demonstrate a reduction in risk, achieved by progressing through his sentence plan, he would be unlikely to get parole and was likely to remain longer in prison as a result. This situation has been strongly criticised by the Joint Committee on Human Rights. Joint Committee on Human Rights (2007-08) A life like any other? Human rights of adults with learning disabilities, London: The Stationery Office

**Offending behaviour programmes are not generally accessible for offenders with an IQ below 80.** There is a mismatch between the literacy demands of programmes and the skill level of offenders, which is particularly significant with regard to speaking and listening skills.<sup>641</sup>

**A report by HM Chief Inspectors of Prison and Probation described this predicament – prisoners being unable to access the interventions they needed to secure their release as “Kafka-esque”.**<sup>642</sup>

**On the same issue the Joint Committee on Human Rights noted that “people with learning disabilities may serve longer custodial sentences than others convicted of comparable crimes.”** Responding to evidence submitted by the Prison Reform Trust, the committee went on to say that “this clearly breaches Article 5 ECHR (right to liberty) and Article 14 ECHR (enjoyment of ECHR rights without discrimination).”<sup>643</sup>

**In February 2010 a prisoner with learning disabilities, who had served over twice his tariff, was awarded a case for breach of the Disability Discrimination Act and for breach by the Secretary of State for Justice for failing in his duties to take steps to enable the prisoner in question to undertake some type of offending behaviour work.**

**Prisoners’ inability to participate fully in the prison regime leaves them at greater psychological risk as they spend more time alone with little to occupy themselves.** People with learning disabilities are the most likely to spend time on their own and have fewer things to do.

**Prisoners with learning disabilities or difficulties are five times as likely as prisoners without such impairments to have been subject to control and restraint techniques and more than three times as likely to have spent time in segregation.**

**Prisoners with learning disabilities or difficulties are more than three times as likely as prisoners without such impairments to have clinically significant depression or anxiety.**

641 Davies, K. et al (2004) An evaluation of the literacy demands of general offending behaviour programmes, Home Office Findings, 233, London: Home Office

642 HM Chief Inspector of Prisons and HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: The Stationery Office

643 Joint Committee on Human Rights (2007-08) A life like any other? Human rights of adults with learning disabilities, London: The Stationery Office

**Over half of prison staff are not confident that their prison has the skills and expertise to support this group of prisoners.**

**Over half of prison staff believe that the overall quality of support available for this group of prisoners at their prison is low.**

**Specific disability awareness training on learning disabilities and difficulties is not readily available for prison staff.**

**Prison staff would like greater strategic and operational direction to assist their work with this group of prisoners.**

**Youth offending team staff often do not know what specialist service provision is available, or what benefits access to such support might bring.<sup>644</sup>**

**Youth offending team staff would like greater input from specialist workers to assist in identifying and supporting children with impairments and difficulties and lower thresholds to access service provision, in particular for children with learning disabilities and mental health problems.<sup>645</sup>**

**Prisoners with learning disabilities and difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system.**

Criminal justice staff and those responsible for providing services are failing in their duty to promote equality of opportunity and to eliminate discrimination. As such they are not complying with the requirements of the Disability Discrimination Act (2005) and the Disability Equality Duty in particular.

**The government is taking forward proposals to invest £50 million by 2014 in liaison and diversion services at police stations and courts wherever possible to divert offenders with mental health needs and learning disabilities away from the justice system and into treatment and care.<sup>646</sup>**

**In order to ensure that the government's proposals for a national roll-out of liaison and diversion services across England are fully implemented, Prison Reform Trust and the National Federation of Women's Institutes formed the Care not Custody Coalition.<sup>647</sup>**

### Care not Custody coalition members

Action for Prisoners' Families	National Appropriate Adult Network
Advocacy Training Council	National Federation of Women's Institutes
British Association for Counselling & Psychotherapy	Probation Chiefs Association
Centre for Mental Health	Police Federation of England and Wales
Children's Commissioner	Police Foundation
Clinks	Prison Governors Association
Criminal Bar Association	Prison Officers Association
Criminal Justice Alliance	Prison Reform Trust
Howard League for Penal Reform	Royal College of Psychiatrists
KeyRing Living Support Networks	Rethink Mental Health
Law Society	Revolving Doors Agency
Make Justice Work	Royal College of Nursing
Mencap	Victim Support
Mind	Women in Prison
NHS Confederation, Mental Health Network	Women's Breakout

644 Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust  
645 Ibid.

646 Hansard HC, 15 February 2011, c811

647 www.prisonreformtrust.org.uk/ProjectsResearch/Mentalhealth/CarenotCustody

## Mental health

**“On the wing there was plenty of evidence of behaviour brought on by mental distress...one young man only ever wore the same pair of jeans and a green nylon cagoule. He never wore shoes or socks, never went out on exercise, hardly ever spoke to anyone and was understood to have been taken advantage of sexually by predatory prisoners. He was in his early 20s with many years in prison still ahead of him. Another had a habit of inserting objects into his body: a pencil in an arm, matchsticks in his ankles.”**<sup>648</sup>

**10% of men and 30% of women have had a previous psychiatric admission before entering prison.**<sup>649</sup>

**Personality disorders are particularly prevalent among people in prison. 62% of male and 57% of female sentenced prisoners have a personality disorder.**<sup>650</sup>

**According to Michael Spurr, then NOMS Chief Operating Officer, at any one time 10% of the prison population has “serious mental health problems”.**<sup>651</sup>

**A significant number of prisoners suffer from a psychotic disorder. 7% of male and 14% of female sentenced prisoners have a psychotic disorder; 14 and 23 times the level in the general population.**<sup>652</sup>

**Research undertaken by the national evaluation of prison mental health in-reach services in August 2008 at a local establishment for young and adult women found that of all of those screened, 51% had severe and enduring mental illness, 47% a major depressive disorder, 6% any psychosis and 3% schizophrenia.**<sup>653</sup>

**In an assessment of 13-18 year-olds in custody, 35% of girls and 13% of boys were identified with depression, 17% and 7% respectively deliberately harmed themselves, and 19% and 6% respectively were identified with post-traumatic stress disorder.**<sup>654</sup>

648 Erwin James, Foreword to Edgar, K., and Rickford, D. (2005) *Troubled Inside: Responding to the mental health needs of men in prison*, London: Prison Reform Trust

649 Department of Health, Conference Report, Sharing Good Practice in Prison Health, 4/5 June 2007

650 Stewart, D. (2008) *The problems and needs of newly sentenced prisoners: results from a national survey*, London: Ministry of Justice

651 Michael Spurr, Chief Operating Officer of the National Offender Management Service, speaking on the Today Programme, 2 September 2008

652 All the statistics in this section are taken from Singleton et al (1998) *Psychiatric Morbidity among Prisoners in England and Wales*, London: Office for National Statistics, unless otherwise stated.

653 The Offender Health Research Network (2009) *A National Evaluation of Prison Mental Health In-Reach Services*, Manchester: University of Manchester

654 Harrington, R., and Bailey, S. (2005) *Mental health needs and effectiveness provision for young offenders in custody and in the community*. London: YJB

**According to a Ministry of Justice self-report study amongst those who had been abused as a child, 28% reported having been treated/counselled for a mental health/emotional problem in the year prior to custody compared with 12% of those who had not experienced abuse.**<sup>655</sup>

**The same study found that more than a quarter of women reported having been treated/counselled for a mental health/emotional problem in the year before custody, compared with 16% of men.**<sup>656</sup>

**A recent study by UCL found that 40% of child sexual exploitation victims were involved in offending behaviour. 50% of the offending group had committed their first offence by 14 and 75% by 15; and that 70% of offenders reoffended, with one quarter committing 10 or more offences.**<sup>657</sup>

**There is currently insufficient data to identify how many individuals are remanded in custody pending a psychiatric report, how many are assessed as having a mental health problem, and how many are so unwell that they require transferring out of custody for treatment.**<sup>658</sup>

**In 2011, 953 prisoners were transferred to National Health Service secure services.**<sup>659</sup>

**An NHS medium secure bed costs £481 per day. The majority of transfers are to medium secure care.**<sup>660</sup> This compares with an average cost of £112 per prisoner per day.<sup>661</sup>

**HM Chief Inspector of Prisons has noted that transfer times for patients accessing secure NHS facilities continued to improve over 2011-12 but in certain areas of the country, including London, they remain problematic. At the time of the inspection of Brixton, for example, 14 patients were awaiting transfer to NHS mental health beds, one of whom had been waiting over six months.**<sup>662</sup>

**In the 12 months ending June 2012, there were a total of 23,435 incidents of self-harm in prisons, a decrease of 10% compared with the previous 12 months. There were 7,004 individuals who were recorded as having injured themselves, an increase of**

655 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

656 Ibid.

657 Cockbain, E., and Brayley, H. (2011) *Briefing Document: CSE and Youth Offending*, Jill Dando Institute of Security and Crime Science, London: UCL

658 Department of Health (2009) *The Bradley Report, Lord Bradley's report on people with mental health problems or learning disabilities in the criminal justice system*, London: Department of Health

659 Hansard HL, 22 October 2012 cWA39

660 Hansard HL, 4 November 2010, c445W.

661 Hansard HC, 25 October 2010, c40W

662 HM Chief Inspector of Prisons for England and Wales (2012) *Annual Report 2011-12*, London: The Stationery Office

2% compared with the previous 12 months.<sup>663</sup>

**The rates of men harming themselves have increased over the last five years ending June 2012, from 150 self-harm incidents per 1,000 prisoners to 194 per 1,000 prisoners.** The rates for women have fallen over the last four years, particularly over the last year. For the 12 months ending June 2012 there were 1,750 self-harm incidents per 1,000 women in prison, a reduction of 32% compared with the previous 12 months.<sup>664</sup>

**Women accounted for 31% of all incidents of self-harm despite representing just 5% of the total prison population.** The rates of women harming themselves continue to be much higher than for men but the gap has reduced.<sup>665</sup>

**Many incidents reflect prolific self-harm by the same women.** Of the prisoners who did self-harm in 2011, 43% of women and 60% of men did so once, while 6% of women and 1% of men did so more than 20 times.<sup>666</sup>

**Younger adults are more likely to self-harm than older prisoners.** In 2011 prisoners aged 18-20 accounted for 9% of the prison population but 18% of all self-harm incidents.<sup>667</sup>

**23% of self-harm incidents occurred within the first month of arriving in a prison.**<sup>668</sup>

**Over 100 prisoners were resuscitated during 2007 after serious self-harm incidents.**<sup>669</sup>

**In a case study conducted by the Safer Custody Group of 50 'prolific self-harmers', only 12 of the women studied had not experienced abuse or rape in their lives.** Of those who had experienced rape or abuse, 18 were children when it happened. Half had been in a psychiatric inpatient unit in the past, and 19 had been receiving psychiatric treatment prior to custody.<sup>670</sup>

**Only 30% of mental health in-reach team records looked at by the Prisons Inspectorate recorded ethnicity, even though this is a minimum requirement within the NHS dataset.**<sup>671</sup>

**Black and minority ethnic groups are 40% more likely than average to access mental health services via a criminal justice system gateway.**<sup>672</sup>

**The Prisons and Probation Ombudsman has drawn attention to cases when prisoners give no outward indication to staff or peers that they are feeling low or depressed as many prisoners choose to hide their real feelings from staff, and wish to keep their personal circumstances private.**<sup>673</sup>

**Prisoners with severe mental health problems are often not diverted to more appropriate secure provision.** The Chief Inspector of Prisons has estimated, based on visits to local prisons, that 41% of prisoners being held in health care centres should have been in secure NHS accommodation.<sup>674</sup> Research has found that there are up to 500 patients in prison health care centres with mental health problems sufficiently ill to require immediate NHS admission.<sup>675</sup>

**HM Chief Inspector of Prisons noted in his most recent annual report that patients with more complex mental health problems had good access to mental health staff, but services for patients with common mental health problems were less developed.** In some prisons daytime therapeutic support services and access to counselling were limited.<sup>676</sup>

**After an analysis of over 21,000 custody records in four police stations in cities in the East Midlands area of England, an appropriate adult was used in only 38 instances (0.016%).** Based on the lowest or most conservative extract of the rates of mental illness in the population, there should have been about 400 instances (1.9%), and on the more generous estimate 3,000 (14%).<sup>677</sup>

**The resettlement needs of prisoners with mental health problems are not being met.** Research found that 96% of mentally-disordered prisoners were returned to the community without supported housing, including 80% of those who had committed the most serious offences; more than three quarters had been given no appointment with outside

663 Table 2.1, Ministry of Justice (2011) Safety in Custody Statistics, Quarterly Update to June 2012, London: Ministry of Justice

664 Ibid.

665 Ibid.

666 Table 2.12 Ibid.

667 Table 2.1 Ibid.

668 Table 2.15, Ibid.

669 Ministry of Justice, Deaths in Prison Custody 2007, <http://www.justice.gov.uk/news/newsrelease010108a.htm>

670 HM Chief Inspector of Prisons (2009) Race relations in prison: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

671 Ibid.

672 Department of Health (2009) The Bradley Report, Lord Bradley's report of people with mental health problems or learning disabilities in the criminal justice system, London: Department of Health

673 Prisons and Probation Ombudsman (2009) Annual Report 2008-2009, London: COI

674 HM Inspectorate of Prisons (2004) Annual Report of HM Chief Inspector of Prisons for England and Wales 2002-03, London: The Stationery Office

675 Reed, J. (2003) Mental Health Care in Prisons, British Journal of Psychiatry 182

676 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

677 Department of Health (2009) The Bradley Report, Lord Bradley's report on people with mental health problems or learning disabilities in the criminal justice system, London: Department of Health

carers.<sup>678</sup> Many people have a right to services under health and social care legislation.<sup>679</sup>

**Prisoners considered to be suffering from anxiety and depression were more likely to be reconvicted, (59% compared with 50% than those who were not) in the year after release from custody.**<sup>680</sup>

**In a thematic review of the care and support of prisoners with mental health needs, the then HM Chief Inspector of Prisons said that “prison has become, to far too large an extent, the default setting for those with a wide range of mental and emotional disorders.”**<sup>681</sup>

**On 30 April 2009, Lord Bradley, a former Minister of State at the Home Office, published the findings of his government commissioned review of diversion services for offenders with mental health problems or learning disabilities.** His report calls for all police custody suites and courts to have access to liaison and diversion services, including: screening for vulnerable people and assessing their needs; sharing information with police to enable diversion; and signposting to local health and social care services.<sup>682</sup>

**The Bradley review called for adequate community alternatives to prison for vulnerable offenders where appropriate.** It heard evidence that 2,000 prison places per year could be saved if a proportion of eligible, short-term prisoners who committed offences while suffering mental health problems were given appropriate community sentences.<sup>683</sup>

**The review also called for the Department of Health to introduce a new 14 day maximum wait to transfer prisoners with acute, severe mental illnesses to an appropriate health setting.** A 2005 Department of Health audit had found that at any one time in the prison estate there are on average 282 prisoners waiting initial psychiatric assessment. The review finds the absence of timely assessments and the lack of specialist beds accounts for two-thirds of the delays.<sup>684</sup>

678 Melzer et al (2002) Prisoners with psychosis in England and Wales: a one-year national follow-up study, *The Howard Journal* 41

679 Edgar, K., and Rickford, D. (2009) Too little too late: an independent review of unmet mental health need in prison, London: Prison Reform Trust

680 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

681 HM Inspectorate of Prisons (2007) *The mental health of prisoners, a thematic review of the care and support of prisoners with mental health needs*, London: The Stationery Office

682 Department of Health (2009) *The Bradley Report, Lord Bradley's report of people with mental health problems or learning disabilities in the criminal justice system*, London: Department of Health

683 Ibid.

684 Ibid.

**The then HM Chief Inspector of Prisons commented in her annual report that the Bradley review had not yet led to major changes in mental healthcare in prisons.** “We continue to have particular concerns about the lack of primary mental health services, and of daycare provision for those less able to cope on the wings – though there is some better support from child and adolescent mental health services (CAMHS).”<sup>685</sup>

**Following debate in every branch in England and Wales, delegates at the WI national conference in Liverpool in June 2008 voted overwhelmingly - 6,205 in favour and 173 against - for a resolution to call a halt to the inappropriate imprisonment of the mentally ill.**<sup>686</sup>

**Following a three year campaign led by the WI in partnership with the Prison Reform Trust, the then Health Secretary Andrew Lansley and the then Justice Secretary Ken Clarke announced plans to set up a national service for the diversion of the mentally ill from the justice system into treatment and care.** The two cabinet ministers committed initial funding for 100 “diversion sites” across England and Wales.<sup>687</sup>

**The then prisons minister, Crispin Blunt, outlined in February 2011 that the Ministry of Justice, with the Department of Health, will invest £50 million by 2014 in establishing a liaison and diversion service, both in the police stations and in courts, to ensure that people who should more appropriately be treated in the health service do not go to prison.**<sup>688</sup>

**Speaking at the joint WI and Prison Reform Trust Care not Custody reception, the then Secretary of State for Health, Andrew Lansley said that “true justice for the vulnerable is about drawing them into treatment”.**

685 HM Chief Inspector of Prisons for England and Wales (2010) *Annual Report 2008-09*, London: The Stationery Office

686 <http://www.thewi.org.uk/standard.aspx?id=14999>

687 Prison Reform Trust (2011) ‘Ken Clarke and Andrew Lansley announce plans for Care Not Custody’ taken from <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/121>

688 Hansard HC, 15 February 2011, c793

## Deaths in custody

**Between 1 January 2000 and 31 December 2011 there were 2,078 deaths in prison custody.** This includes 1,089 as a result of natural causes, 914 self-inflicted deaths and 17 homicides.<sup>689</sup>

**For the 12 months ending June 2012 there were 51 self-inflicted deaths in prisons in England and Wales, a fall of 19% compared with the previous 12 months.**<sup>690</sup>

**There were 57 self-inflicted deaths in 2011.** This figure includes the death of two women, seven young people aged 18-20 and one child.<sup>691</sup>

**In the first month of 2012 two children took their own lives in prison.**<sup>692</sup>

**Thirty-three children have died in penal custody since 1990 most by self inflicted death but one following restraint and one by homicide.**<sup>693</sup>

**419 young people aged 18-24 died in prison between 1990 and 2011.** 87% of these deaths were classified as self-inflicted.<sup>694</sup>

**For the 12 months ending June 2012 there were 126 deaths from natural causes, a rise of 7% compared with the previous 12 months.** Natural cause rates have increased by around half over the last ten years.<sup>695</sup>

**Between 2000 and 2009, 319 natural deaths occurred in those aged 21-50 years which are regarded as premature deaths by the IAPDC.**<sup>696</sup>

**The average age of people dying from natural causes in prison between 2007 and 2010 inclusive was 56 years old, with the youngest aged 19 and the oldest 88 years old.** A large number of deaths are those prisoners aged between 35 and 54 years (39% of all deaths). Whilst these prisoners may be described as 'middle-aged' by community standards, they are considered to be

'older prisoners' by medical practitioners once over the age of 50. This reflects how people may age more quickly while in prison.<sup>697</sup>

**Only half of those in the youngest age group (15-34) received care equivalent to that which they could have expected in the community.** Equity of care improved with age.<sup>698</sup>

**The Prisons and Probation Ombudsman has found that in the 92 cases of deaths from natural causes in prison studied, restraints were used during final inpatient stays on 29 out of 52 occasions.**<sup>699</sup>

**20% of the Prison and Probation Ombudsman's investigations into self-inflicted deaths in custody between 2007-09 found evidence that the deceased was subject to bullying or intimidation by other prisoners in the three months prior to their death.**<sup>700</sup>

**The suicide rate for men in prison is five times greater than that for men in the community.** Boys aged 15-17 are 18 times more likely to take their own lives in prison than in the community.<sup>701</sup>

**Men recently released from prison were eight times more likely than the general population to take their own life.** Women were 36 times more likely to take their own life.<sup>702</sup>

**10 self-inflicted deaths in 2011 occurred within the first seven days in prison.**<sup>703</sup>

**In 2011, 35% of self-inflicted deaths were by prisoners held on remand, despite comprising 15% of the prison population on average during the year.** In 2010, they accounted for half of all self-inflicted deaths, and made up 18% of the population.<sup>704</sup>

697 Prisons and Probation Ombudsman (2012) Learning from PPO investigations: Natural cause deaths in prison custody 2007-2010, London: Prisons and Probation Ombudsman

698 Ibid

699 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

700 Prisons and Probation Ombudsman (2011) Learning from fatal incident investigations: Self-inflicted deaths in prison custody 2007-2009, London: Prisons and Probation Ombudsman for England and Wales

701 Fazel, S. et al, Suicides in male prisoners in England and Wales, 1978-2003, The Lancet, Vol 366, 2005

702 Pratt, D. Piper, M, Appleby, L. Webb, R. Shaw, J. Suicide in recently released prisoners: a population-based cohort study, The Lancet - Vol. 368, Issue 9530, 8 July 2006

703 Table 1.7, Ministry of Justice (2012) Safety in Custody Statistics Quarterly Update to June 2012, London: Ministry of Justice

704 Table 8, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice, and Table 1.8 (2012) Safety in Custody 2011, London: Ministry of Justice

689 Table 1.1, Ministry of Justice (2012) Safety in Custody Statistics Quarterly Update to June 2012, London: Ministry of Justice

690 Ministry of Justice (2012) Safety in Custody Statistics Quarterly Update to June 2012, London: Ministry of Justice

691 Table 1.5 Ibid.

692 Prison Reform Trust and INQUEST (2012) Fatally Flawed: has the state learned lessons from the deaths of children and young people in prison? London: Prison Reform Trust

693 <http://www.inquest.org.uk/>

694 Prison Reform Trust and INQUEST (2012) Fatally Flawed: has the state learned lessons from the deaths of children and young people in prison? London: Prison Reform Trust

695 Table 1.5 Ministry of Justice (2012) Safety in Custody Statistics Quarterly Update to June 2012, London: Ministry of Justice

696 Independent Advisory Panel on Deaths in Custody (2011) Statistical Analysis of all recorded deaths of individuals detained in state custody between 1 January 2000 and 31 December 2010, London: IAP on Deaths in Custody

In an analysis of over 200 reports into self-inflicted deaths in custody, the Prisons and Probation Ombudsman found that nearly two-thirds of deaths took place in local prisons.<sup>705</sup>

24 of the 65 prisoners who took their own lives in the 12 months ending 31 August 2009 had reported a history of attempted suicide prior to reception into their final establishment. Seventeen of these reported having attempted suicide in the previous 12 months: 10 whilst in custody and 7 whilst in the community. Eight of the 65 had a documented history of attempted suicide in their final establishment.<sup>706</sup>

Over 100 prisoners were resuscitated during 2007 after serious self-harm incidents.<sup>707</sup>

Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.<sup>708</sup>

According to the government's Social Exclusion Unit, more than 50 prisoners take their own lives shortly after release each year.<sup>709</sup>

**Deaths in prison custody and rates by apparent cause, 2000-2012 England and Wales**

Year	Homicides	Natural Causes	Self-inflicted	Other	TOTAL DEATHS	POPULATION	DEATHS PER 1,000 PRISONERS			
							Natural Causes	Self-inflicted	Other	All deaths
<b>Males and Females</b>										
2000	3	61	81	1	146	64,602	0.94	1.25	0.02	2.26
2001	0	68	73	1	142	66,301	1.03	1.10	0.02	2.14
2002	0	66	95	3	164	70,861	0.93	1.34	0.04	2.31
2003	1	86	95	1	183	73,038	1.18	1.30	0.01	2.51
2004	2	101	96	9	208	74,658	1.35	1.29	0.12	2.79
2005	3	88	78	5	174	75,980	1.16	1.03	0.07	2.29
2006	0	83	67	3	153	78,151	1.06	0.86	0.04	1.96
2007	2	89	92	2	185	80,380	1.11	1.14	0.02	2.30
2008	3	98	61	3	165	82,636	1.19	0.74	0.04	2.00
2009	0	105	61	3	169	83,559	1.26	0.73	0.04	2.02
2010	1	125	58	13	197	84,725	1.48	0.68	0.15	2.33
2011	2	119	57	14	192	85,851	1.39	0.66	0.16	2.24

Ministry of Justice (2012) Safety in Custody Statistics Quarterly Update to June 2012, London: Ministry of Justice

705 Prisons and Probation Ombudsman (2012) Annual Report 2011-12, London: Prisons and Probation Ombudsman

706 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

707 Ministry of Justice, Deaths in Prison Custody 2007, <http://www.justice.gov.uk/news/newsrelease010108a.htm>

708 NOMS, Safer Custody News, January/February 2010

709 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

## Disability, health and wellbeing

An estimate of 36% of prisoners interviewed in the *Surveying Prisoner Crime Reduction* study were considered to have a disability when survey answers about disability and health, including mental health, were screened.<sup>710</sup>

18% of prisoners interviewed were considered to have a physical disability.<sup>711</sup>

There is a large variation in the current estimates of the prevalence of disability amongst prisoners, from 5% on the prison database to 34% of surveyed prisoners self-reporting disability.<sup>712</sup>

24% of prisoners who responded to the Prison Reform Trust's advice and information service survey said they had a disability. A hearing impairment and arthritis were most common.

In HM Inspectorate of Prisons surveys, 19% of prisoners reported having a disability.<sup>713</sup>

Through its reports, the Inspectorate found that many prisons did not have a disability policy and it was rare to find any form of needs analysis or consultation with prisoners to help establishments to carry out their duties under the Disability Discrimination Act.<sup>714</sup>

When asked about their entry into custody, disabled prisoners were more likely to state that they felt extremely alone during their first days in prison (55%) than non-disabled prisoners (36%), and that they felt worried and confused when they arrived (60% compared to 42%).<sup>715</sup>

A higher proportion of disabled prisoners than non-disabled prisoners stated that they need help with a medical problem (35% compared to 10%) and with a mental health or emotional problem (40% compared to 9%). A higher proportion of disabled prisoners than non-disabled prisoners stated that they had ever self-harmed, and that they had ever attempted suicide (24% compared to 9%, and 40% compared to 15% respectively).<sup>716</sup>

### In 18 out of 24 inspections carried out by HM

710 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

711 Ibid.

712 Ibid.

713 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

714 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office

715 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

716 Ibid.

Inspectorate of Prisons, disability officers said they did not have enough time, support or training to carry out their task.<sup>717</sup>

Following a judicial review by a disabled prisoner (who had not been provided with an accessible cell or motorised wheelchair) the Prison Service accepted that both PSO 2855 (prisoners with disabilities) and PSO 0900 (categorisation and allocation) would be amended to comply with the requirements of the DDA. This resulted in new guidance being issued in PSI 31/2008 now superseded by PSI 32/2011.

In 2010 the then HM Chief Inspector of Prisons said in her annual report, that often inspectors found that prisoners with mobility difficulties suffered considerable disadvantage because of the refusal by prison staff to push wheelchairs without training. Anne Owers added that "it is unacceptable that this has not been resolved."<sup>718</sup>

Despite this, the most recent Inspectorate report states "we remained concerned that while some prisons had clearly identified schemes for assisting disabled prisoners in wheelchairs, in some cases, staff still declined to do so."<sup>719</sup>

Fewer than one in 10 youth offending team (YOT) staff said there was somebody at their YOT who carried responsibility for children with disabilities.<sup>720</sup>

Half of all those sentenced to custody are not registered with a GP prior to being sent to prison.<sup>721</sup>

The most recent joint report by the Inspectorate of Prisons and Care Quality Commission found that of their sample of 21 PCTs only one had a policy in place to ensure continuity of healthcare during transfer and release, and that the situation seems to be getting worse rather than better.<sup>722</sup>

83% of women in prison stated that they had long-standing illness, compared with 32% of the general female population. 73% were on medication on arrival at prison – mainly benzodiazepines (42%), methadone (36%), antidepressants (14%), and sleeping pills (10%).<sup>723</sup>

717 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006-07, London: The Stationery Office

718 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

719 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

720 Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust

721 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

722 Care Quality Commission and HM Inspectorate of Prisons (2010) Commissioning health care in prisons, London: Care Quality Commission and HM Inspectorate of Prisons

723 Plugge, E., et al (2006) The Health of Women in Prison, Oxford:

Prior to imprisonment 85% of women were smokers, 75% had used illegal drugs and 40% drank alcohol in excess of the recommended limits.<sup>724</sup>

HM Inspectorate of Prisons also noted a paucity of health information in different languages and, of particular concern, the use of prisoners to translate for others.<sup>725</sup>

Across the prison estate only 40% of prisoners participate in exercise.<sup>726</sup>

40% of boys aged 15-18 years old (an increase from 31% in 2009-10) and 88% of young women surveyed said they could take daily exercise.<sup>727</sup>

79% of boys (15-18) reported visiting the gym once or more than once a week.<sup>728</sup>

The average number of hours prisoners spend exercising per week is 2.4 for adults, 3.8 for young people, and 3.9 for children.<sup>729</sup>

An average of £2.20 per day was spent on food and drink per prisoner in 2010-11 financial year.<sup>730</sup>

Only 15% of prisoners surveyed said that on average they spend 10 or more hours out of their cell on a weekday.<sup>731</sup>

To meet the 3% year-on-year efficiency savings, the Prison Service decided, with ministerial support, to reduce the core week for prisoners from April 2008. Prisoners are now locked up for half-a-day a week more than before, thus reducing constructive activity and time outside cells.<sup>732</sup>

The majority of adult male prisons offer prisoners between seven and nine hours out of their cells. Prisoners are sometimes locked up as early as 6.30pm during the week due to the reduction in the core day. This makes it very difficult to telephone family and friends in the evenings. The reduced core day also meant prisoners were locked up after the evening meal on weekends.<sup>733</sup>

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Department of Public Health

724 Ministry of Justice (2009) Statistics on Women and the Criminal Justice System, London: Ministry of Justice

725 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office

726 House of Commons Committee of Public Accounts (2006) Serving time: prisoner diet and exercise, 56<sup>th</sup> Report of Session 2005-06, London: The Stationery Office

727 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

728 Figure 32, Ibid.

729 Hansard HC, 29 January 2008, c304W and Hansard HC, 7 December 2010, c207W

730 Hansard HC, 26 April 2011, c171W

731 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

732 Paul Tidball, Prison Governors' Association, Justice Select Committee, Oral evidence, Towards effective sentencing, 12 December 2007

733 HM Chief Inspector of Prisons for England and Wales (2011)

However the Prisons Inspectorate maintain that official figures on time out of cell "often make heroic assumptions – that every prisoner is out for all the time possible; that every workshop is filled to capacity; and in some cases that none are unemployed".<sup>734</sup>

The proportion of boys who can go on association every day had increased to 70% from 59% in 2009-10, and remains high for girls at 93%.<sup>735</sup>

In March 2010, 1,973 prison places did not have in-cell sanitation or open access to toilet facilities.<sup>736</sup>

A survey conducted by the National AIDS Trust and the Prison Reform Trust among prison healthcare managers across the UK, found that a third of prisons surveyed had no HIV policy, one in five had no hepatitis C policy and well over half had no sexual health policy. This is despite the fact that the most recent survey of prevalence in prison found HIV was 15 times higher than in the community.<sup>737</sup>

Investment in prison healthcare in 2011-12 stood at £231.7 million, this has increased from £130 million in 2003-04.<sup>738</sup>

56% of boys and 72% girls (15-18) reported that the quality of prison healthcare was either good or very good.<sup>739</sup>

For boys who had been to healthcare, 61% thought that the overall quality was good/very good, compared to 75% of girls, down from 65% and 82% in 2009-10.<sup>740</sup>

Black and minority ethnic boys reported worse access to healthcare services in all areas, and only 55% said they thought the overall quality of healthcare was good or very good, compared with 66% of white boys.

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Annual Report 2010-11, London: The Stationery Office

734 HM Inspectorate of Prisons (2008) Time Out of Cell Thematic Review, London: The Stationery Office

735 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

736 Hansard HC, 7 December 2010, c204W

737 Prison Reform Trust and National AIDS Trust (2005) HIV and Hepatitis in UK Prisons: Addressing Prisoners' Healthcare Needs, London: Prison Reform Trust

738 Hansard HC, 7 July 2011, c1341W

739 Parke, S., (2009) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2006-2008, an analysis of the experiences of 15-18-year-olds in prison, London: The Stationery Office

740 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

## Drugs

**At the end of September 2012, 14% of men and 16% of women in prison were serving sentences for drug offences.**<sup>741</sup>

**There is a much wider group of prisoners whose offence is in some way drug related.** Shoplifting, burglary, vehicle crime and theft can be linked to drug misuse. Over half of prisoners (55%) report committing offences connected to their drug taking, with the need for money to buy drugs the most commonly cited factor.<sup>742</sup>

**81% of people arrested who used heroin and/or crack at least once a week said they committed an acquisitive crime in the previous 12 months, compared with 30% of other arrestees.** 31% reported an average of at least one crime a day, compared with 3% of other arrestees.<sup>743</sup>

**In 20% of violent crimes reported to the 2010-11 British Crime Survey, the victim believed that the offender was under the influence of drugs.** 20% of robbery victims believed their attacker to be under the influence of drugs.<sup>744</sup>

**Between a third and a half of new receptions into prison are estimated to be problem drug users (equivalent to between 45,000 and 65,000 prisoners in England and Wales).**<sup>745</sup>

**A report by the Cabinet Office Social Exclusion Task Force found that around 70% of women coming into custody require clinical detoxification and that 65% had used a drug during the year before custody.**<sup>746</sup>

**52% of women surveyed said that they had used heroin, crack, or cocaine powder in the four weeks prior to custody, compared to 40% of men.** However, practitioners report that women may hide or underplay substance misuse through fear of losing their children.<sup>747</sup>

**Rates of using heroin, cocaine or crack were higher (44% to 35%) for prisoners sentenced to less than one year than those serving longer terms.**<sup>748</sup>

**In Prison Inspectorate surveys overall, 29% of prisoners reported having a drug problem when**

**they arrived at the prison and 6% said they had developed a drug problem since their arrival.**<sup>749</sup>

**The proportion arriving with a drug problem is highest in local prisons (38%).** In local prisons, 9% of survey respondents said they had developed a drug problem in the prison, with a similar proportion in category C prisons and high security prisons. Nearly a third of the local and a quarter of the young adult population thought they would leave prison with a drug problem.<sup>750</sup>

**In some inner city local prisons as many as eight out of 10 men are found to have class A drugs in their system on reception**<sup>751</sup> **and in the local women's prison, Styal, the same number of new arrivals are thought to have drug problems.**<sup>752</sup>

**Prisoners interviewed for the *Surveying Prisoner Crime Reduction* study who had been taken into care as a child were more likely to have used drugs in the past year (84% compared with 67% of those who were not taken into care).**<sup>753</sup>

**Prisoners were also more likely to have taken drugs in the past year if they had experienced abuse as a child (80% compared with 67% of those who did not experience abuse) or observed violence in the home (81% compared with 64% of those who did not witness violence).**<sup>754</sup>

**Drug use amongst prisoners in custody is reported to be high.** A Home Office study found that four out of 10 prisoners said they had used drugs at least once whilst in their current prison, a quarter had used in the past month and 16% in the past week. Cannabis and opiates were the drugs most often used. Almost a third of prisoners reported cannabis use and one in five opiate use in their current prison, while 9% and 10% respectively reported using these drugs in the past week.<sup>755</sup>

**Almost one in five (19%) of the 3,489 prisoners interviewed for the *Surveying Prisoner Crime Reduction* study who had ever used heroin reported first using heroin in prison.** This means that between 7% and 8% of all prisoners in the sample started using heroin whilst in custody.<sup>756</sup>

741 Table 1.3a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, April to June 2012, London: Ministry of Justice

742 Ramsay, M. (ed.) (2003) Prisoners' drug use and treatment: seven studies, Home Office Research Findings 186, London: Home Office

743 UK Drug Policy Commission (2008) Reducing drug use, reducing reoffending, London: UKDPC

744 Table 7.10, Home Office (2011) Nature of Violent Crime, London: Home Office

745 UK Drug Policy Commission (2008) Reducing drug use, reducing reoffending, London: UKDPC

746 Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office

747 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

748 Ibid.

749 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

750 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

751 Interview with Prison Service Director General, Phil Wheatley, Independent, 1 December 2003

752 HM Prisons Inspectorate (2004) Report on a full unannounced inspection of HMP and YOI Styal 19-23 January 2004, London: Home Office

753 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

754 Ibid.

755 Singleton et al (2005) The impact and effectiveness of Mandatory Drugs Tests in prison, Findings 223 London: Home Office

756 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

**24% of prisoners reported to the Prisons Inspectorate that it was easy or very easy to get drugs in their prison.**<sup>757</sup>

**Prisoners being held in large prisons find it easier to get illegal drugs than those in small prisons (38% compared to 26%).** They are also less likely to know who to contact to get help with drug addiction.<sup>758</sup>

**All prisoners are subject to random mandatory drug tests (MDTs).** In 2010-11 7.1% of the prison population tested positive from random mandatory drug tests compared with 9.3% in 2008-09.<sup>759</sup> But a Home Office study found that “mandatory drug testing results generally underestimate the level of drug misuse as reported by prisoners”.<sup>760</sup> In addition HM Inspectorate of Prisons reported frequently seeing MDT programme staff diverted to other duties, resulting in a lack of timely target testing and abandoned tests.<sup>761</sup>

**Less than a third of prisoners in surveys carried out by the Prisons Inspectorate in local, high secure and women’s prisons reported that they felt their drug or alcohol programme would help them on release.**<sup>762</sup>

**Analysis shows that drug treatment programmes in prison, especially psycho-social programmes and therapeutic communities, were associated with a 26% reduction in criminal behaviour.**<sup>763</sup>

**One factor that had improved safety in prisons was the continued development of the integrated drug treatment system (IDTS) which had improved the clinical management of substance misuse.**<sup>764</sup>

**During 2011-12 the Prisons Inspectorate welcomed a shift in emphasis from long-term methadone maintenance prescribing to a recovery-orientated drug treatment approach.**<sup>765</sup>

**The Prisons Inspectorate had previously reported on the diversion of prescription drugs in high security and vulnerable prisoner populations. This year the Inspectorate saw this problem**

757 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

758 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

759 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

760 Singleton et al (2005) The impact and effectiveness of Mandatory Drugs Tests in prison, London: Home Office

761 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

762 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office

763 National Offender Management Service (2010) What works with offenders who misuse drugs?, London: Ministry of Justice

764 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

765 Ibid.

**spreading to mainstream populations and it has become a major concern.** These prescription drugs are not routinely detected under current mandatory drug testing procedures which therefore understate the availability of abused drugs in prison. Diverted medication is now reported in the majority of prisons inspected, resulting in problems such as drug debts, bullying, unknown interactions with other prescribed drugs and the risk of overdose.<sup>766</sup>

**In 2010-11 the Ministry of Justice allocated a total of £71.4 million for drug and alcohol treatment services in prisons and young offender institutions across England and Wales.**<sup>767</sup>

**Transfers between prisons due to overcrowding often disrupt drug treatment.** National Audit Office research found that a third of prisons were unlikely to be able to continue the treatment of prisoners transferred to them.<sup>768</sup>

**Drug use on release from prison is very high.** One survey of prisoners who had mostly served short sentences and had used drugs in the 12 months before imprisonment, found that 77% admitted taking illegal drugs since release.<sup>769</sup>

**The risk of death is strikingly acute in the first and second weeks following release from prison.** Relative to the general population, male prisoners are 29 times more likely to die during the week following release, while female prisoners are 69 times more likely to die during this period. The same study found that 59% of deaths following release were drug related.<sup>770</sup>

**Offenders who receive residential drug treatment are 45% less likely to reoffend after release than comparable offenders receiving prison sentences.**<sup>771</sup>

**£120.4 million has been allocated for 2011-12 for all drug treatment to adult prisoners.** Investment in the prisons Integrated Drug Treatment System increased from £39.9 million in 2009-10 to £44.5 million in both 2010-11 and 2011-12.<sup>772</sup>

766 Ibid.

767 Hansard HC, 21 December 2010, c1166W

768 National Audit Office (2002) Reducing reoffending, London: National Audit Office

769 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

770 Farrell, M. and Marsden, J. (2005) Drug-related mortality among newly released offenders 1998 to 2000, Home Office online report 40/05, London: Home Office

771 Matrix Knowledge Group (2007) The economic case for and against prison, London: Matrix Knowledge Group

772 Hansard HC, 7 July 2011, c1341W

## Alcohol

In 44% of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.<sup>773</sup>

Nearly two-thirds of sentenced men (63%) and two-fifths of sentenced women (39%) admit to hazardous drinking which carries the risk of physical or mental harm. Of these, about half have a severe alcohol dependency.<sup>774</sup>

According to HM Chief Inspector of Prisons the level of alcohol use on entering custody was not properly assessed in many prisons.<sup>775</sup>

22% of prisoners surveyed by HM Inspectorate of Prisons reported having an alcohol problem when they entered their prison. It was even higher among young adults (27%) and women (29%). These figures almost certainly underestimate the scale of the problem, as many of those with alcohol problems will fail to recognise or acknowledge them.<sup>776</sup>

26% of the local and 23% of the young adult prison populations believed they would leave with an alcohol problem.<sup>777</sup>

54% of the surveyed prisoners with alcohol problems also reported a problem with drugs, and 44% said they had emotional or mental health issues in addition to their alcohol problems. The correlation with emotional or mental health problems was especially pronounced among the women surveyed.<sup>778</sup>

Alcohol use is accepted as a key risk factor in predicting violent reoffending.<sup>779</sup>

Over three quarters (78%) of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study said they had drunk alcohol in the 12 months prior to custody. 22% had drunk alcohol every day in the four weeks prior to custody. However, less than one in 10 respondents (9%) said they would need a lot of help for an alcohol problem, and a further 6% said they needed a little help.<sup>780</sup>

773 Table 7.10, Home Office (2011) *Nature of Violent Crime*, London: Home Office

774 Prison Reform Trust (2004) *Alcohol and reoffending: who cares?* London: Prison Reform Trust

775 HM Chief Inspector of Prisons for England and Wales (2009) *Annual Report 2007-08*, London: The Stationery Office

776 HM Chief Inspector of Prisons for England and Wales (2011) *Annual Report 2010-11*, London: HMIP and HM Chief Inspector of Prisons for England and Wales (2010) *Alcohol services in prisons: an unmet need*, London: The Stationery Office

777 HM Chief Inspector of Prisons for England and Wales (2011) *Annual Report 2010-11*, London: The Stationery Office

778 HM Chief Inspector of Prisons for England and Wales (2010) *Annual Report 2009-10*, London: The Stationery Office

779 HM Chief Inspector of Prisons for England and Wales (2010) *Alcohol services in prisons: an unmet need*, London: The Stationery Office

780 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

Almost a third (32%) of the prisoners who said that they had a family member with an alcohol problem drank every day in the four weeks prior to custody. Daily-drinking prisoners (before custody) had a higher rate of reconviction, with 62% reconvicted within a year after release compared with those who drank less (49%). These prisoners were also less likely to have been employed during the same period than those who drank less frequently (24% compared with 34%).<sup>781</sup>

Of the prisons inspected in 2010-11, the Inspectorate found that 88% had drug strategies in place and 75% had either a combined or separate alcohol strategy.<sup>782</sup>

The Inspectorate found that at every stage in prison, the needs of prisoners with alcohol problems are less likely to be either assessed or met than those with illicit drug problems. Services for alcohol users were very limited, particularly for those who did not also use illicit drugs.<sup>783</sup>

Misuse of alcohol and irresponsible drinking result in economic and social costs in the region of £12-18 billion per year.<sup>784</sup>

44% of young adults (18-24) are binge drinkers. 27% of binge drinkers admitted committing an offence in 2005 – compared with 13% of drinkers who did not binge.<sup>785</sup>

Children who have begun binge drinking by the age of 16 are 90% more likely to have criminal convictions by the age of 30.<sup>786</sup>

The then HM Chief Inspector of Prisons said that “the growing salience of alcohol as both a health and a criminogenic problem is not yet reflected in national or local substance misuse strategies.”<sup>787</sup>

781 Ibid.

782 HM Chief Inspector of Prisons for England and Wales (2011) *Annual Report 2010-11*, London: The Stationery Office

783 Ibid.

784 Home Office (2009) *Home Office Departmental Report 2009*, London: The Stationery Office

785 Home Office, *Alcohol-related crime and disorder, 2005*

786 Viner, R. M., and Taylor, B., (2007) *Adult outcomes of binge drinking in adolescence: findings from a UK national birth cohort*, *J Epidemiol Community Health* 2007; 61

787 HM Chief Inspector of Prisons for England and Wales (2009) *Annual Report 2007-08*, London: The Stationery Office

## Housing and employment

**15% of newly sentenced prisoners reported being homeless before custody. 9% were sleeping rough.** 44% of prisoners reported living in their accommodation prior to custody for less than a year and 28% had lived there for less than six months.<sup>788</sup>

**12% of prisoners depend on housing benefit to help with their rent before they enter custody.**<sup>789</sup> However, 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 lose their housing.

**37% of newly sentenced prisoners stated that they would need help finding a place to live when released.**<sup>790</sup>

**60% of prisoners reported that having a place to live would help them stop reoffending.**<sup>791</sup>

**Prisoners who reported being homeless before custody were more likely to be reconvicted upon release than prisoners who didn't report being homeless (79% compared to 47% in the first year and 84% compared to 60% in the second year after release).** Those who had been in their accommodation for less than a year were also more likely to be reconvicted than those who had been in their accommodation for more than a year (52% compared to 43% in the first year and 67% compared to 57% in the second year after release).<sup>792</sup>

**75% of 'prolific and other priority offenders' were found to have a housing need compared to 30% for the general offender population.**<sup>793</sup>

**35% of young people aged 16-25 felt a lack of accommodation was the factor most likely to make them offend.**<sup>794</sup>

**Many prisoners do not receive advice on housing.** A Big Issue survey of its vendors found that 13% had received housing advice and the House of Commons Home Affairs Committee found

788 Ministry of Justice (2012) Research Summary 3/12, Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice

789 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

790 Ministry of Justice (2012) Research Summary 3/12, Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice

791 Ibid

792 Ibid

793 Homeless Link (2009) Criminal justice policy briefing, London: Homeless Link

794 Ibid.

that only 19% of prisoners received advice or guidance about accommodation.<sup>795</sup>

**Prisoners held in large prisons are much less likely to receive help arranging accommodation than those held in small prisons.**<sup>796</sup>

**18% of clients in an average homelessness project are prison leavers.**<sup>797</sup>

**46% of homeless people surveyed across six UK cities had been in prison or young offender institution, first occurring at an average age of 21.**<sup>798</sup>

**A lack of accommodation can also severely hinder former prisoners' chances of finding employment.** Almost one quarter of employers would not consider employing a homeless person.<sup>799</sup>

**Homelessness can prevent former prisoners from accessing support services such as benefits or registering with a GP.**<sup>800</sup>

**Getting ex-prisoners into stable housing can act as a gateway to effective resettlement.** Home Office research has found that prisoners who have accommodation arranged on release are four times more likely to have employment, education or training arranged than those who do not have accommodation in place.<sup>801</sup>

**32% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study reported being in paid employment in the four weeks before custody. 13% reported never having had a job.**<sup>802</sup>

**37% of prisoners did not expect to return to their jobs upon release. A quarter of these job losses were because of a reason connected with offending (being sent to prison or because of their criminal record).**<sup>803</sup>

795 House of Commons Home Affairs Committee (2005) Rehabilitation of Prisoners, First Report of Session 2004-2005, London: The Stationery Office. More than one-third of Big Issue vendors are ex-prisoners

796 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

797 Ibid.

798 Fitzpatrick et al. (2010) Multiple exclusion homelessness across the UK: A quantitative survey, London: Heriot-Watt University

799 Citizens Advice (2007) Locked Out: CAB evidence on prisoners and ex-offenders, London: Citizens Advice

800 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

801 Niven, S. and Stewart, D. (2005) Resettlement outcomes on release from prison, Home Office Findings 248, London: Home Office; Home Office (2001) Jobs and Homes - a survey of prisoners nearing release, Findings 173, London: Home Office

802 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

803 Ibid

**Prisoners who reported having been employed at some point in the year before custody were less likely to be reconvicted in the year after release than those who didn't report having been employed (40% compared with 65%).<sup>804</sup>**

**A survey by the Chartered Institute of Personnel and Development showed that people with a criminal record are part of the "core jobless group" that more than 60% of employers deliberately exclude when recruiting.<sup>805</sup>**

**48% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* survey reported needing help with finding a job on release, with 34% reporting needing a lot of help.<sup>806</sup>**

**Prison Inspectorate surveys show that relatively few prisoners knew who to contact for help in finding a job. With the exception of open prisons, between 43% and 52% of prisoners believed they would have problems finding a job on release.<sup>807</sup>**

**Prisoners being held in small prisons are more likely to know who to contact for help in finding a job than those held in large prisons (47% compared with 36%).<sup>808</sup>**

**68% of prisoners thought that 'having a job' was important in stopping reoffending.<sup>809</sup>**

**In 2011-12, 27% of prisoners entered employment on release from prison.<sup>810</sup>**

**A recent report on the resettlement of fathers with their families showed that fewer fathers were employed after prison (34.2%) compared to before prison (55%). The fathers' income had also decreased from before to after prison by over £100 per week.<sup>811</sup>**

**The Department for Work and Pensions estimates that 49% of the 12 months following release from prison were spent claiming Job Seekers Allowance, Incapacity Benefit or Employment Support Allowance and 49% of offenders were on benefits at the 12 months point after release.<sup>812</sup>**

**The Legal Aid, Sentencing and Punishment of Offenders Act (2012) has reformed the Rehabilitation of Offenders Act (1974) by extending the maximum sentence that can become "spent" from 30 months to four years and significantly reducing the period before which fines, community orders and short custodial sentences become spent. When implemented, under the new system they will start from the point when an offender completes their sentence, rather than at the date of their conviction.<sup>813</sup>**

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804 Ibid

805 Chartered Institute of Personnel and Development, Labour Market Outlook, Summer 2005

806 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

807 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

808 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

809 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

810 Table 19, Ministry of Justice (2011) National Offender Management Service Annual Report 2011-12: Management Information Addendum, London: Ministry of Justice

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811 Losel, F. et al (2012) Risk and protective factors in the resettlement of imprisoned fathers with their families, Cambridge: University of Cambridge and Ormiston

812 Department for Work and Pensions, Ministry of Justice (2011) Provisional estimate of benefit claims by recently released prisoners, London: Ministry of Justice

813 <http://www.legislation.gov.uk/ukpga/2012/10/part/3/chapter/8/enacted>

## Education and skills

**47% of prisoners say they have no qualifications.**<sup>814</sup>

**21% of prisoners reported needing help with reading and writing or ability with numbers, 41% with education, and 40% to improve work-related skills.**<sup>815</sup>

**Educational attainment at GCSE level at grades A-C was similar amongst prisoners and the general population, although this may be due to prison education programmes.** Around 5% of prisoners were educated to a level higher than A-levels, with approximately 3% having university degrees. In 2003, the percentage of the population of working age in the UK holding a degree was approximately 16%.<sup>816</sup>

**41% of men, 30% of women and 52% of young offenders were permanently excluded from school.**<sup>817</sup>

**The educational background of children in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education.**<sup>818</sup>

**It has been estimated that 48% of prisoners are at, or below, GCSE level (grades D-G) in reading, 65% in numeracy and 82% in writing.**<sup>819</sup>

**The Social Exclusion Unit also found that basic skills learning can contribute to a reduction in reoffending of around 12%.**<sup>820</sup> However, the House of Commons education and skills committee expressed concern that “the heavy concentration on basic skills qualifications is based on little more than a hunch” and urged the government to undertake more research.<sup>821</sup>

814 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

815 Ibid.

816 Ibid.

817 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

818 Summerfield, A. (2011) Children and Young People in Custody 2010–11, London: HM Inspectorate of Prisons and Youth Justice Board

819 Office for National Statistics (2003) Prison Statistics England and Wales 2001, London: ONS, and Annex: Definition of Skill Levels in Department for Business, Innovation and Skills (2011) 2011 Skills for Life Survey, London: BIS. For a detailed explanation of how these figures were calculated, and their limitations, see Champion, N. (2012) Brain Cells, second edition, Listening to Prisoner Learners, Mitcham: Prisoners Education Trust

820 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

821 House of Commons Education and Skills Committee, Prison Education, Seventh Report of Session 2004-2005

**63% of offenders who had been expelled or permanently excluded from school were reconvicted for an offence within a year, compared with 44% of offenders who were not.**<sup>822</sup>

**Prisoners who reported having a qualification were less likely to be reconvicted in the year after release from custody (45% compared to 60%) than those who reported having no qualifications.**<sup>823</sup>

**In the 2008-09 academic year, there were 98,324 prisoners engaged in learning and skills in custody.**<sup>824</sup>

**In 2008-09 an average of £1,631 per prisoner per year was spent on education in custody.** This is less than half the average cost of secondary school education at £2,590 per student per year, which many prisoners have missed.<sup>825</sup>

**In 2010-11, the Department for Business, Innovation and Skills planned to spend £171 million on offender learning in English public sector prisons.** In addition £2.4 million is allocated for education in public sector prisons in Wales.<sup>826</sup>

**The National Audit Office has found that only around a fifth of prisoners with serious literacy or numeracy needs enrol on a course that would help them.**<sup>827</sup>

**Young people in prison service YOIs receive an average of 27.5 hours per person per week of education, training and personal development.** This is 6.4 hours less than in private YOIs, where young people receive an average of 33.9 hours of education, training and personal development activity per week.<sup>828</sup>

**Whilst the overall profile of prisons inspected by Ofsted in 2010-11 is slightly more positive than last year, none of the 24 prisons inspected received an overall outstanding judgement for the quality of teaching, and 15 (63%) were rated no better than satisfactory.**<sup>829</sup>

822 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

823 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

824 Hansard HC, 25 October 2010, c38W

825 Ibid.

826 Hansard HC, 18 January 2011, c687W

827 House of Commons Committee of Public Accounts (2008) Meeting needs? The Offenders' Learning and Skills Service, London: The Stationery Office

828 Hansard HC, 18 January 2010, c27W

829 Ofsted (2011) The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2010/11, London: The Stationery Office

**Five young offender institutions inspected in 2010/11 for their provision for 15–17-year-olds were judged good, one satisfactory and one inadequate.**<sup>830</sup>

**In a survey by the Prisoners Education Trust, 70% of respondents said that ‘improving employability’ was a motivating factor in learning, particularly for those under 30.** Over 80% of respondents felt that learning had improved their ‘outlook on life’ and three quarters noted improved self-discipline and communication skills. Importantly these are exactly the personal skills which employers are looking for when considering hiring ex-offenders, according to a report by CfBT Education Trust.<sup>831</sup>

**Of the 21% of survey respondents with no qualifications before entering prison, 70% stated they had gained qualifications whilst in prison.**

However of the 18% of respondents who already had level three qualifications (e.g. A-levels or NVQ3) before going into prison, a third gained a level one qualification and 36% gained a level two, meaning they had regressed to levels below that which they had already achieved.<sup>832</sup>

**16% of prisoners had education and training places in the community at the end of their sentence in 2011-12.**<sup>833</sup>

**While in custody, the majority of young people undertake some form of education or training.** 69% of young men and 70% of young women surveyed said they thought this would help them on release. Most young people were able to gain some form of meaningful accreditation during their time in custody, and for many this was their first experience of educational achievement.<sup>834</sup>

**Around three-quarters of boys and almost all girls surveyed said that they were taking part in education.** Yet only 64% of boys felt that this education would help them on release and 60% – a fall from 64% in 2009–10 – said they planned to go into education once released.<sup>835</sup>

830 Ibid.

831 Inside Time (2012) Prisoners Education Trust Survey, Inside Time May 2012

832 Ibid

833 Table 16, Ministry of Justice (2011) National Offender Management Service Annual Report 2011-12: Management Information Addendum, London: Ministry of Justice

834 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

835 Summerfield, A. (2011) Children and Young People in Custody 2010–11, London: HM Inspectorate of Prisons and Youth Justice Board

## Financial exclusion

Assessments for 2007 suggest over 23,000 offenders had financial problems linked to their offending.<sup>836</sup>

A Cabinet Office study found that 28% of women offenders' crimes were financially motivated, compared to 20% of men.<sup>837</sup>

Between one-fifth and one-third of prisoners surveyed believed they would experience difficulties with their finances and claiming benefits after release.<sup>838</sup>

Many prisons provide money management or budgeting courses through their education department and almost half of the prisons inspected in 2010-11 gave prisoners the opportunity to open bank accounts. Disappointingly, the take up of many of these services was limited and outcomes were not rigorously assessed.<sup>839</sup>

A third of prisoners interviewed for a Prison Reform Trust and UNLOCK report said they did not have a bank account; and of these, 31% had never had one.<sup>840</sup>

48% of people in prison have a history of debt which can present problems for both prisoners and families on release.<sup>841</sup>

40% of prisoners and 64% of former prisoners feel that their debts had worsened during their sentence. Over half of prisoners families have had to borrow money since the imprisonment of their relative.<sup>842</sup>

More than half of people in prison said that they had been rejected for a bank loan and 8% said they had tried to borrow from a loan shark (a rate over 10 times higher than the average UK household).<sup>843</sup>

In a survey of prison outreach services run by Citizens Advice, all respondents said that debt is one of the top five issues that can cause reoffending or poor reintegration into society.<sup>844</sup>

**HM Prisons Inspectorate found that debt advice had reduced in many prisons over the year 2008-09.**<sup>845</sup>

836 Home Office (2005) The National Reducing Re-offending Delivery Plan, London: Home Office

837 Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office. Note: evidence from analysis of Offender Assessment System data

838 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

839 Ibid.

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

841 National Offender Management Service (2007) Signposting Offenders to Financial Capability Training, Debt Advice and Financial Services, London: Ministry of Justice

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

843 Ibid.

844 Citizens' Advice Bureau (2007) Locked Out: CAB evidence on prisoners and ex-offenders, London: Citizens Advice

845 HM Chief Inspector of Prisons for England and Wales (2010)

Although less than a third of prisoners were unsure, or very unsure, about managing their money, more than half were unsure, or very unsure, dealing with banks.<sup>846</sup>

Only 5% of people in prison said they had been asked about how their families would cope financially while in prison.<sup>847</sup>

One significant area of need for people leaving prison is insurance.<sup>848</sup> All sentenced prisoners leave custody with an unspent conviction, while they are still in their 'rehabilitation period'. This typically ranges from 10 years following a six month sentence, to forever for prison sentences over 30 months. Non-disclosure is illegal, and will invalidate insurance or lead to prosecution.

Over four in five former prisoners said it was harder to get insurance and four-fifths said that, when they did get insurance, they were charged more. 77% of prisoners who had stable accommodation did not have home insurance. The inability to access insurance has implications including preventing access to mortgages and many forms of employment or self-employment.<sup>849</sup>

Almost two thirds of prisoners surveyed (64%) said they had claimed benefits during the 12 months before they went to prison. Those who reported having claimed benefits were more likely to be reconvicted (58% compared with 41%) than those who did not report having claimed benefits.<sup>850</sup>

The amount of discharge grant has remained fixed at £46.75 since 1997. According to Citizens Advice, "this amount is insufficient to last for a week, let alone the 11 to 18 days which are the target benefit claim processing times."<sup>851</sup> A recommendation to close this 'benefit gap' was made to the Prime Minister by the Social Exclusion Unit in 2002.<sup>852</sup>

In 2011-12, 27% of prisoners entered employment on release from prison.<sup>853</sup>

The government has committed to bring forward jobseeker's allowance (JSA) claims whilst people are in prison. This forms part of their plans to introduce all prison leavers claiming JSA to the new Work Programme on release from custody.

Annual Report 2008-09, London: The Stationery Office

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

847 Ibid.

848 UNLOCK (2008) Unlocking Insurance, issues and evidence, Kent: UNLOCK. See also, Bath, C. (2008) Time served: unlocking insurance to help reintegrate offenders into society, The Chartered Insurance Institute: <http://www.cii.co.uk/pages/research/thinkpieces.aspx>

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

850 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

851 Ibid.

852 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

853 Table 19, Ministry of Justice (2011) National Offender Management Service Annual Report 2011-12: Management Information Addendum, London: Ministry of Justice

## Prison work and volunteering

At present some 9,000 prisoners are employed in industrial workshops across the prison estate engaged in a wide range of activity from printing to commercial laundry, textile production, manufacturing and distribution, supported by 1,000 trained instructors. The National Offender Management Service aims to at least double that number over the next decade.<sup>854</sup> Even at that higher number, only around 20% of the prison population would be employed.

High rates of both unconvicted (40%) and convicted unsentenced prisoners (37%) reported they were not involved in any activities at the time they were surveyed by the Prisons Inspectorate.<sup>855</sup>

In October 2010, the then Justice Secretary Ken Clarke stated that “we would need to ensure that, whenever possible, the hours spent in productive employment by prisoners reintroduced to the work habit were similar to those to which they would have to adapt if they obtained a job when they left prison, and that they would be able to produce goods, for instance, generating earnings that would help them to make a contribution to compensation for victims.”<sup>856</sup>

The Prisoners’ Earnings Act (1996) commenced on 26 September 2011. It enables prison governors to impose a levy of up to and including 40% on wages over £20 per week (after tax, national insurance, any court ordered payments and any child support payments) of prisoners who are allowed to work outside of prison on temporary licence. Amounts raised by the levy will be directed to Victim Support.<sup>857</sup>

A one-off survey of prisoner pay was conducted in 2007 and found that the average rate of pay for activity inside prisons was £9.60 per week.<sup>858</sup>

Between 2007-08 and 2009-10 the average hours per prisoner per week spent in work have decreased from 12.6 hours to 11.8 hours.<sup>859</sup>

The large majority of prisons which responded to a survey undertaken by the Prison Reform Trust provide at least some opportunities for active citizenship among prisoners. 95% have race representatives, 89% have Samaritan Listeners and 72% have suicide prevention representatives.<sup>860</sup>

854 Ministry of Justice (2012) National Offender Management Service Annual Report 2011/12: Management Information Addendum, London: Ministry of Justice

855 HM Inspectorate of Prisons (2012) Remand prisoners, a thematic review, London: HM Inspectorate of Prisons

856 Hansard HC, 19 October 2010, c793

857 Ministry of Justice (2012) Statistical Notice - Prisoners’ earnings subject to the Prisoners’ Earnings Act levy during 2011/12, London: Ministry of Justice

858 Hansard HC, 21 November 2011, c175W

859 Hansard HL, 20 October 2010 cWA184

860 Table 2.1, Edgar, K. et al (2011) Time Well Spent: A practical guide to active citizenship and volunteering in prison, London: Prison Reform Trust

A 2004 Prison Reform Trust report found that about one in six had a prison council.<sup>861</sup> Six years later, more than half of prisons now have a council, and the number is growing each year.<sup>862</sup>

Two examples of peer support schemes in which prisoners offer direct practical and/or emotional help to other prisoners include the Peer Advice Project of the St Giles Trust which offers training and a recognised qualification to prisoners who deliver housing advice in a number of prisons in London and the south-east of England; and the Toe by Toe reading plan run by the Shannon Trust in a large number of establishments, under which prisoners act as peer mentors to support other prisoners who are learning to read.<sup>863</sup>

The PRT survey also found that among male prisons, between 47% (local prisons) and 75% (open prisons) provided opportunities for peer drug support. Among the seven prisons for women responding to the survey only one (14%) provided opportunities for prisoners to provide peer support for drug misusers.<sup>864</sup>

The National Grid-led offender training and employment programme works with prisoners coming to the end of their sentences and provides training and a job on release for those who pass a rigorous selection. Over 2,000 prisoners have passed through the scheme which has a reoffending rate of just 6%.<sup>865</sup>

Timpson actively recruit ex-offenders to work for them, and they have also set up a full time training facility at HMP Liverpool and HMP Wandsworth in London. Timpson colleagues train prisoners in a prison workshop environment.<sup>866</sup>

The Samaritans’ Listener Scheme was active in 141 prisons across the UK in 2011. During the year approximately 1,750 Listeners were selected and trained and there were at least 1,600 active listeners in place. Listeners play an invaluable role in making prisons safer by offering emotional support to fellow prisoners in crisis. Listeners were contacted almost 90,000 times during 2011.<sup>867</sup>

There is considerable scope to develop more opportunities for volunteering, peer support, representation and prisoner councils.<sup>868</sup>

861 Solomon, E., and Edgar, K. (2004) Having Their Say: The Work of Prisoner Councils, London: Prison Reform Trust

862 Edgar, K. et al (2011) Time Well Spent: A practical guide to active citizenship and volunteering in prison, London: Prison Reform Trust

863 Ibid.

864 Ibid.

865 <http://www.nationalgrid.com/corporate/Media+Centre/Press+Releases/Global+Press+Releases/2000th+YO.htm>

866 <http://www.timpson.co.uk/about/80/timpson-foundation>

867 Information from the Samaritans

868 Edgar, K. et al (2011) Time Well Spent: A practical guide to active citizenship and volunteering in prison, London: Prison Reform Trust

## Ministry of Justice compliance, Prison Service performance and staffing

In March 2004 in a case brought by life sentenced prisoner, John Hirst, the European Court of Human Rights ruled that the ban on sentenced prisoners voting violated Article Three of the European Convention on Human Rights. The Prison Reform Trust lodged several formal complaints with the Council of Europe about the UK Government's non-compliance with this 2004 ruling.<sup>869</sup>

On Tuesday 22 May 2012 the European Court of Human Rights published its judgment in the case of Scoppola v. Italy (No 3). The ruling in the case of Scoppola v Italy (No 3) makes clear that most sentenced prisoners in the UK have the right to vote. It upholds the principles set out in the original Hirst (No 2) judgment, in particular that the disenfranchisement of "a group of people generally, automatically and indiscriminately, based solely on the fact that they were serving a prison sentence, irrespective of the length of the sentence and irrespective of the nature or gravity of their offence and their individual circumstances, is not compatible with Article 3 of the Protocol No 1 [of the European Convention on Human Rights]." The Court's judgment required the government to bring forward proposals to comply by 22 November 2012 or it would be in breach of its legal obligations under the European Convention.<sup>870</sup>

The Prisons Inspectorate found although all Disability Liaison Officers reported that their prison had a disability policy, less than half were based on a recent needs assessment.<sup>871</sup>

Following a judicial review by a disabled inmate (who had not been provided with accessible cell or motorised wheelchair) the Prison Service accepted that both PSO 2855 (prisoners with disabilities) and PSO 0900 (categorisation and allocation) would be amended to comply with the requirements of the Disability Discrimination Act (2005). New guidance has been issued (PSI 31/2008: Allocation of prisoners with disabilities), followed by PSI 32/2011: Equalities Act.

Prisoners with learning disabilities and difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system.<sup>872</sup>

Criminal justice staff and those responsible for providing services are failing in their duty to promote equality of opportunity and to eliminate discrimination. As such they are not complying with the requirements of the Disability Discrimination Act and the Disability Equality Duty in particular.

On 1 September 2011 the Corporate Manslaughter and Corporate Homicide Act was extended to include prisoners held in custody.

The Act sets out a new offence for convicting an organisation where a gross failure in the way activities were managed or organised results in a person's death.

The Legal Aid, Sentencing and Punishment of Offenders Act (2012) has reformed the Rehabilitation of Offenders Act (1974) by extending the maximum sentence that can become "spent" from 30 months to four years and significantly reducing the period before which fines, community orders and short custodial sentences become spent. Under the new system they will start from the point when an offender completes their sentence, rather than at the date of their conviction.<sup>873</sup>

A five year follow-up report by the National Offender Management Service (NOMS) on race equality in the Prison Service concludes that while the actions taken over the last five years have generated substantial improvements, it acknowledges that the experience of BAME prisoners and staff has not been transformed.<sup>874</sup>

HM Inspectorate of Prisons has found that ethnicity is not recorded in clinical records. Staff concluded that ethnicity was not relevant as all patients were treated the same way, which contravenes the 'Nursing and Midwifery Council Code of Professional Conduct' on recognising the diverse needs of patients.<sup>875</sup>

872 Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust, and Jacobson, J. (2008) No One Knows: Police responses to suspects with learning disabilities and learning difficulties: a review of policy and practice, London: Prison Reform Trust

873 <http://www.legislation.gov.uk/ukpga/2012/10/part/3/chapter/8/enacted>

874 Ministry of Justice (2008) Race Review 2008, implementing race equality in prisons – five years on, London: National Offender Management Service

875 HM Chief Inspector of Prisons (2009) Race relations in prison: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

869 <http://www.prisonreformtrust.org.uk/subsection.asp?id=839>

870 European Court of Human Rights press release 22 May 2012: <http://adam1cor.files.wordpress.com/2012/05/3953519-v1-implications-of-scoppola-no-3-grand-chamber-judgment-22-05-2012.pdf>

871 HM Inspectorate of Prisons (2009) Disabled Prisoners: a short thematic review of the care and support of prisoners with a disability, London: HM Inspectorate of Prisons

**Data on the sexual orientation of offenders is not routinely collected by prisons or probation areas.** It is therefore difficult to assess the extent to which NOMS is meeting its commitment to equality of treatment.<sup>876</sup>

**The Prisons and Probation Ombudsman has found that in the 92 cases of deaths from natural causes of prisoners in outside hospitals, restraints were used during final inpatient stays on 29 out of 52 occasions.**<sup>877</sup>

**In 2011 there were 12,328 recorded prisoner on prisoner assaults, a rise of 41% since 2002.** The prison population has risen 21% over the same period. In 2011 there were 2,684 recorded prisoner on officer assaults.<sup>878</sup>

**Prisoners in large prisons were more likely to say that they had been assaulted or insulted by a member of staff or by another prisoner than those held in small prisons.**<sup>879</sup>

**Between February 2009 and January 2010, 4,461 mobile phones and 4,325 SIM cards were sent to a central prison service unit for analysis.** Then Justice minister Maria Eagle added that “these figures understate the actual number of finds”.<sup>880</sup>

**In 2011-12 there were 18 escapes from prisons, prison escorts or contractor escorts.** The level of absconds from open prisons has reduced from 1,310 in 2003-04 to 179 in 2011-12.<sup>881</sup>

**The Prison Service is faced with high sickness levels amongst prison officers.** The average number of working days lost due to staff sickness in 2011-12 was 9.75 days.<sup>882</sup>

**In 2009 there were 151 disciplinary cases and 170 dismissals of prison officers in Prison Service prisons.** There is no requirement for privately managed prisons to notify NOMS headquarters of any disciplinary action taken against their employees.<sup>883</sup>

**There has been a high turnover of prison governors.** In the five years to March 2002 just

under a third of all prisons (44) had had four or more governors or acting governors in charge.<sup>884</sup>

**The average tenure of a prison governor (governing governor, deputy governor, head of residence) employed by NOMS is 8 years.**<sup>885</sup>

**The average tenure for governing governors in an establishment is 2.4 years.**<sup>886</sup>

**In 2009 the average tenure for operational managers in an establishment was 5.8 years.**<sup>887</sup>

**In 2011-12 there was a reduction of 2,714 directly employed NOMS staff and a reduction of 655 staff employed by probation trusts.**<sup>888</sup>

**In 2011-12 the number of minority ethnic staff in the National Offender Management Service overall was 9.1%.**<sup>889</sup>

**61% of black and minority ethnic prison staff have experienced direct racial discrimination while employed in the service.** Over half chose not to report it.<sup>890</sup>

**There are at least 245 voluntary and community sector organisations, social enterprises and charities which support the rehabilitation of offenders in prisons, and 79 private sector organisations supporting rehabilitation activities in prison.**<sup>891</sup>

876 Ibid.

877 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

878 Table 3.8, Ministry of Justice (2012) Safety in Custody Statistics Quarterly Update to June 2012, London: Ministry of Justice

879 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

880 Hansard HC, 5 March 2010, c1484W

881 Ministry of Justice (2012) National Offender Management Service Annual Report 2011/12: Management Information Addendum, London: Ministry of Justice

882 Ibid.

883 Hansard HC, 23 February 2010 c501W

884 Hansard HC, 31 January 2003 c1091W

885 Hansard HC, 7 December 2010, c201W

886 Hansard HC, 2 November 2009 c746W

887 Hansard HC, 23 February 2010, c509W

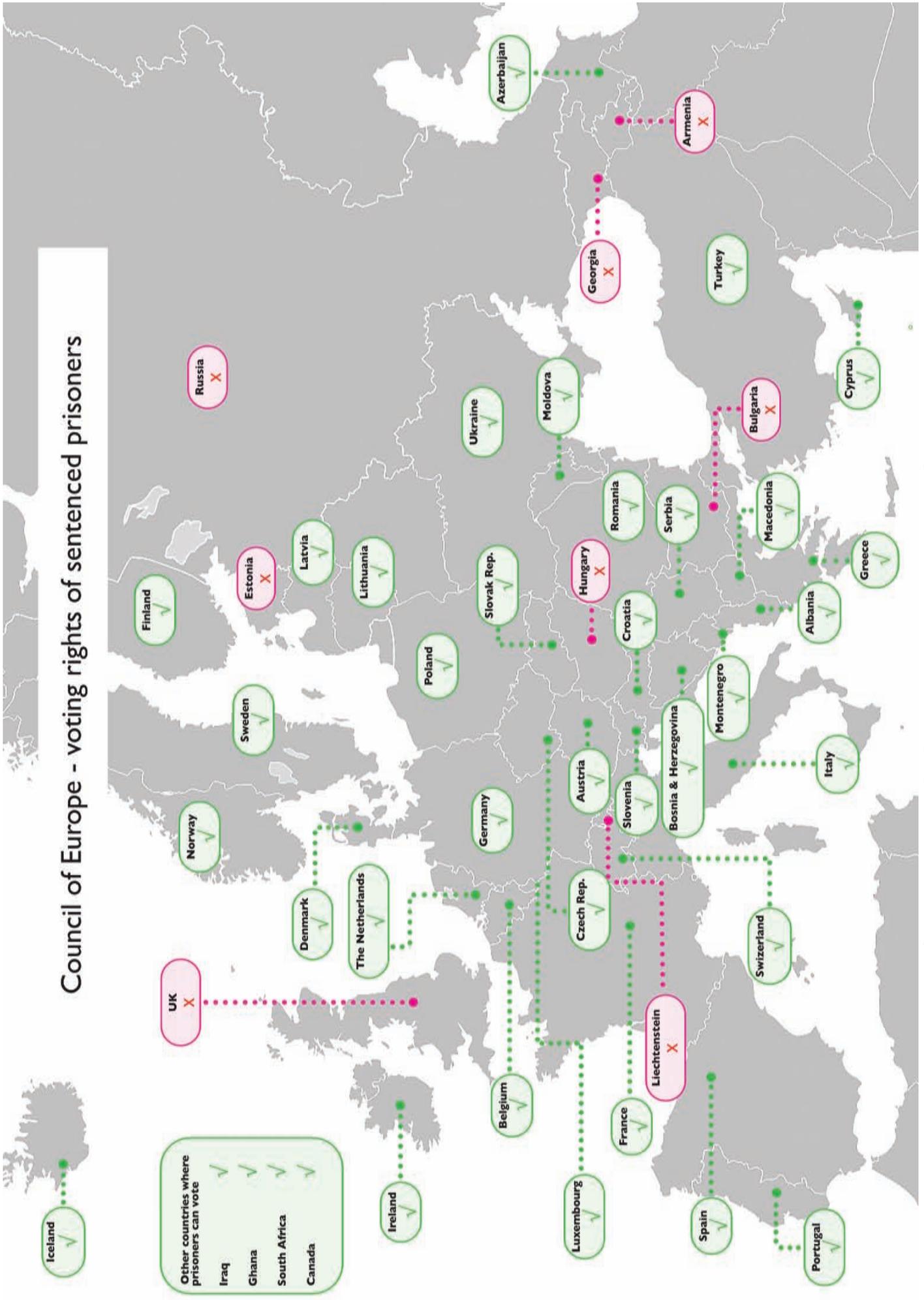
888 Ministry of Justice (2012) National Offender Management Service Annual Report 2011/12: Management Information Addendum, London: Ministry of Justice

889 Ibid.

890 Prison Reform Trust (2006) Briefing: Experiences of Minority Ethnic Employees in Prisons, London: Prison Reform Trust

891 Hansard HC, 4 July 2011 c1021W

# Council of Europe - voting rights of sentenced prisoners



## Private prisons

**The UK has the most privatised prison system in Europe.** In England and Wales there were 12,872 prisoners (15% of the prisoner population) held in private prisons as at 30 September 2012.<sup>892</sup>

**The recent privatisation of HMP Birmingham and the opening of two new private prisons HMP Oakwood and HMP Thameside in 2012 has taken the total number of private prisons in England and Wales to 14.**

**HMP Oakwood has a capacity of 1,605 and HMP Thameside a capacity of 900.**<sup>893</sup>

**On 1 October 2011 HMP Birmingham became the first existing publicly run prison to be contracted out to the private sector.** The estimated value of the contract over the 15 year life of the contract is £468.3 million.<sup>894</sup>

**The government has estimated that the privatisation of HMP Birmingham and HMP Oakwood will lead to savings of £36 million over the remaining years of the comprehensive spending review period (2011-2015).** However, no figures have been published that allow independent evaluation of this statement.<sup>895</sup>

**Five more existing public prisons are to be privately managed.** Contracts for HMPs Moorland, Hatfield, and Lindholme combined as a South Yorkshire prison cluster along with HMPs Castington and Acklington also combined to form a new HMP Northumberland will be awarded in 2013. The shortlisted bidders for the five prisons are Serco, Sodexo, and MTC/Amey.<sup>896</sup>

**The competitions for Coldingley, Durham and Onley prisons did not produce sufficient cost savings or improved regimes and these will remain in the public sector.**

**From July 2013, when the contract with G4S ends, HMP Wolds, privately run since 1992 and the first English prison to be contracted out, will be run by the Prison Service as a public sector prison.\***

**As a result of this phase of market testing approximately 2,700 more prisoners will be held privately.**

**Private companies who submitted unsuccessful bids were The GEO Group, G4S, and Interserve.** The joint venture between the prison service,

892 Ministry of Justice (2012) Prison Population Monthly Bulletin 30 September 2012, London: Ministry of Justice  
893 <http://www.hmpoakwood.co.uk/> and <http://www.hmpthameside.org/>  
894 Hansard HC, 30 November 2011, c922W  
895 Hansard HC, 17 October 2011, c668W (note: HMP Oakwood was originally named Featherstone II)  
896 Hansard HC, 8 November 2012 c46WS

\*Note: amended online following correspondence with National Offender Management Service, 7 January 2012

facilities management company Mitie plc and the charity Working Links was also unsuccessful.

**In the future all publicly run prisons in England and Wales will put out to tender resettlement, maintenance and other ancillary services leaving the public sector operating custodial functions.**

**Announcing the results of a process that started in July 2011, the Secretary of State for Justice Chris Grayling said:** "In response to the competition, a model was proposed that would retain direct delivery of core custodial functions by the public sector at considerably lower cost, with ancillary and "through-the-gate" resettlement services provided through market competition. When applied to the whole public sector prison estate, this option enables us to utilise the market to drive down costs and provides the potential to rapidly expand the payment-by-results approach to improve rehabilitation outcomes. I have decided that this is the right thing to do. We estimate an additional £450 million savings will be generated over the next six years by applying this new public sector benchmark and by competing ancillary and through-the-gate resettlement services across all public sector prisons. This is a challenge the public sector must rise to. The approach I am announcing today does not rule out further prison-by-prison competitions in the future."

**The market testing (PCP2 competition) process since July 2011 had incurred £3.5 million of expenditure as at the end of September 2012. The current estimate for the total cost for the tendering evaluation, mobilisation and transition of prisons in PCP2 is £10.7 million. The final cost will depend on the actual outcomes of the competition.**<sup>897</sup>

**Private prison contracts are currently shared between just three companies:**

**G4S** - Altcourse, Birmingham, Parc, Rye Hill, The Wolds and Oakwood.

**Serco** - Ashfield, Dovegate, Lowdham Grange, Doncaster and Thameside.

**Sodexo Justice Services (formerly Kalyx)** – Forest Bank, Bronzefield and Peterborough.

**Ten prisons are currently financed, designed, built and operated by the private sector on at least 25 year contracts. Both HMP Birmingham and HMP Oakwood contracts are for 15 years each, with an estimated total value of around £750 million for the life of the contracts.**<sup>898</sup>

**The contract for HMP Thameside was won by a consortium comprising Serco and voluntary organisations Catch 22 and Turning Point. This was the first prison contract to be awarded to such a consortium.**<sup>899</sup> The value of the contract to

897 Hansard HC, 23 October 2012, c832W

898 G4S website at <http://www.g4s.com/en/Media%20Centre/News/2011/03/31/HMP%20Birmingham%20and%20Featherstone%20/>

899 Serco (2010) Stock exchange announcement, 26 February 2010

Serco is estimated at £415 million over the 26.5 year life of the contract.

**Serco's contract to operate HMP Doncaster was renewed for a further 15 years at a value of £338.7 million.**<sup>900</sup> This contract was awarded on the basis of 'payment by results' whereby payment of up to 10% of the annual contract fee will be dependant upon the contractor reducing reoffending rates. Serco is working in partnership with Catch 22 and Turning Point on this contract.

**In 2011-12 the overall resource expenditure of private prisons was £368.5 million.**<sup>901</sup>

Prison	Direct resource expenditure (£m)	Cost per place (£k)	Cost per prisoner (£k)	Overall resource expenditure (£m)	Cost per place (£k)	Cost per prisoner (£k)
Dovegate	37.9	35,619	33,888	37.4	35,119	33,412
Lowdham G	26.5	29,425	28,812	27.6	30,656	30,017
Rye Hill	18.8	31,379	30,510	19.5	32,464	31,545
Wolds	8.6	26,981	24,327	10.6	33,008	29,761
Bronzefield	28	53,171	55,505	28.5	54,094	56,469
Ashfield	26.6	65,465	79,953	25.9	63,695	77,791
Altcourse	46.6	58,740	39,991	47.3	59,617	40,588
Birmingham	14.2	25,686	19,584	15.4	27,835	21,222
Doncaster	20.2	28,326	18,266	25.8	36,181	23,332
Forest Bank	34.9	32,558	25,955	36.8	34,928	27,342
Parc	58.8	50,272	40,455	59.1	50,522	40,656
P'borough	32.8	39,135	34,805	34.4	40,909	36,383
Thameside	0.1			0.2		
Total	354			368.5		

**Prison contractors have been charged an estimated £573,000 in fines for custodial service failures in the last two years.**<sup>902</sup>

Estimated charges to prison contractors for custodial service failure 2010/11 and 2011/12		
Prison	2010/11 £	2011/12 £
Altcourse	130,000	-
Ashfield	16,000	14,000
Bronzefiel	70,000	20,000
Lowdham Gr	-	20,000
Peterborough	-	23,000
Rye Hill	109,000	165,000
Wolds	5,000	1,000
Total	330,000	243,000

**In 2011 the average gross salary for a private sector prison officer was 23% less than public sector equivalents.**<sup>903</sup>

900 Hansard HC, 28 November 2011, c747W

901 Ministry of Justice (2012) National Offender Management Service Annual Report 2011-12: Management Information Addendum, London: Ministry of Justice. Note: The unit costs of private and public prisons are not directly comparable because of different methods of financing and scope. Birmingham costs are for six months under G4S management, Thameside had just opened and Oakwood is excluded as it was not yet open.

902 Hansard 19 October 2012, Col. 496W Note: This table reflects the number of points applied (less any credit/baseline deductions) and the associated charge to the contractor. Performance points are accrued on the occurrence of a custodial service failure which are recorded on a quarterly and annual basis in each contract. Charges are then applied when these total points exceed the relevant performance baseline. Under certain circumstances these charges may be waived, for example on the basis that the failure could be in part or direct result of an authority/ NOMS default.

903 Hansard HC, 9 November 2011, c393W

**Healthy prison and establishment assessments by HM Inspectorate of Prisons between 1 April 2011 - 31 March 2012:**<sup>904</sup>

Prison	Safety	Respect	Purposeful Activity	Resettlement
Doncaster	3	3	2	4
Peterborough (m)	3	4	3	4
Peterborough (w)	3	4	3	3
Lowdham Grange	4	3	3	3
Rye Hill	3	3	2	3

**Healthy prison and establishment assessments 1 April 2011- 31 March 2012 includes short follow-up inspections assessed on a 1 (insufficient progress) to 2 (sufficient progress) scale. This new scale was adopted during 2011-12.**<sup>905</sup>

Prison	Safety	Respect	Purposeful Activity	Resettlement
Dovegate	2	2	2	2
Dovegate TC	2	2	1	2
Ashfield	1	2	2	2

**Recommendations accepted in full inspection reports published 1 April 2011- 31 March 2012.**<sup>906</sup>

Prison	Recommendations	Accepted	Partially accepted	Rejected
Doncaster	148	138	9	1
Peterborough (m)	120	90	27	3
Peterborough (w)	122	95	23	4
Lowdham Grange	135	122	10	3
Rye Hill	138	101	29	8

**Recommendations achieved in follow-up inspection reports published 1 April 2011- 31 March 2012.**<sup>907</sup>

Prison	Recommendations	Accepted	Partially accepted	Rejected
Dovegate	159	100	32	24
Dovegate TC	133	69	23	41
Ashfield	77	34	16	27

**Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past 14 years.** In 2011-12 the private prisons average was 30.2%, compared to an average of 23.3% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 39.8%, 58.6% and 69.8% of prisoners held in overcrowded accommodation respectively.<sup>908</sup>

904 HM Chief Inspector of Prisons (2012) Annual report 2011-2012, London: The Stationery Office. Note: assessed on a 1 (poor) to 4 (good) scale

905 Ibid.

906 Ibid.

907 Ibid.

908 Ministry of Justice (2012) National Offender Management Service Annual Report 2011-12: Prison performance digest 2011-12, London: Ministry of Justice

## Community solutions

**Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.**<sup>909</sup>

**The cost of a six-week stay in prison is £4,500 and during that time many prisoners undertake no education or rehabilitative work. The cost of a high-intensity two-year community order, containing 80 hours of unpaid work and mandatory accredited programmes was £4,200. Shorter community sentences cost much less.**<sup>910</sup>

**In 2010-11, 67,611 people successfully completed community payback sentences, 75% of those sentenced.** This amounts to over 8.4 million hours of unpaid work, which was used to benefit the community.<sup>911</sup>

**The government has initiated a pilot programme at Peterborough prison to reduce reoffending.**

A social investment firm Social Finance is using a new funding arrangement known as 'social impact bonds' to finance the programme. Under the programme, investors will see a return on their investment against a 7.5% reduction in reoffending among participants. Some of the services are being delivered by St Giles Trust.

**The government is committed to introducing payment by results as part of a new approach to offender rehabilitation.** Providers will be commissioned to work with offenders to reduce reoffending, paid for by the subsequent savings generated in the criminal justice system.<sup>912</sup>

**In October 2012, the Government published new legislation in the Crime and Courts Bill, that will mean all adult community sentences will now contain a punitive element.**<sup>913</sup> Extra punitive requirements on community orders, such as extended curfews or other complex, additional restrictions are likely to lead to an increase in breach of license requirements, particularly by young people. Data published for the calendar year 2009 show that 3,996 people were received into prison in England and Wales for breach of a community sentence.<sup>914</sup>

909 Table 1, Ministry of Justice (2011) 2011 Compendium of reoffending statistics and analysis, London: Ministry of Justice  
910 National Audit Office (2010) Managing offenders on short custodial sentences, London: National Audit Office

911 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

912 Hansard HC, 28 October 2010, c487W

913 <http://www.justice.gov.uk/news/press-releases/moj/community-sentences-that-deliver-proper-punishment>

914 Table 6.9, Offender Management Caseload Statistics 2009,

**The average length of a Community Order is 12.7 months, and 17.1 months for a Suspended Sentence Order.** The two most frequently used requirements on a Community Order are unpaid work (33%) and supervision (11%), and for a Suspended Sentence Order it is unpaid work (22%) and supervision and unpaid work (11%).<sup>915</sup>

**In 2010 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders (67%) and suspended sentence orders (73%) versus 63% on both orders for men.**<sup>916</sup>

**Nearly half of those serving sentences in the community have mental health needs.** Almost half have an alcohol problem and a quarter have a drug problem.<sup>917</sup>

**In 2006, only 725 mental health treatment requirements (MHTRs) were issued out of a total of 203,323 requirements.** One substantial factor preventing courts from issuing an MHTR is the difficulty in obtaining access to psychiatric assessment, on which the requirement depends.<sup>918</sup>

**An Impact Assessment of the Prolific and other Priority Offender Programme shows that conviction rates for 7,800 offenders who had been through an intensive programme of supervision fell by 62% after 17 months of the scheme.** The Prolific and other Priority Offender Programme, which was launched in September 2004, aims to prevent prolific offenders from reoffending by monitoring, training, accommodation and drug treatment over a period of two years.<sup>919</sup>

**The intensive alternative to custody (IAC) pilots in Greater Manchester and West Yorkshire have demonstrated the value of focussing these orders on young people aged 18-25.** While the Ministry of Justice has not yet completed the impact evaluation of the IACs, the early indications are that reoffending rates in these two areas are significantly lower and many of the young men engaged have been helped into education, training and employment, which is widely-acknowledged as being crucial to successful rehabilitation.<sup>920</sup>

Ministry of Justice

915 Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

916 Ministry of Justice (2010) Statistics on Women and the Criminal Justice System, London: Ministry of Justice

917 Solomon, E., and Silvestri, A. (2008) Community Sentences Digest 2nd edition, London: Centre for Crime and Justice Studies.

918 Seymour, L., and Rutherford, M. (2008) The Community Order and the Mental Health Treatment Requirement, London: Sainsbury Centre for Mental Health

919 Home Office Press Release, 20 February 2007

920 Prison Reform Trust (2012) briefing on community sentences: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Crime%20and%20Courts%20Bill,%20House%20of%20Lords,%202nd%20reading,%2028May2012.pdf>

## Restorative justice

The Crime and Courts Bill proposes to allow the courts to defer at the pre-sentence stage in order for the victim and offender to be offered restorative justice at the earliest opportunity. This is the biggest development for restorative justice in England and Wales since legislation introducing referral order panels to the youth justice system.<sup>921</sup>

The government funded a £7 million seven year research programme looking into restorative justice. Published in 2007 findings were encouraging.

85% of victims surveyed as part of the research were either 'very' or 'quite' satisfied with their experience of the restorative conference (80% of offenders in the Justice Research Consortium's (JRC) conferences were 'very' or 'quite' satisfied).<sup>922</sup>

98% of conferences ended with the participants reaching an outcome agreement, which was usually focused on what the offender would do next to repair the harm, address their problems and reorientate their life away from crime.<sup>923</sup>

Although victims tended to opt for a restorative meeting with an intermediary when this was offered, indirect processes tended to lead to lower levels of victim satisfaction than face-to-face meetings.<sup>924</sup>

27% fewer crimes were committed by offenders who had experienced restorative conferencing, compared with those offenders who did not.<sup>925</sup> Restorative justice approaches are cost effective. As a result of reductions in the frequency of offending the JRC restorative justice projects saved the criminal justice system nine times what it cost to deliver.<sup>926</sup>

Another evaluation of restorative justice found that young girls involved in a final warning restorative scheme were significantly less likely to reoffend than the control group (118 fewer

arrests per 100 offenders compared to 47 fewer for the control group).<sup>927</sup>

Northern Ireland's well established Youth Conference Service has a significant proportion of victims taking part in conferences, with 89% expressing satisfaction with the outcome. In addition, court ordered youth conferences have a reoffending rate of 47.4%, significantly lower than that of the supervision order used in England and Wales (71%).<sup>928</sup>

In an ICM survey commissioned by the Prison Reform Trust conducted one month after the riots in August 2011, nearly nine out of 10 people (88%) agreed that victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused. Almost three quarters (71%) believe that victims should have a say in how the offender can best make amends for the harm they have caused.<sup>929</sup>

The government has made a commitment to provide funding to youth offending teams (YOTs) for training staff and volunteers involved in Youth Referral Order panels in restorative practices with the aim of bringing practice up to the level of Youth Conferencing in Northern Ireland. Funding for training and capacity building in NOMS, for pre- and post-sentence restorative justice with adult offenders, has also been announced.<sup>930</sup>

In its consultation entitled *Getting it right for victims and witnesses*, the Ministry of Justice stated that 'the government is committed to increasing the use of restorative justice both as part of and an alternative to the traditional model of criminal justice'.<sup>931</sup>

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922 Shapland, J et al (2007) Restorative Justice: the views of victims. The third report from the evaluation of three schemes. Ministry of Justice Research Series 3/07. London: Ministry of Justice

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925 Restorative Justice Council (2011) What does the Ministry of Justice RJ research tell us? London: RJC, available at [http://www.restorativejustice.org.uk/resource/ministry\\_of\\_justice\\_evaluation\\_of\\_restorative\\_justice/](http://www.restorativejustice.org.uk/resource/ministry_of_justice_evaluation_of_restorative_justice/)

926 Ibid.

927 Sherman, L. and Strang, H (2007) Restorative Justice: the evidence, London: The Smith Institute

928 Jacobson, J. and Gibbs, P. (2009) Making Amends: restorative youth justice in Northern Ireland, London: Prison Reform Trust

929 Prison Reform Trust (2011) Public want offenders to make amends briefing paper, London: Prison Reform Trust

930 Crispin Blunt MP, Considering Restorative Justice Lecture, 24 November 2011

931 Ministry of Justice (2012) Getting it right for victims and witnesses, London: Ministry of Justice

## Public perceptions of crime

**Total spending for public order and safety by the government was £33.6 billion in 2010-11.**<sup>932</sup>

**There are 139,110 full-time equivalent police officers in the 43 police forces of England and Wales.** This is a decrease of 3.2% or 4,625 officers compared to a year earlier, but still significantly higher than 125,051 in 1997.<sup>933</sup>

**Since 1997 British Crime Survey crime rates have fallen by 42%.** However in the past year there has been no statistically significant change in the numbers of crime estimated from the 2010-11 survey (9.6 million offences) compared to the previous year (9.5 million offences), consistent with a flattening trend in crime.<sup>934</sup>

**However when asked what they thought had happened to the level of crime nationally over the past year, only 4% believed it had gone down.**

**83% of people think violent crime is rising.** However, the proportion of people who are 'very worried about' violent crime has fallen from 25% in 1998 to 13% in 2010-11.<sup>935</sup>

**In 2009-10 and 2010-11, 10% of adults were worried about burglary and car crime and 13% of adults were worried about violent crime.** These proportions are the lowest recorded since the questions were introduced in the 1990s.<sup>936</sup>

**British people have the lowest confidence in their government when it comes to crime.** Only 25% of British people feel confident in their government when it comes to 'cracking down on crime and violence' compared to 44% in the US, 46% in France and 48% in Germany.<sup>937</sup>

**In November 2011, 23% of interviewees thought crime and law and order were the most important issues facing Britain today.**<sup>938</sup>

**A recent survey found that "while the public may 'talk tough' in response to opinion polls which ask whether sentencing is harsh enough, when considering specific criminal cases and individual circumstances, there is considerable support for mitigating punishments".**<sup>939</sup>

**In a survey on behalf of the Prison Reform Trust conducted one month after the riots in August 2011 a huge majority of the public (94%) support opportunities for offenders who have committed offences such as theft or vandalism to do unpaid work in the community, as part of their sentence, to pay back for what they have done.**<sup>940</sup>

**Nearly nine out of 10 people (88%) agree that victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused.**<sup>941</sup>

**Almost three quarters (71%) believe victims should have a say in how the offender can best make amends for the harm they have caused.**<sup>942</sup>

**Offered a range of measures to prevent crime and disorder, most people (84%) consider that better supervision of young people by parents would be effective.**<sup>943</sup>

**There was widespread support for 'better mental health care' (80%); 'making amends to victims' (79%); 'unpaid community work' (76%); and 'treatment to tackle drug addiction' (74%).** Around two-thirds (65%) consider that a prison sentence would be effective in preventing crime and disorder.<sup>944</sup>

**62% of those who think crime is rising say it is because of what they see on television, and 35% because of what they read in tabloid newspapers.**<sup>945</sup>

**45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.**<sup>946</sup>

**The British Crime Survey 2009-10 shows that there is a gap between people's judgment on the likelihood of becoming a victim of crime and**

<sup>939</sup> Roberts, J. and Hough, M. (2011) Custody or community? Exploring the boundaries of public punitiveness in England and Wales, *Criminology & Criminal Justice* 11(2) pp181-197, Norwich: Page Bros  
<sup>940</sup> Prison Reform Trust (2011) Public want offenders to make amends briefing paper, London: Prison Reform Trust

<sup>941</sup> Ibid.

<sup>942</sup> Ibid.

<sup>943</sup> Ibid.

<sup>944</sup> Ibid.

<sup>945</sup> Table 3.01, Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

<sup>946</sup> Duffy, B., Wake, R., Burrows, T., and Bremner, P., (2007) Closing the Gaps, Crime and Public Perceptions, London: Ipsos MORI

<sup>932</sup> Table 4.2, HM Treasury (2011) Public Expenditure Statistical Analyses 2010, London: HM Treasury

<sup>933</sup> Table A, Home Office (2011) Police Service Strength England and Wales, 31 March 2011, London: Home Office and Table 1, Allen, G. (2001), Police Service Strength, Research Paper 01/28, London: House of Commons Library

<sup>934</sup> Table 2.01, Home Office (2010) Crime in England and Wales 2009/10, London: Home Office

<sup>935</sup> Ibid. and Table 5.03, Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

<sup>936</sup> Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

<sup>937</sup> Ipsos MORI (2006) International Social Trends Monitor, London: Ipsos MORI

<sup>938</sup> Ipsos MORI (2011) Economist/Ipsos MORI November Issues Index, London: Ipsos MORI

**the actual risk to them.** 13% of respondents thought that they were very likely or fairly likely to be a victim of violent crime in the next 12 months, compared with 3% who reported having been a victim of such a crime in the year before interview.<sup>947</sup>

**People have more positive perceptions of crime locally than nationally; 60% thought crime in the country as a whole was rising, compared with 28% who thought crime in their local area had increased.**<sup>948</sup>

**Young people are more likely than those over 65 to say that there has been an increase in crime in their local area.**<sup>949</sup> 16-24 year olds are also the most likely age group to be victims of crime.<sup>950</sup>

**In a recent poll only 11% of people surveyed believe that increasing the number of offenders in prisons would 'do most' to reduce crime in Britain.** The public is more focused on intervening at the level of families and young people, with 55% thinking that better parenting, and 42% thinking that more constructive activities for young people would have most effect.<sup>951</sup>

**An ICM poll of 1,000 victims of crime commissioned by SmartJustice in partnership with Victim Support, shows that almost two thirds of victims of crime do not believe that prison works to reduce non-violent crime.**<sup>952</sup>

**A recent ICM poll showed that 80% of those surveyed strongly agreed that local women's centres where women address the root causes of their crime and do compulsory work in the community to payback should be available.**<sup>953</sup>

**According to a poll commissioned by the Prison Reform Trust's Out of Trouble campaign published in September 2010, nearly two-thirds of the public do not want to see children in prison until at least the age of 12, rising to 14 for young people convicted of a non-violent crime.**<sup>954</sup>

**Better supervision by parents, treatment to tackle drug addiction, treatment to tackle binge drinking and better mental health care are all rated much more effective than a prison sentence at preventing young offenders from returning to crime.**<sup>955</sup>

947 Tables 2.03 and 5.02, Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

948 Figure 5.01, Ibid.

949 Table 5.01, Home Office (2010) Crime in England and Wales 2009/10, London: Home Office

950 Table 2.05, Ibid

951 Gottschalk, E. (2009) Public perceptions of organized crime - results from an opinion poll, London: Home Office

952 SmartJustice (2006) Briefing: Crime victims say jail doesn't work, <http://www.smartjustice.org/pr16jan06.html>

953 ICM opinion poll for the Corston Coalition, 26-28 November 2010. Sample of 1000 adults 18+ in GB, by telephone omnibus

954 PRT (2010) YouGov poll

955 Ibid.

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